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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the positions of Director and Deputy Director of Operations, Anti-Trust Division, are excepted under Schedule C and that the positions of Second Assistant to the Assistant Attorney General and Chief of Field Operations, Anti-Trust Division, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (d) of § 213.3310 is amended by revoking subparagraphs (13) and (14) and adding subparagraphs (16) and (17) as set out below.

§ 213.3310 Department of Justice.

* * * * *

(d) *Anti-Trust Division.* * * *

(13) [Revoked]

(14) [Revoked]

* * * * *

(16) Director of Operations.

(17) Deputy Director of Operations.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-4716; Filed, Apr. 28, 1966; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that the position of Postal Modernization Coordinator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (h) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

* * * * *

(h) *Office of the Deputy Postmaster General.* * * *

(5) One Postal Modernization Coordinator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-4717; Filed, Apr. 28, 1966; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on April 2, 1966 (31 F.R. 5324), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1967. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matter presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1967, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1967.

(a) Expenses: Expenses in the amount of $8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1967.

(b) Rate of assessment: The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at $1.00 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1967.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1966, and the rate of assessment herein assessable tobacco beginning with such date.

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

Dated: April 25, 1966.

STEPHEN E. WRATHER,
Director, Tobacco Division,
Consumer and Marketing Service.

[F.R. Doc. 66-4719; Filed, Apr. 28, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66–WA–10]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to substitute Federal airway numbers in the description of the control area boundary for the Anchorage, Alaska, transition area.

In an amendment to Part 71 of the Federal Aviation Regulations published as Airspace Docket No. 65–AL–26 (31 F.R. 5285), a segment of VOR Federal airway No. 510 from Big Lake, Alaska, to the intersection of the Big Lake 073° radial and Sheep Mountain, Alaska, radio beacon 343° bearing was revoked effective May 26, 1966. This segment of V–510 is a control area boundary in the description of the Anchorage transition area. In this area Green Federal airway No. 8 coincides with the revoked segment of V–510. Action is being taken herein to substitute Green 8 for V–510 as the transition area boundary. This boundary substitution does not alter the controlled airspace designated within the Anchorage transition area.

Since this action is editorial in nature and does not require the designation of additional airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 26, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Anchorage, Alaska transition area is amended by deleting "Victor airway 510" wherever

it appears and substituting "Green Federal airway No. 8" therefor.

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

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

H. B. HELSTROM,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-4687; Filed, Apr. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 65-SW-29]

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

Alteration of Federal Airways

On November 30, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 14816) stating that the Federal Aviation Agency was considering raising the floors of Federal airway segments in the Southwest Region and segments of adjoining regional areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all comments received.

The Air Transport Association of America stated that implementation of the actions proposed in the notice would result in the loss of cardinal altitudes on several airway segments. They are opposed to such loss, especially on airway segments adjacent to terminal areas and on short haul airways.

The regulation that established the floors of control area and that precipitated the actions proposed in the notice was the subject of rule making procedures and adopted by the Federal Aviation Agency on January 16, 1961 (26 F.R. 570). This regulation was implemented to provide additional uncontrolled airspace for visual flight rule operations. Interested persons were cognizant of the fact that, in some instances, minimum en route altitudes would be raised and cardinal altitudes lost. The minimum en route altitudes for the airway segments as proposed in this docket are now in effect and will not be altered further by adoption of the proposals contained in the notice. No other comments were received.

Subsequent to publication of the notice, V-54 has been realigned direct from Hot Springs, Ark., to Memphis, Tenn.; V-303 east alternate from Hot Springs, Ark., to Fort Smith, Ark., has been revoked; and V-20 and V-70 have been realigned via the Monroeville, Ala., VOR in lieu of the Evergreen, Ala., VOR. Such alterations are incorporated herein. In addition, V-245 has been extended from Meridian, Miss., to Columbus, Miss., with a 700-foot AGL and 1,200-foot AGL segmented floor. The floor was designated for compatibility with associated controlled airspace at Meridian and Columbus. Transition areas with 1,200 feet AGL floors are now in effect at these two terminals. Accordingly, to retain compatibility was associated controlled airspace, a 1,200-foot AGL floor is assigned herein to this segment of V-245. As this relieves a burden on the public, the Administrator has determined that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 23, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 2473, 3230, 3231) is amended as follows:

1. In V-9 all before "Jackson, Miss.," is deleted and "From Grand Isle, La., 12 AGL via INT Grand Isle, 333° and New Orleans, La., 181° radials; 12 AGL New Orleans; 12 AGL McComb, Miss., including a 12 AGL E alternate from New Orleans to McComb via Picayune, Miss.;" is substituted therefor.

2. In V-12 all between "Prescott, Ariz.; and Emporia, Kans.;" is deleted and "Winslow, Ariz., 30 mi. 12 AGL, 85 MSL Zuni, N. Mex.; 12 AGL Grants, N. Mex., including a 12 AGL S alternate via INT Zuni 108° and Grants 252° radials; 12 AGL Albuquerque, N. Mex.; 12 AGL Otto, N. Mex.; 12 AGL Anton Chico, N. Mex., including a 12 AGL S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; 12 AGL Tucumcari, N. Mex.; 12 AGL Amarillo, Tex., including a 12 AGL N alternate and also a 12 AGL S alternate; 12 AGL Gage, Okla., including a 12 AGL N alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials; 12 AGL Anthony, Kans.; 12 AGL Wichita, Kans., including a 12 AGL N alternate from Gage to Wichita via INT Gage 043° and Wichita 250° radials and also a 12 AGL S alternate via Anthony 060° and Wichita 190° radials;" is substituted therefor.

3. In V-13 all before "Butler, Mo.;" is deleted and "From Houston, Tex., 12 AGL Lufkin, Tex., including a 12 AGL E alternate via Daisetta, Tex., and also a 12 AGL W alternate via INT Houston 354° and Lufkin 218° radials; 12 AGL Shreveport, La., including a 12 AGL E alternate; 12 AGL Texarkana, Ark., including a 12 AGL W alternate via INT Shreveport 275° and Texarkana 184° radials; 12 AGL Page, Okla.; 12 AGL Fort Smith, Ark.; 12 AGL Fayetteville, Ark., including a 12 AGL W alternate from Page to Fayetteville via INT Page 006° and Fayetteville 205° radials; 12 AGL Neosho, Mo.;" is substituted therefor.

4. In V-14 all before "Vichy, Mo.," is deleted and "From Roswell, N. Mex., 12 AGL via Lubbock, Tex.; 12 AGL Childress, Tex., including a 12 AGL S alternate via INT Lubbock 086° and Childress 229° radials; 12 AGL Hobart, Okla.; 12 AGL Oklahoma City, Okla., including a 12 AGL S alternate via INT Hobart 076° and Oklahoma City 202° radials; 12 AGL Tulsa, Okla., including a 12 AGL N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a 12 AGL S alternate via INT Oklahoma City 107° and Tulsa 228° radials; 12 AGL Neosho, Mo., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Tulsa 087° and Neosho 223° radials; 12 AGL Springfield, Mo., including a 12 AGL S alternate via INT Neosho 074° and Springfield 210° radials;" is substituted therefor.

5. In V-15 all before "From Kansas City, Mo.," is deleted and "From Galveston, Tex., 12 AGL via Houston, Tex.; 12 AGL College Station, Tex., including a 12 AGL W alternate via INT Houston 287° and College Station 149° radials; 12 AGL Waco, Tex., including a 12 AGL W alternate via INT College Station 307° and Waco 173° radials; 12 AGL Dallas, Tex., including a 12 AGL E alternate and also a 12 AGL W alternate from Waco to INT Britton, Tex., 091° and Dallas, Tex., 202° radials via INT Waco 353° and Britton 264° radials, and Britton; 12 AGL Ardmore, Okla., including a 12 AGL W alternate via INT Dallas 324° and Ardmore 176° radials; 12 AGL Okmulgee, Okla., including a 12 AGL E alternate and also a 12 AGL W alternate via INT Ardmore 006° and Okmulgee 245° radials; 12 AGL INT Okmulgee 048° and Neosho, Mo., 223° radials; 12 AGL Neosho." is substituted therefor.

6. In V-16 all between "Tucson, Ariz.; and Jacks Creek, Tenn.;" is deleted and "Cochise, Ariz.; 12 AGL Columbus, N. Mex.; 12 AGL El Paso, Tex., including a 12 AGL N alternate via INT Columbus 075° and El Paso 286° radials; 12 AGL Salt Flat, Tex.; 12 AGL Wink, Tex.; 12 AGL INT Wink 066° and Big Spring, Tex., 260° radials; 12 AGL Big Spring, including a 12 AGL S alternate from Wink to Big Spring via Midland, Tex.; 12 AGL Abilene, Tex.; 12 AGL Mineral Wells, Tex.; 12 AGL INT Mineral Wells 078° and Dallas, Tex., 252° radials; 12 AGL Dallas, including a 12 AGL S alternate via INT Mineral Wells 094° and Dallas 229° radials; 12 AGL Sulphur Springs, Tex.; 12 AGL Texarkana, Ark., including a 12 AGL N alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a 12 AGL S alternate via INT Sulphur Springs 090° and Texarkana 240° radials; 12 AGL Pine Bluff, Ark.; 12 AGL Memphis, Tenn., including a 12 AGL S alternate;" is substituted therefor.

7. V-17 is amended to read as follows:

V-17 From McAllen, Tex., via Laredo, Tex.; 12 AGL Cotulla, Tex.; 12 AGL INT Cotulla 041° and San Antonio, Tex., 183° radials; 12 AGL San Antonio; 12 AGL Austin, Tex., including a 12 AGL W alternate via INT San Antonio 002° and Austin 237° radials and also a 12 AGL E alternate via INT San Antonio 057° and Austin 198° radials; 12 AGL Waco, Tex., including a 12 AGL E alternate via INT Austin 046° and Waco 173° radials; 12 AGL INT Waco 315° and Mineral Wells, Tex., 197° radials; 12 AGL Mineral Wells; 12 AGL Bridgeport, Tex.; 12 AGL Duncan, Okla.; 12 AGL INT Duncan 011° and Oklahoma City, Okla., 180° radials; 12 AGL Oklahoma City; 12 AGL Gage, Okla., including a 12 AGL W alternate via INT Oklahoma City 282° and Gage 133° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; to Goodland, Kas. The airspace above 9000 feet MSL is excluded between McAllen and Laredo.

8. In V-18 all before "Meridian, Miss.," is deleted and "From Dallas, Tex., 12 AGL via Quitman, Tex.; 12 AGL Shreveport, La., including a 12 AGL S alternate via INT Quitman 109° and Shreveport 246° radials; 12 AGL Monroe, La., in-

cluding a 12 AGL N alternate and also a 12 AGL S alternate via INT Shreveport 117° and Monroe 268° radials; 12 AGL Jackson, Miss., including a 12 AGL N alternate and also a 12 AGL S alternate;" is substituted therefor.

9. In V–19 all before "Kiowa, Colo.," is deleted and "From Newman, Tex., 12 AGL via INT Newman 287° and Truth or Consequences, N. Mex., 159° radials; 12 AGL Truth or Consequences; 12 AGL INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; 12 AGL Socorro; 12 AGL Albuquerque, N. Mex., including a 12 AGL W alternate via INT Socorro 343° and Albuquerque 199° radials, and also a 12 AGL E alternate via INT Socorro 015° and Albuquerque 160° radials; 12 AGL Santa Fe, N. Mex., including a 12 AGL W alternate via INT Albuquerque 026° and Santa Fe 253° radials; 12 AGL Las Vegas, N. Mex.; 12 AGL Cimarron, N. Mex.; 12 AGL Pueblo, Colo., including a 12 AGL E alternate via INT Cimarron 053° and Pueblo 176° radials;" is substituted therefor.

10. In V–20 all before "Monroeville," is deleted and "From Corpus Christi, Tex., 12 AGL via INT Corpus Christi 054° and Palacious, Tex., 226° radials; 12 AGL Palacious, including a 12 AGL N alternate via INT Corpus Christi 039° and Palacious 241° radials; 12 AGL Houston, Tex., including a 12 AGL N alternate via INT Palacious 016° and Houston 255° radials; 12 AGL Beaumont, Tex., including a 12 AGL N alternate via INT Houston 045° and Beaumont 273° radials; 12 AGL Lake Charles, La., including a 12 AGL N alternate via INT Beaumont 058° and Lake Charles 272° radials and also a 12 AGL S alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° radials and Sabine Pass; 12 AGL Lafayette, La., including a 12 AGL N alternate via INT Lake Charles 064° and Lafayette 285° radials; 12 AGL New Orleans, La., including a 12 AGL S alternate from Lafayette to New Orleans via Tibby, La.; 12 AGL INT New Orleans 070° and Gulfport, Miss., 247° radials; 12 AGL Gulfport; 12 AGL Mobile, Ala., including a 12 AGL N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate;" is substituted therefor.

11. In V–22 all before "6 miles wide Pensacola" is deleted and "From Houston, Tex., 12 AGL via INT Houston 090° and Sabine Pass, Tex., 265° radials; 12 AGL Sabine Pass; 12 AGL White Lake, La.; 12 AGL Tibby, La.; 12 AGL Harvey, La.; 12 AGL INT Harvey 073° and Brookley, Ala., 240° radials; 12 AGL Brookley;" is substituted therefor.

12. In V–54 all before "Muscle Shoals, Ala.," is deleted and "From Waco, Tex., 12 AGL via INT Waco 037° and Quitman, Tex., 243° radials; 12 AGL Quitman; 12 AGL Texarkana, Ark.; 12 AGL INT Texarkana 052° and Little Rock, Ark., 235° True radials; 12 AGL Little Rock, including a 12 AGL N alternate via INT Texarkana 037° and Hot Springs, Ark., 223° radials and Hot Springs; 12 AGL Memphis, Tenn., including a 12 AGL N alternate;" is substituted therefor.

13. V–60 is amended to read as follows:

V–60 From Albuquerque, N. Mex., 12 AGL via Otto, N. Mex., including a 12 AGL S alternate via INT Albuquerque 103° and Otto 253° radials; 12 AGL Las Vegas, N. Mex.

14. V–61 is amended to read as follows:

V–61 From Bridgeport, Tex., 12 AGL via INT Bridgeport 315° and Wichita Falls, Tex., 139° True radials; 12 AGL Wichita Falls; 12 AGL Lawton, Okla.

15. V–62 is amended to read as follows:

V–62 From INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, 12 AGL via Santa Fe; 12 AGL Anton Chico, N. Mex.; 12 AGL Texico, N. Mex.; 12 AGL Plainview, Tex.; 12 AGL Lubbock, Tex., including a 12 AGL S alternate from Texico direct Lubbock; 12 AGL Abilene, Tex.; 12 AGL INT Abilene 096° and Britton, Tex., 264° radials; 12 AGL Britton.

16. In V–63 all before "Hallsville, Mo.;" is deleted and "From McAlester, Okla., 12 AGL via Fayetteville, Ark.; 12 AGL Springfield, Mo.;" is substituted therefor.

17. In V–66 all between "Columbus N. Mex., 277° radials; and From Tuscaloosa, Ala.," is deleted and "Columbus, 12 AGL El Paso, Tex., including a 12 AGL N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, 12 AGL INT El Paso 112° and Hudspeth, Tex., 281° radials; 6 mi. wide, 12 AGL Hudspeth; 12 AGL Pecos, Tex.; 12 AGL Midland, Tex.; 12 AGL Hyman, Tex.; 12 AGL INT Hyman 085° and Abilene, Tex., 251° radials; 12 AGL Abilene; 12 AGL INT Abilene 066° and Bridgeport, Tex., 248° radials; 12 AGL Bridgeport; 12 AGL INT Bridgeport 087° and Sulphur Springs, Tex., 275° radials; 12 AGL Sulphur Springs;" is substituted therefor.

18. V–68 is amended to read as follows:

V–68 From Albuquerque, N. Mex., 12 AGL via INT Albuquerque 120° and Corona, N. Mex., 311° radials; 12 AGL Corona, including a 12 AGL N alternate via INT Albuquerque 103° and Corona 328° radials and also a 12 AGL S alternate via INT Albuquerque 160° and Corona 269° radials; 41 mi. 85 MSL, 12 AGL Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, 12 AGL Roswell; 12 AGL Hobbs, N. Mex., including a 12 AGL S alternate; 12 AGL INT Hobbs 120° and Midland, Tex., 312° radials; 12 AGL Midland, including a 12 AGL S alternate via INT Hobbs 136° and Midland 283° radials; 12 AGL San Angelo, Tex., including a 12 AGL S alternate via INT Midland 128° and San Angelo 278° radials; 12 AGL Junction, Tex., including a 12 AGL S alternate via INT San Angelo 181° and Junction 310° radials; 12 AGL San Antonio, Tex.; 12 AGL INT San Antonio 167° and Corpus Christi, Tex., 296° radials; 12 AGL Corpus Christi; 12 AGL Harlingen, Tex.; 12 AGL McAllen, Tex. The airspace within Mexico is excluded.

19. In V–69 all before "INT of Farmington 351°" is deleted and "From Shreveport, La., 12 AGL via INT Shreveport 087° and El Dorado, Ark., 218° radials; 12 AGL El Dorado, including a 12 AGL W alternate via INT Shreveport 087° and El Dorado 233° radials; 12 AGL Pine Bluff, Ark.; 12 AGL INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials; 12 AGL Walnut Ridge; 12 AGL Farmington, Mo.;" is substituted therefor.

20. In V–70 all before "Monroeville, Ala.;" is deleted and "From Corpus Christi, Tex., 12 AGL via INT Corpus Christi 054° and Palacious, Tex., 226° radials; 12 AGL Palacious; 12 AGL Galveston, Tex.; 12 AGL Sabine Pass, Tex.; 12 AGL Lake Charles, La.; 12 AGL Lafayette, La.; 12 AGL Baton Rouge, La., including a 12 AGL N alternate via INT Lafayette 012° and Baton Rouge 264° radials; 12 AGL Picayune, Miss.; 12 AGL Green County, Miss.;" is substituted therefor.

21. In V–71 all before "Butler, Mo.," is deleted and "From Baton Rouge, La., 12 AGL via Natchez, Miss.; 12 AGL Monroe, La.; 12 AGL El Dorado, Ark.; 12 AGL Hot Springs, Ark.; 12 AGL INT Hot Springs 358° and Harrison, Ark., 176° radials; 12 AGL Harrison; 12 AGL Springfield, Mo., including a 12 AGL W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate;" is substituted therefor.

22. In V–72 all before "Richwoods, Mo.;" is deleted and "From Fayetteville, Ark., 12 AGL via Dogwood, Mo.; 12 AGL Maples, Mo.;" is substituted therefor.

23. V–74 is amended to read as follows:

V–74 From Garden City, Kans., via Dodge City, Kans.; Anthony, Kans.; 12 AGL Ponca City, Okla.; 12 AGL Tulsa, Okla., including a 12 AGL N alternate via INT Ponca City 094° and Tulsa 319° radials; 12 AGL Fort Smith, Ark., including a 12 AGL N alternate via INT Tulsa 087° and Fort Smith 318° radials and a 12 AGL S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; 12 AGL Little Rock, Ark., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Fort Smith 133° and Little Rock 278° radials; 12 AGL Pine Bluff, Ark., including a 12 AGL N alternate via INT Little Rock 137° and Pine Bluff 006° radials.

24. V–76 is amended to read as follows:

V–76 From Lubbock, Tex., 12 AGL via INT Lubbock 188° and Big Spring, Tex., 286° radials; 12 AGL Big Spring, including a 12 AGL N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; 12 AGL Hyman, Tex.; 12 AGL San Angelo, Tex.; 12 AGL Llano, Tex.; 12 AGL Austin, Tex., including a 12 AGL S alternate via INT Llano 129° and Austin 257° radials; 12 AGL Industry, Tex.; 12 AGL INT Industry 104° and Houston, Tex., 287° radials; 12 AGL Houston, including a 12 AGL S alternate from Industry to Houston via Eagle Lake, Tex.; 12 AGL Galveston, Tex. The airspace within R–6310 is excluded.

25. In V–77 all before "INT of Hutchinson, Kans., 062°" is deleted and "From San Angelo, Tex., 12 AGL via Abilene, Tex.; 12 AGL Wichita Falls, Tex., including a 12 AGL E alternate; 12 AGL INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; 12 AGL Oklahoma City, including a 12 AGL E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; 12 AGL Ponca City, Okla., including a 12 AGL E alternate via INT Oklahoma City 037° and Ponca City 186° radials; 12 AGL INT Ponca City 327° and Wichita, Kans., 225° radials; 12 AGL Wichita;" is substituted therefor.

26. V-79 is amended to read as follows:

V-79 From Hobbs, N. Mex., 12 AGL via INT Hobbs 073° and Lubbock, Tex., 188° radials; 12 AGL Lubbock.

27. In V-81 all before "Pueblo, Colo.;" is deleted and "From Midland, Tex., 12 AGL via Lubbock, Tex.; 12 AGL Plainview, Tex.; 12 AGL Amarillo, Tex., including a 12 AGL E alternate; 12 AGL Dalhart, Tex.; 12 AGL Tobe, Colo.;" is substituted therefor.

28. In V-83 all before "INT Alamosa 075°" is deleted and "From Carlsbad, N. Mex., 12 AGL via Roswell, N. Mex.; 40 mi. 12 AGL, 85 MSL Corona, N. Mex., including an E alternate 12 AGL INT Roswell 335° and Corona 124° radials, 85 MSL Corona; 12 AGL Otto, N. Mex.; 12 AGL Santa Fe, N. Mex.; 12 AGL Taos, N. Mex.; 12 AGL Alamosa, Colo.;" is substituted therefor.

29. In V-88 all before "12 AGL Vichy, Mo.;" is deleted and "From Tulsa, Okla., 12 AGL via INT Tulsa 044° and Springfield, Mo., 261° radials; 12 AGL Springfield;" is substituted therefor.

30. V-94 is amended to read as follows:

V-94 From Gila Bend, Ariz., via Casa Grande, Ariz.; San Simon, Ariz.; 12 AGL Deming, N. Mex.; 12 AGL Newman, Tex., including a 12 AGL S alternate via INT Deming 121° and Newman 271° radials; 12 AGL INT Newman 091° and Salt Flat, Tex., 312° radials; 12 AGL Salt Flat; 12 AGL Wink, Tex.; 12 AGL Midland, Tex.; 12 AGL Hyman, Tex.; 12 AGL Dyess, Tex.; 12 AGL INT Dyess 084° and Britton, Tex., 264° radials; 12 AGL Britton; 12 AGL Gregg County, Tex.; 12 AGL Barksdale AFB, La.; 12 AGL Monroe, La. The airspace within R-5103A is excluded.

31. In V-95 "to Farmington, N. Mex." is deleted and "; 66 mi. 12 AGL, 39 mi. 125 MSL, 12 AGL Farmington, N. Mex." is substituted therefor.

32. V-102 is amended to read as follows:

V-102 From Salt Flat, Tex., 12 AGL via Carlsbad, N. Mex.; 12 AGL Hobbs, N. Mex.; 12 AGL Lubbock, Tex.; 12 AGL Guthrie, Tex.; 12 AGL Wichita Falls, Tex., including a 12 AGL S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

33. V-110 is amended to read as follows:

V-110 From Deming, N. Mex., 12 AGL Truth or Consequences, N. Mex.

34. V-114 is amended to read as follows:

V-114 From Amarillo, Tex., 12 AGL via Childress, Tex., including a 12 AGL S alternate; 12 AGL Wichita Falls, Tex., including a 12 AGL S alternate via INT Childress 120° and Wichita Falls 262° radials; 12 AGL INT Wichita Falls 122° and Dallas, Tex., 299° radials; 12 AGL Dallas; 12 AGL INT Dallas 113° and Gregg County, Tex., 290° radials; 12 AGL Gregg County, including a 12 AGL N alternate from Dallas to Gregg County via Quitman, Tex., and also a 12 AGL S alternate via INT Dallas 130° and Gregg County 273° radials; 12 AGL INT Gregg County 123° and Alexandria, La., 300° radials; 12 AGL Alexandria, including a 12 AGL N alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 300° radials; 12 AGL Baton Rouge, La.; 12 AGL New Orleans, La., including a 12 AGL N alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials.

35. V-131 is amended to read as follows:

V-131 From McAlester, Okla., 12 AGL via Okmulgee, Okla.; 12 AGL Tulsa, Okla.; 12 AGL Chanute, Kans.; to Topeka, Kans.

36. In V-140 all before "Nashville, Tenn.," is deleted and "From Amarillo, Tex., 12 AGL via Sayre, Okla., including a 12 AGL N alternate via INT Amarillo 072° and Sayre 288° radials; 12 AGL Kingfisher, Okla.; 12 AGL INT Kingfisher 072° and Tulsa, Okla., 261° radials; 12 AGL Tulsa; 12 AGL Fayetteville, Ark., including a 12 AGL N alternate via INT Tulsa 059° and Fayetteville 284° radials; 12 AGL Harrison, Ark., 12 AGL Walnut Ridge, Ark.; 12 AGL Dyersburg, Tenn.;" is substituted therefor.

37. In V-161 all before "Butler, Mo.;" is deleted and "From Greater Southwest, Tex., 12 AGL via INT Greater Southwest 318° and Ardmore, Okla., 192° radials; 12 AGL Ardmore; 12 AGL Okmulgee, Okla.; 12 AGL Tulsa, Okla.; 12 AGL Oswego, Kans.;" is substituted therefor.

38. V-163 is amended to read as follows:

V-163 From Brownsville, Tex., 12 AGL via INT Brownsville 347° and Corpus Christi, Tex., 191° radials; 12 AGL Corpus Christi, including a 12 AGL W alternate from Brownsville to INT Brownsville 347° and Corpus Christi 191° radials, via Harlingen, Tex.; 12 AGL INT Corpus Christi 313° and San Antonio, Tex., 183° radials; 12 AGL San Antonio; 12 AGL INT San Antonio 002° and Lometa, Tex., 173° radials; 12 AGL Lometa, including a 12 AGL W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radials and Llano; 12 AGL Mineral Wells, Tex.; 12 AGL Bridgeport, Tex.; 12 AGL Ardmore, Okla.; 12 AGL INT Ardmore 342° and Oklahoma City, Okla., 154° radials; 12 AGL Oklahoma City, including a 12 AGL W alternate via INT Ardmore 327° and Oklahoma City 180° radials and also a 12 AGL E alternate via INT Ardmore 006° and Oklahoma City 107° radials. The airspace within Mexico is excluded.

39. V-180 is amended to read as follows:

V-180 From San Antonio, Tex., 12 AGL via Eagle Lake, Tex.; 12 AGL Galveston, Tex.

40. In V-187 all before "12 AGL Cortez, Colo.;" is deleted and "From Albuquerque, N. Mex., 12 AGL via Farmington, N. Mex.;" is substituted therefor.

41. V-190 is amended to read as follows:

V-190 From Phoenix Ariz., via St. Johns, Ariz.; 12 AGL Albuquerque, N. Mex., including a 12 AGL N alternate from St. Johns to Albuquerque via INT St. Johns 053° and Grants, N. Mex., 252° radials and Grants; 12 AGL Las Vegas, N. Mex.; 19 mi. 12 AGL, 72 mi. 90 MSL, 12 AGL Dalhart, Tex.; 14 mi. 12 AGL, 82 mi. 60 MSL, 12 AGL Gage, Okla.; 12 AGL INT Gage 059° and Ponca City, Okla., 280° radials; 12 AGL Ponca City; 12 AGL INT Ponca City 094° and Bartlesville, Okla., 256° radials; 12 AGL Bartlesville; 12 AGL INT Bartlesville 075° and Oswego, Kans., 233° radials; 12 AGL Oswego; 12 AGL INT Oswego 085° and Springfield, Mo., 261° radials; 12 AGL Springfield; Maples, Mo.; Farmington, Mo.; to Evansville, Ind.

42. V-192 is amended to read as follows:

V-192 From Socorro, N. Mex., 12 AGL via Corona, N. Mex.; 15 mi. 12 AGL, 35 mi. 105 MSL, 12 AGL Tucumcari, N. Mex.

43. In V-194 all before "From Norcross, Ga." is deleted and "From Lafayette, La., 12 AGL via Baton Rouge, La.; 12 AGL McComb, Miss.; to Meridian, Miss." is substituted therefor.

44. V-198 is amended to read as follows:

V-198 From San Simon, Ariz., 12 AGL via INT San Simon 118° and Columbus, N. Mex. 277° radials; 12 AGL Columbus; 12 AGL El Paso, Tex., 6 mi. wide, 12 AGL INT El Paso 112° and Hudspeth, Tex., 281° radials; 6 mi. wide, 12 AGL Hudspeth; 29 mi. 12 AGL, 37 mi. 82 MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° radials; 18 mi. 82 MSL, 12 AGL Fort Stockton; 20 mi. 12 AGL, 116 mi. 55 MSL, 12 AGL Junction, Tex.; 12 AGL San Antonio, Tex.; 12 AGL Eagle Lake, Tex.; 12 AGL Houston, Tex.

45. V-202 is amended to read as follows:

V-202 From Cochise, Ariz., 12 AGL via San Simon, Ariz.; 12 AGL Truth or Consequences, N. Mex.

46. In V-205 all before "Blue Springs, Mo.;" is deleted and "From Walnut Ridge, Ark., 12 AGL via Dogwood, Mo.; 12 AGL Springfield, Mo.;" is substituted therefor.

47. V-212 is amended to read as follows:

V-212 From San Antonio, Tex., 12 AGL via INT San Antonio 089° and Industry, Tex., 233° radials; 12 AGL Industry; 12 AGL Navasota, Tex.; 12 AGL Lufkin, Tex.; 12 AGL Alexandria, La.; 12 AGL McComb, Miss.

48. In V-222 all before "Hattiesburg, Miss.;" is deleted and "From El Paso, Tex., 12 AGL via Salt Flat, Tex.; 12 AGL Fort Stockton, Tex.; 20 mi. 12 AGL, 116 mi. 55 MSL, 12 AGL Junction, Tex.; 12 AGL INT Junction 112° and San Antonio, Tex., 334° radials; 12 AGL San Antonio; 12 AGL INT San Antonio 074° and Industry, Tex., 264° radials; 12 AGL Industry; 12 AGL INT Industry 104° and Houston, Tex., 287° radials; 12 AGL Houston; 12 AGL Beaumont, Tex.; 12 AGL Lake Charles, La., including a 12 AGL N alternate from Houston to Lake Charles via Daisetta, Tex.; 12 AGL McComb, Miss.;" is substituted therefor.

49. V-234 is amended to read as follows:

V-234 From Anton Chico, N. Mex., 12 AGL via INT Anton Chico 067° and Dalhart, Tex., 243° radials; 12 AGL Dalhart; 12 AGL Liberal, Kans.; to Hutchinson, Kans.

50. V-240 is amended to read as follows:

V-240 From New Orleans, La., 12 AGL via INT New Orleans 085° and Mobile, Ala., 224° radials; 12 AGL Mobile.

51. V-245 is amended to read as follows:

V-245 From Alexandria, La., 12 AGL via Natchez, Miss.; 12 AGL Jackson, Miss.; 12 AGL Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

52. In V-263 all before "Lamar, Colo.;" is deleted and "From Cimarron, N. Mex., 12 AGL via Tobe, Colo.;" is substituted therefor.

53. In V-264 all after "Prescott, Ariz.;" is deleted and "St. Johns, Ariz., 29 mi. 12 AGL, 51 mi. 115 MSL, 12 AGL Socorro, N. Mex." is substituted therefor.

54. V-272 is amended to read as follows:

V-272 From Dalhart, Tex., 12 AGL via Borger, Tex.; 12 AGL Sayre, Okla.; 12 AGL Oklahoma City, Okla., including a 12 AGL N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a 12 AGL S alternate via INT Sayre 101° and Oklahoma City 242° radials; 12 AGL INT Oklahoma City 107° and McAlester, Okla., 292° radials; 12 AGL McAlester.

55. In V-278 all before "Columbus, Miss.;" is deleted and "From Texico, N. Mex., 12 AGL via Plainview, Tex.; 12 AGL Guthrie, Tex.; 12 AGL Bridgeport, Tex.; 12 AGL Dallas, Tex.; 12 AGL Paris, Tex.; 12 AGL Texarkana, Ark.; 12 AGL Monticello, Ark.; 12 AGL Greenwood, Miss.;" is substituted therefor.

56. In V-280 all before "INT of Hutchinson 062°" is deleted and "From El Paso, Tex., 12 AGL via INT El Paso 093° and Pinon, N. Mex., 219° radials; 12 AGL Pinon; 12 AGL Roswell, N. Mex.; 12 AGL INT Roswell 063° and Texico, N. Mex., 216° radials; 12 AGL Texico, including a 12 AGL S alternate via INT Roswell 080° and Texico 216° radials; 12 AGL INT Texico 021° and Amarillo, Tex., 267° radials; 12 AGL Amarillo. From Gage, Okla., 12 AGL via Hutchinson, Kans.;" is substituted therefor.

57. V-284 is amended to read as follows:

V-284 From Fort Stockton, Tex., 20 mi. 12 AGL, 87 mi. 60 MSL, 12 AGL San Angelo, Tex.

58. V-289 is amended to read as follows:

V-289 From Beaumont, Tex., 12 AGL via INT Beaumont 334° and Lufkin, Tex., 160° radials; 12 AGL Lufkin, including a 12 AGL E alternate; 12 AGL INT Lufkin 355° and Gregg County, Tex., 181° radials; 12 AGL Gregg County; 12 AGL Texarkana, Ark.; 12 AGL Fort Smith, Ark.

59. V-291 is amended to read as follows:

V-291 From Grants, N. Mex., 12 AGL via Gallup, N. Mex.; 12 AGL Winslow, Ariz.; Peach Springs, Ariz.

60. V-303 is amended to read as follows:

V-303 From Hot Springs, Ark., 12 AGL Fort Smith, Ark.

61. V-304 is amended to read as follows:

V-304 From Amarillo, Tex., 12 AGL via Borger, Tex.; 12 AGL Liberal, Kans., including a 12 AGL W alternate via INT Borger 354° and Liberal 234° radials.

62. V-305 is amended to read as follows:

V-305 From El Dorado, Ark., 12 AGL Little Rock, Ark.

63. V-306 is amended to read as follows:

V-306 From Austin, Tex., 12 AGL via Navasota, Tex.; 12 AGL Daisetta, Tex.

64. V-315 is amended to read as follows:

V-315 From Paris, Tex., 12 AGL Page, Okla.

65. V-421 is amended to read as follows:

V-421 From Zuni, N. Mex., 12 AGL via Gallup, N. Mex.; 12 AGL Farmington, N. Mex.; 12 AGL Durango, Colo.; 12 AGL Gunnison, Colo.

66. V-455 is amended to read as follows:

V-455 From New Orleans, La., 12 AGL via Picayune, Miss.; 12 AGL Hattiesburg, Miss., including a 12 AGL E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a 12 AGL W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° radials; 6 mi. wide Meridian, Miss., including a W alternate via INT Hattiesburg 010° and Meridian 230° radials.

67. V-477 is amended to read as follows:

V-477 From Houston, Tex., 12 AGL via Leona, Tex., including a 12 AGL E alternate via INT Houston 354° and Leona 143° radials and also a 12 AGL W alternate via INT Houston 314° and Leona 173° radials; 12 AGL INT Leona 338° and Dallas, Tex., 170° radials; 12 AGL Dallas, including a 12 AGL E alternate.

68. V-516 is amended to read as follows:

V-516 From Liberal, Kans., via Anthony, Kans.; 12 AGL Ponca City, Okla.; 12 AGL Oswego, Kans.

69. V-530 is amended to read as follows:

V-530 From Texico, N. Mex., 12 AGL Childress, Tex.

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

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

H. B. HELSTROM,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-4688; Filed, Apr. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 65-EA-51]

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

Alteration of Federal Airways

On December 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 15760) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the base of airway segments in the Eastern Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received.

The Air Transport Association of America concurred with the proposals. The Aircraft Owners and Pilots Association (AOPA) objected to the proposals contained in the notice and objected in particular to the proposal to designate 1,200 feet AGL floors on V-170 and V-276 in the vicinity of Ravine, Pa., and V-106 from Reedsville INT to Selinsgrove, Pa. They requested that the requirements for airway floors and transition area floors in this area be re-examined with a view toward designating more realistic higher MSL floors where possible in the mountainous terrain. They pointed out that there are four airports in this area, without instrument approach procedures, that might welcome increased uncontrolled airspace that would be realized from higher floors on the controlled airspace. The requirements for the transition areas in question, Wilkes-Barre, Pa., and Harrisburg, Pa., have been reviewed and are justified. Accordingly, even though the airway floors could be raised a few hundred feet, relief from controlled airspace would not be realized as the transition areas would be in effect beneath the airways.

No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 23, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 3231, 4839, 5057) is amended as follows:

1. In V-2 all between "Aylmer;" and "Albany, N.Y.;" is deleted and "12 AGL INT Aylmer 087° and Buffalo, N.Y., 259° radials; 12 AGL Buffalo; 12 AGL Rochester, N.Y.; 12 AGL Syracuse, N.Y., including a 12 AGL N alternate via INT Rochester 064° and Syracuse 283° radials; 12 AGL Utica, N.Y.;" is substituted therefor.

2. In V-6 all between "Clarion, Pa.;" and "Solberg, N.J.;" is deleted and "Philipsburg, Pa.; 12 AGL Selinsgrove, Pa.; 12 AGL INT Selinsgrove 087° and Allentown, Pa., 283° radials; 12 AGL Allentown;" is substituted therefor.

3. In V-12 all after "Johnstown, Pa.;" is deleted and "12 AGL Harrisburg, Pa., including a 12 AGL S alternate from Johnstown to Harrisburg via St. Thomas, Pa." is substituted therefor.

4. In V-14 all between "to Jefferson;" and "Albany, N.Y.;" is deleted and "12 AGL Dunkirk, N.Y.; 12 AGL Buffalo, N.Y., including a 12 AGL N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 242° radials; 12 AGL Geneseo, N.Y.; 12 AGL Georgetown, N.Y.; 12 AGL INT Georgetown 093° and Albany, N.Y., 270° radials;" is substituted therefor.

5. In V-29 all between "West Chester, Pa.;" and "INT of Watertown 033°" is deleted and "12 AGL Pottstown, Pa.; 12 AGL Allentown, Pa.; 12 AGL Wilkes-Barre, Pa.; 12 AGL Binghampton, N.Y.; 12 AGL Syracuse, N.Y.; 12 AGL Watertown, N.Y.;" is substituted therefor.

6. In V-30 all after "Philipsburg, Pa.;" is deleted and "12 AGL Selinsgrove, Pa.; 12 AGL East Texas, Pa.; to Colts Neck, N.J." is substituted therefor.

7. In V-31 all after "Harrisburg, Pa.;" is deleted and "12 AGL Selinsgrove, Pa.; 12 AGL Williamsport, Pa.; 12 AGL Elmira, N.Y.; 12 AGL INT Elmira 357°

and Rochester, N.Y., 125° radials; 12 AGL Rochester. The airspace within R-4007 is excluded." is substituted therefor.

8. In V-33 all after "Harrisburg, Pa.;" is deleted and "12 AGL Philipsburg, Pa.; 12 AGL Keating, Pa.; 12 AGL Bradford, Pa.; 12 AGL Buffalo, N.Y. The airspace within R-4007 is excluded." is substituted therefor.

9. In V-34 all before "Carmel;" is deleted and "From Kleinburg, Ont., 12 AGL INT Kleinburg 113° and Rochester, N.Y., 309° radials; 12 AGL Rochester; 12 AGL Ithaca, N.Y.; 12 AGL Hancock, N.Y.;" is substituted therefor.

10. In V-35 all between "Johnstown, Pa.;" and "The airspace below 2,000 feet" is deleted and "12 AGL Tyrone, Pa.; 12 AGL Philipsburg, Pa.; 12 AGL Stonyfork, Pa.; 12 AGL Elmira, N.Y.; 12 AGL Syracuse, N.Y." is substituted therefor.

11. V-36 is amended to read as follows:

V-36 From Toronto, Ont., via INT Toronto 141° and Buffalo, N.Y., 312° radials; 12 AGL Buffalo, including a 12 AGL S alternate via INT Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this E alternate; 12 AGL Elmira, N.Y.; 12 AGL Wilkes-Barre, Pa.; 12 AGL Sparta, N.J. The airspace within Canada is excluded.

12. In V-37 "to Toronto, Ont., Canada." is deleted and "12 AGL Toronto, Ont." is substituted therefor.

13. In V-39 all between "Lancaster, Pa.;" and "INT of Huguenot 032°" is deleted and "12 ALG East Texas, Pa.; 12 AGL Allentown, Pa.; 12 AGL Huguenot, N.Y.;" is substituted therefor .

14. In V-58 all before "Poughkeepsie, N.Y.;" is deleted and "From Carrolltown, Pa.; 12 AGL Tyrone, Pa.; 12 AGL Philipsburg, Pa.; 12 AGL Williamsport, Pa.; 12 AGL INT Williamsport 079° and Wilkes-Barre, Pa., 265° radials; 12 AGL Wilkes-Barre." is substituted therefor.

15. In V-72 all between "Tidioute, Pa.;" and "Albany, N.Y.;" is deleted and "12 AGL Bradford, Pa.; 12 AGL INT Bradford 078° and Elmira, N.Y., 252° radials; 12 AGL Elmira; 12 AGL Binghamton, N.Y.; 12 AGL Rockdale, N.Y.;" is substituted therefor.

16. In V-84 all after "London, Ont., Canada;" is deleted and "12 AGL Buffalo, N.Y.; 12 AGL Geneseo, N.Y.; 12 AGL INT Geneseo 091° and Syracuse, N.Y., 242° radials; 12 AGL Syracuse. The airspace within Canada is excluded." is substituted therefor.

17. In V-90 all after "Windsor;" is deleted and "12 AGL via INT Windsor 083° and Dunkirk, N.Y., 266° radials; 12 AGL Dunkirk, including a 12 AGL N alternate from INT Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont. The airspace within Canada is excluded." is substituted therefor.

18. In V-93 "East Texas, Pa.; to Allentown, Pa." is deleted and "12 AGL East Texas, Pa.; 12 AGL Allentown, Pa." is substituted therefor.

19. In V-106 all between "Johnstown, Pa.;" and "Poughkeepsie, N.Y.;" is deleted and "12 AGL INT Johnstown 068° and Selinsgrove, Pa., 259° radials; 12 AGL Selinsgrove; 12 AGL INT Selinsgrove 067° and Thornhurst, Pa., 237° radials; 12 AGL Thornhurst; 12 AGL Wilkes-Barre, Pa.;" is substituted therefor.

20. In V-115 all after "Tidioute, Pa.;" is deleted and "12 AGL Jamestown, N.Y.; 12 AGL Buffalo, N.Y." is substituted therefor.

21. In V-116 all between "Windsor, Ontario, Canada;" and "INT of Sparta 108°" is deleted and "12 AGL INT Windsor 100° and Erie, Pa., 275° radials; 12 AGL Erie; 12 AGL Bradford, Pa.; 12 AGL Stonyfork, Pa.; 12 AGL Wilkes-Barre, Pa.; 12 AGL Sparta, N.J.;" is substituted therefor.

22. In V-119 all after "Fitzgerald, Pa.;" is deleted and "Bradford, Pa.; 12 AGL Wellsville, N.Y.; 12 AGL Geneseo, N.Y.; 12 AGL Rochester, N.Y." is substituted therefor.

23. In V-126 all between "Erie, Pa.;" and "INT of Huguenot, N.Y., 102° radials" is deleted and "12 AGL Bradford, Pa.; 12 AGL Stonyfork, Pa.; 12 AGL Wilkes-Barre, Pa.; 12 AGL Huguenot, N.Y.;" is substituted therefor.

24. V-142 is amended to read as follows:

V-142 From Buffalo, N.Y., 12 AGL INT Buffalo 034° and Rochester, N.Y., 289° radials; 12 AGL Rochester.

25. V-145 is amended to read as follows:

V-145 From Utica, N.Y., 12 AGL INT Utica 303° and Watertown, N.Y., 171° radials; 12 AGL Watertown; 12 AGL INT Watertown 358° radial and the United States/Canadian border.

26. V-147 is amended to read as follows:

V-147 From the Philadelphia, Pa., International Airport ILS localizer, 12 AGL Pottstown, Pa.; 12 AGL Allentown, Pa.; 12 AGL Thornhurst, Pa.; 12 AGL Elmira, N.Y.; 12 AGL Geneseo, N.Y.; 12 AGL Rochester, N.Y.

27. V-149 is amended to read as follows:

V-149 From INT Allentown, Pa., 151° and Yardley, Pa., 284° radials; 12 AGL Allentown; 12 AGL Thornhurst, Pa.; 12 AGL Binghamton, N.Y.; 12 AGL Georgetown, N.Y.; 12 AGL INT Georgetown 036° and Utica, N.Y., 280° radials; 12 AGL Utica.

28. V-153 is amended to read as follows:

V-153 From INT Sparta, N.J., 194° and Stillwater, N.J., 110° radials; 12 AGL Stillwater; 12 AGL Wilkes-Barre, Pa.; 12 AGL Georgetown, N.Y.; 12 AGL Syracuse, N.Y.

29. In V-162 all after "Clarksburg." is deleted and "From Harrisburg, Pa., 12 AGL East Texas, Pa., including a 12 AGL S alternate via INT Harrisburg 087° and East Texas 225° radials; 12 AGL Allentown, Pa." is substituted therefor.

30. V-164 is amended to read as follows:

V-164 From Buffalo, N.Y., 12 AGL Wellsville, N.Y.; 12 AGL Stonyfork, Pa.; 12 AGL Williamsport, Pa.; 12 AGL INT Williamsport 129° and East Texas, Pa., 315° radials; 12 AGL East Texas.

31. In V-170 all after "Salem, Mich." is deleted and "From Erie, Pa., 12 AGL Bradford, Pa.; 12 AGL Slate Run, Pa.; 12 AGL Selinsgrove, Pa.; 12 AGL Ravine, Pa.; 12 AGL INT Ravine 125° and West Chester, Pa., 318° radials; 12 AGL West Chester. The airspace within R-5802 is excluded." is substituted therefor.

32. In V-188 all after "Tidioute, Pa.;" is deleted and "12 AGL Slate Run, Pa.; 12 AGL Williamsport, Pa.; 12 AGL Thornhurst, Pa.; 12 AGL Tannersville, Pa. The airspace within Canada is excluded." is substituted therefor.

33. In V-210 all after "Carrolltown;" is deleted and "12 AGL INT of Carrolltown 114° and Harrisburg, Pa., 274° radials; 12 AGL Harrisburg; 12 AGL Lancaster, Pa.; 12 AGL INT Lancaster 095° and Pottstown, Pa., 143° radials." is substituted therefor.

34. In V-226 all after "Keating, Pa.;" is deleted and "12 AGL Williamsport, Pa., 12 AGL Thornhurst, Pa.; 12 AGL Stillwater, N.J.; 12 AGL INT Stillwater 110° and Sparta, N.J., 194° radials." is substituted therefor.

35. In V-232 all between "Keating, Pa.;" and "INT of Tannersville 114°" is deleted and "12 AGL Milton, Pa.; 12 AGL Tannersville, Pa.;" is substituted therefor.

36. In V-238 all before "INT of Harrisburg 132°" is deleted and "From Philipsburg, Pa., 12 AGL Harrisburg, Pa.;" is substituted therefor.

37. V-249 is amended to read as follows:

V-249 From Sparta, N.J., 12 AGL Huguenot, N.Y.; 12 AGL DeLancey, N.Y.; 12 AGL Utica, N.Y.

38. In V-251 all after "Martinsburg, W. Va.;" is deleted and "Lancaster, Pa.; 12 AGL Pottstown, Pa." is substituted therefor.

39. V-252 is amended to read as follows:

V-252 From Buffalo, N.Y., 12 AGL Geneseo, N.Y.; 12 AGL Binghamton, N.Y.; 12 AGL Huguenot, N.Y.; 12 AGL Sparta, N.J.; 12 AGL INT Sparta 144° and Solberg, N.J., 051° radials.

40. V-254 is amended to read as follows:

V-254 From INT Pottstown, Pa., 278° and East Texas, Pa., 225° radials; 12 AGL Pottstown; 12 AGL INT Pottstown 104° and Robbinsville, N.J., 239° radials.

41. V-256 is amended to read as follows:

V-256 From INT Pottstown, Pa., 278° and East Texas, Pa., 225° radials; 12 AGL Pottstown; 12 AGL Yardley, Pa.

42. In V-265 all after "Harrisburg;" is deleted and "12 AGL Philipsburg, Pa.; 12 AGL Keating, N.Y.; 12 AGL Bradford, Pa.; 12 AGL Jamestown, N.Y.; 12 AGL Dunkirk, N.Y." is substituted therefor.

43. V-270 is amended to read as follows:

V-270 From Erie, Pa., 12 AGL Jamestown, N.Y.; 12 AGL Wellsville N.Y.; 12 AGL Elmira, N.Y.; 12 AGL Binghamton, N.Y.; 12 AGL De Lancey, N.Y.; to Chester, Mass.

44. V-273 is amended to read as follows:

V-273 From INT Sparta, N.J., 194° and Stillwater, N.J., 110° radials; 12 AGL Stillwater; 12 AGL Hancock, N.Y.; 12 AGL Georgetown, N.Y.; 6 mi. wide, 12 AGL Syracuse, N.Y.

45. In V-276 all between "Ellwood City, Pa.;" and "Robbinsville, N.J.;" is

deleted and "Tyrone, Pa.; 12 AGL INT Tyrone 096° and Ravine, Pa., 279° radials; 12 AGL Ravine; 12 AGL Yardley, Pa.;" is substituted therefor.

46. V-423 is amended to read as follows:

V-423 From Williamsport, Pa., 12 AGL Binghamton, N.Y.; 12 AGL Ithaca, N.Y.; 12 AGL INT Ithaca 357° and Syracuse, N.Y., 210° radials; 12 AGL Syracuse.

47. V-428 is amended to read as follows:

V-428 From Elmira, N.Y., 12 AGL Ithaca, N.Y.; 12 AGL Georgetown, N.Y.; 12 AGL Utica, N.Y.

48. V-449 is amended to read as follows:

V-449 From De Lancey, N.Y., 12 AGL Rockdale, N.Y.; 12 AGL INT Rockdale 348° and Utica, N.Y., 280° radials.

49. V-464 is amended to read as follows:

V-464 From Dunkirk, N.Y., 12 AGL Geneseo, N.Y.

50. V-483 is amended to read as follows:

V-483 From Sparta, N.J., 12 AGL Huguenot, N.Y.; 12 AGL De Lancey, N.Y.; 12 AGL Rockdale, N.Y.; 12 AGL INT Rockdale 325° and Syracuse, N.Y., 100° radials; 12 AGL Syracuse.

51. V-501 is amended to read as follows:

V-501 From Martinsburg, W. Va., via St. Thomas, Pa.; 12 AGL Philipsburg, Pa. From Wellsville, N.Y.; 12 AGL INT Elmira, N.Y., 357° and Geneseo, N.Y., 091° radials.

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

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

H. B. HELSTROM,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-4689; Filed, Apr. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-15]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waco, Tex. (James Connally AFB), control zone and the Waco, Tex., transition area. Due to the decommissioning of some of the navigational facilities serving James Connally AFB, controlled airspace based on the existence and utilization of these facilities is no longer required. Accordingly, action is being taken as hereinafter set forth to reduce the size of the James Connally AFB control zone and the Waco, Tex., transition area. Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. May 1, 1966, as herein set forth.

1. In § 71.171 (31 F.R. 2144) the Waco, Tex. (James Connally AFB), control zone is amended to read:

WACO, TEX. (JAMES CONNALLY AFB)

That airspace within a 5-mile radius of James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); and within 2 miles each side of the James Connally TACAN 167° and 352° radials extending from the 5-mile radius zone to 7 miles N and 4.5 miles S of the TACAN.

2. In § 71.181 (31 F.R. 2267) the Waco, Tex., transition area is amended to read:

WACO, TEX.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°49'00" N., longitude 97°00'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W.; to latitude 31°28'20" N., longitude 96°55'40" W.; to latitude 31°17'00" N., longitude 96°56'00" W.; to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97°34'00" W.; to latitude 31°33'00" N., longitude 97°28'00" W.; to latitude 31°46'00" N., longitude 97°30'00" W.; to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48" N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to latitude 30°55'00" N., longitude 97°26'00" W.; to latitude 30°48'00" N., longitude 97°14'00" W.; to latitude 30°48'00" N., longitude 97°05'20" W.; to latitude 30°51'00" N., longitude 96°56'00" W.; to latitude 31°17'00" N., longitude 96°11'00" W.; to latitude 31°19'00" N., longitude 95°58'00" W.; to latitude 31°47'00" N., longitude 95°55'00" W.; to latitude 31°47'00" N., longitude 96°22'00" W.; to latitude 32°12'00" N., longitude 96°50'00" W.; to latitude 32°18'00" N., longitude 97°25'00" W.; to latitude 32°07'00" N., longitude 97°46'00" W.; to latitude 32°00'00" N., longitude 98°15'00" W.; to point of beginning.

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

Issued in Fort Worth, Tex., on April 22, 1966.

HENRY L. NEWMAN,
Director, Southeast Region.

[F.R. Doc. 66-4690; Filed, Apr. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-7]

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

Alteration of Transition Area

On February 24, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 3079) stating that the Federal Aviation Agency proposed to alter the Fort Stockton, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. June 23, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2189) the Fort Stockton, Tex., transition area is amended to read:

FORT STOCKTON, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Pecos County Airport, Fort Stockton, Tex. (latitude 30°55'00" N., longitude 102°54'30" W.), and within 5 miles NE and 8 miles SW of the Fort Stockton, Tex., VORTAC 306° and 126° radials, extending from 3 miles SE to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles each side of the Fort Stockton VORTAC 097° and 274° radials, extending from 20 miles E to 20 miles W of the VORTAC.

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

Issued in Fort Worth, Tex., on April 22, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-4691; Filed, Apr. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-3]

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

Alteration of Control Zone

On February 24, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 3079) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Abilene, Tex., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 23, 1966, as herein set forth.

In § 71.171 (31 F.R. 2065), the Abilene, Tex. (Municipal Airport), control zone is amended to read:

That airspace within a 5-mile radius of Abilene Municipal Airport (latitude 32°25'10" N., longitude 99°41'20" W.); within 2 miles each side of the Abilene ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, Tex. (Dyess AFB), control zone.

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

Issued in Fort Worth, Tex., on April 22, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-4692; Filed, Apr. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-33]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Muncie, Ind., terminal area.

Lake Central Airlines has decommissioned their privately owned "MH" facility located 3.5 nautical miles southeast of the Delaware County Airport. The restricted instrument approach procedure predicated upon this facility has been canceled. As the result of this action by Lake Central Airlines, the 700-foot transition area extension to the southeast can be reduced in size.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (31 F.R. 2149), the Muncie, Ind., transition area is amended to read:

MUNCIE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Indiana (latitude 40°14'26" N., longitude 85°23'43" W.); and within 2 miles each side of the Muncie VOR 125° and 320° radials extending from the 5-mile radius area to 8 miles SE and NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°10'00" N., longitude 85°00'00" W.; to latitude 40°-10'00" N., longitude 85°05'45" W.; to latitude 40°00'00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°-00'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

The overall 700-foot floor transition area has been decreased by this proposal. However, it remains adequate for protection of aircraft executing the public instrument approach procedures during descent from 1,500 to 700 feet above the surface when the control zone designation is not in effect.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

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

Issued in Kansas City, Mo., on April 21, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-4693; Filed, Apr. 28, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Allowance Program

§ 15.38 Promotional allowance program.

(a) The Federal Trade Commission advised a men's clothing manufacturer that a proposed two-part promotional allowance program "would satisfy the requirements of the law," but that a subsequently proposed modification of one part of the plan "would be clearly illegal."

(b) Under one part of the originally proposed plan—participation in cooperative advertising allowances—the manufacturer would offer an advertising allowance of 2 percent of net sales at regular prices up to a maximum of 50 percent of the actual cost of advertising its products in newspapers, magazines and other printed media. New accounts and customers of less than 1 year would be offered the same allowance based upon their first quarter's purchases. If this offer is made known and offered to all competing customers, the Commission said, this part of the plan would not violate the law.

(c) Under the other part of the plan—participation in sales or promotions—the manufacturer would make available to all customers a total of 20 percent of their net purchases of basic products at regular prices at a special reduced price of $4.00 off the net price, which the customer may accept at one time or in two installments during the year for sales in January and/or June. In other words, if a customer purchased $1,000 worth of such products during the year at regular prices, he would be entitled to purchase 20 percent or $200 worth of this product at the stated reduction for sales purposes during January and/or June. Likewise, this would not violate the law, the Commission said.

(d) However, subsequent to Commission approval of the plan, the manufacturer proposed a modification of its cooperative advertising program. The concern proposed to increase its advertising payments by offering a 3 percent allowance to accounts whose yearly volume is $50,000 minimum, a 4 percent allowance to accounts whose yearly volume is $75,000 minimum and 5 percent to those whose yearly volume is $100,000 and over. To receive the increased payment, the customer would have to match the allowance and use either the manufacturer's label or that label in combination.

(e) The Commission said that "under no circumstances can a program which pays a higher percentage to larger volume buyers when buyers in smaller quantities receive smaller percentage of net sales be held to meet the proportionally equal requirement of section 2(d) of the Clayton Act, as amended by the Robinson-Patman Act. Substantially identical programs have previously been held illegal."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: April 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-4671; Filed, Apr. 28, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS

Egg Products Shipped for Pasteurization or Other Treatment To Destroy Salmonella Organisms

By orders published in the FEDERAL REGISTER of March 19, 1966 (31 F.R. 4676, 4677), the standards for eggs and egg products (21 CFR Part 42) were amended to require pasteurization or other treatment sufficient to destroy all viable *Salmonella* micro-organisms, and the regulations setting forth labeling exemptions for food (21 CFR Part 5) were amended to exempt certain shipments of nonpasteurized egg products from labeling requirements.

R presentatives of the Mayonnaise and Salad Dressing Institute, Corn Products Co., and Kraft Foods, Division of National Dairy Products Corp. have expressed objection to the orders on the grounds that reports of scientific studies conclusively establish that the processing of mayonnaise and other acidified dressings results in an environment detrimental to *Salmonella* micro-organisms; therefore, there is no danger to the public health from the use of nonpasteurized egg products in the processing of these foods.

Members of the industry have made additional representations to the Commissioner of Food and Drugs that the use of pasteurized egg products in the manufacture of acidified dressings results in adverse functional effects in such dressings, and they have requested an exemption from pasteurization requirements for egg products intended for use in acidified dressings.

The Commissioner has determined that the data submitted establish that there is no danger to health as regards viable *Salmonella* micro-organisms from the use of nonpasteurized egg products in acidified dressings. Based on the absence of a public health hazard and on the representations made by the objectors that they account for a very high percentage of acidified dressings manufactured and sold in the United States, the Commissioner has concluded that

the exemption from the pasteurization requirement requested by the industry should be granted.

Therefore, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403, 405, 701(a), 52 Stat. 1047, 1049, 1055; 21 U.S.C. 343, 345, 701(a)) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 5 is amended as follows:

1. Section 5.2(c) is revised to read as follows:

§ 5.2 Repacked, reprocessed, and relabeled food.

* * * * *

(c) The article is an egg product subject to a standard of identity promulgated in Part 42 of this chapter, is to be shipped under the conditions specified in paragraph (a) or (b) of this section and for the purpose of pasteurization or other treatment as required in such standard, and each container of such egg product bears a conspicuous tag or label reading "Caution—This egg product has not been pasteurized or otherwise treated to destroy viable *Salmonella* micro-organisms." In addition to safe and suitable bactericidal processes designed specifically for *Salmonella* destruction in egg products, the term "other treatment" in the first sentence of this paragraph shall include use in acidic dressings in the processing of which the pH is not above 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent, subject also to the conditions that:

(1) The agreement required in paragraph (b) of this section shall also state that the operator agrees to utilize such unpasteurized egg products in the processing of acidic dressings according to the specifications for pH and acidity set forth in this paragraph, agrees not to deliver the acidic dressing to a user until at least 72 hours after such egg product is incorporated in such acidic dressing, and agrees to maintain for inspection adequate records covering such processing for 2 years after such processing.

(2) In addition to the caution statement referred to above, the container of such egg product shall also bear the statement "Unpasteurized ______ for use in acidic dressings only," the blank being filled in with the applicable name of the eggs or egg product.

§ 5.3 [Amended]

2. Section 5.3 *Conditions affecting expiration of exemptions* is amended:

a. By changing "§ 5.2(a)" in paragraph (a) to read "§ 5.2 (a) or (c)".

b. By changing "§ 5.2(b)" where it occurs twice in paragraph (b) and once in paragraph (c) to read "§ 5.2 (b) or (c)".

Notice and public procedure are unnecessary prerequisites to the promulgation of this order, and I so find, since the statute provides for such labeling exemptions under certain conditions.

Effective date. This order shall become effective May 18, 1966.

(Secs. 403, 405, 701(a), 52 Stat. 1047, 1049, 1055; 21 U.S.C. 343, 345, 701(a))

Dated: April 21, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-4731; Filed, Apr. 28, 1966; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 255—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Authority To Issue Supplemental Instructions

Effective upon publication in the FEDERAL REGISTER, Part 255 of Chapter I of Title 35 of the Code of Federal Regulations is amended by inserting § 255.735-7 *Supplemental instructions.* immediately following § 255.735-6 *Disciplinary and other remedial action.* in the table of contents, and by adding a new § 255.735-7 reading as follows:

§ 255.735-7 Supplemental instructions.

Operating Bureaus, divisions and independent units may, with the approval of the Executive Secretary, issue supplemental and implementing internal instructions not inconsistent with the regulations in this part. Such implementing instructions need not be published in the FEDERAL REGISTER but a copy shall be furnished to each employee to whom they apply.

(E.O. 11222, May 8, 1965, 30 F.R. 6469; 5 CFR 735.104, 30 F.R. 12529)

[SEAL] HAROLD R. PARFITT,
Acting Governor of the Canal Zone, Vice President, Panama Canal Company.

APRIL 21, 1966.

[F.R. Doc. 66-4704; Filed, Apr. 28, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Equal Opportunity Clause in Contracts

Executive Order No. 11246, dated September 24, 1965 (30 F.R. 12319, 12935), prescribes Government policies and procedures applicable to equal employment opportunity. The order supersedes Executive Order No. 10925, as amended by Executive Order No. 11114, and other prior executive orders pertaining to equal employment opportunity. Part II of Executive Order No. 11246 deals with nondiscrimination in employment by Government contractors and subcontractors and provides that the Secretary of Labor shall be responsible for the administration of this Part. Part II also prescribes, among other things, a revised Equal Opportunity clause for use in Government contracts and subcontracts. Part 101-45 is amended by incorporating reference to Executive Order No. 11246 in lieu of superseded orders and by adding the prescribed revised clause.

The table of contents for Part 101-45 is amended by revising the title of § 101-45.315 and by the addition of an entry for § 101-45.4925, as follows:

Sec.
101-45.315 Equal Opportunity clause in contracts.
101-45.4925 Equal Opportunity clause.

Subpart 101-45.3—Sale of Personal Property

Section 101-45.315 is amended by deleting the references to Executive Order Nos. 10925 and 11114 and substituting Executive Order No. 11246, as follows:

§ 101-45.315 Equal Opportunity clause in contracts.

The Equal Opportunity clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319, 12935), as set forth in § 101-45.4925, shall be included in all contracts for the sale of personal property when the contract exceeds $10,000, and an appreciable amount of work by the purchaser is involved. When a sale is planned and the probability exists that the foregoing conditions will be present, the Equal Opportunity clause shall be included in the contract provisions of the invitation as a special condition of sale.

Subpart 101-45.49—Illustrations

Section 101-45.4925 is added to provide for the Equal Opportunity clause pursuant to the Executive Order No. 11246 of September 24, 1965.

§ 101-45.4925 Equal Opportunity clause.

EQUAL OPPORTUNITY CLAUSE

The following clause is applicable unless this contract is exempt under the rules and regulations of the Secretary of Labor issued pursuant to Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319, 12935). Exemptions include contracts and subcontracts (i) not exceeding $10,000; and (ii) where no appreciable amount of work is to be performed by the Contractor:

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to insure that applicants are employer, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and

selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: April 22, 1966.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 66-4723; Filed, Apr. 28, 1966; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 70]

PARTS 71-79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 14th day of April 1966.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission being under consideration, and

It appearing, that Notice No. 70, dated November 18, 1965, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on December 1, 1965 (30 F.R. 14858), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant clarification of the relationship between the Atomic Energy Commission (AEC), the Bureau of Explosives of the Association of American Railroads (B of E), and this Commission (ICC). This relationship is set forth generally as follows:

1. The ICC will adopt appropriate regulations and requirements applicable to transport of all radioactive materials, and to standards for the preparation for shipment of all types and quantities of radioactive materials other than fissile materials and large quantities[1] of radioactive material. The AEC will adopt appropriate regulations applicable to standards for the preparation for shipment of fissile material and large quantities of radioactive material.

2. The ICC will utilize the assistance of the AEC and other appropriate organizations on container approvals for fissile materials and large quantities of radioactive materials.

3. Radioactive materials containers constructed prior to January 1, 1967, which have been previously approved by the AEC or the B of E may continue to be used for the approved purposes until such approval expires or is revoked by the ICC. Shipments made in containers which do not have this previous approval, and which are not "ICC Specification containers" must be specifically approved by the ICC. The B of E will no longer issue radioactive material container approvals under the ICC regulations, but will instead act as an advisor and consultant to the ICC on packaging and transport standards.

4. A joint effort is underway between the AEC and the ICC to develop criteria for additional "specification containers" in order to reduce the number of special container permits issued by the ICC.

In adoption of the provisions of Notice No. 70, and based on the comments received, certain revisions have been deemed warranted and necessary. These revisions are set forth generally as follows:

1. The proposed requirement for approval for all shipments of fissile radioactive materials has been changed to require approval by the ICC of all nonspecification containers used for shipments of radioactive materials, and to require shipment approvals only for certain Fissile Class III shipments.

2. In order to bring the ICC regulations more in harmony with AEC regulations, international agreements, and current usage, several sections are further revised and updated:

a. Definitions of radioactive materials and fissile materials, and of a radiation unit.

b. Categories of allowable exemptions.

c. Radiation dose rates from packages and vehicles.

3. A standard radiation measuring instrument is no longer specified since radiation dose rates are absolute physical quantities, independent of the method of measurement.

In all other respects the proposed amendments set forth in the above referred-to Notice No. 70, with minor changes for clarification, are deemed justified and necessary.

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 *List of explosives and other dangerous articles*, paragraph (a) Commodity List (29 F.R. 18656, 18657, 18659, 18661, 18664, 18667, Dec. 29, 1964) to read as follows:

[1] "Large quantities" means in excess of 20 curies of strontium-90, radium-226 and similar materials; 200 curies of iodine-131, cobalt-60, barium-140 and similar materials; and 5000 curies of solid chemically nonreactive materials or encapsulated sources. Details can be found in proposed 10 CFR Part 71, Transport of Licensed Material, 30 F.R. 15748, Dec. 21, 1965.

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Cesium-137	Poison D	73.392, 73.393	Radioactive materials, red.	300 curies. See § 73.393(L).
Cobalt-60	do	73.392, 73.393	do	Do.
Gold-198	do	73.392, 73.393	do	Do.
Iridium-192	do	73.392, 73.393	do	Do.
Magnesium-thorium alloys in formed shapes (*not powdered, and which shall contain not more than 4 percent nominal thorium 232*).	do	73.392(e)	do	See § 73.393(L).
Radioactive materials, n.o.s.	do	73.392, 73.393	Radioactive materials, blue or red.	See § 73.393 (f) and (L).
Uranium, normal or depleted, in solid metal form (*not borings, chips, or pieces*).	do	73.392(f)	Radioactive materials, red.	See § 73.393(L).
Add				
Fissile radioactive materials, n.o.s.	do	73.392, 73.393	do	See § 73.393 (g) and (m).

PART 73—SHIPPERS

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.391 amend the introductory text of paragraph (a); add paragraph (a)(4); delete paragraphs (b) (with its Note 1) and (c); and add new paragraphs (b) and (c) (29 F.R. 18766, Dec. 29, 1964) to read as follows:

§ 73.391 Radioactive materials, class D poison; definition.

(a) For the purpose of Parts 71–79 of this chapter, "radioactive material" means any material, or combination of materials, that spontaneously emits ionizing radiation, and having a specific activity of greater than 0.002 microcuries per gram. Radioactive materials are divided into four groups as follows:

* * * * *

(4) *Group IV*. Group IV fissile radioactive materials include uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241. They are classified according to the controls needed to provide nuclear criticality safety during transport as follows:

(i) *Fissile Class I*. Packages which may be transported in unlimited numbers and in any arrangement, and which require no nuclear criticality safety controls during transport.

(ii) *Fissile Class II*. Packages which may be transported together in any arrangement but in numbers which do not exceed an aggregate of 40 radiation units. Such shipments require no nuclear criticality safety control by the shipper during transport.

(iii) *Fissile Class III*. Shipments of packages which do not meet the requirements of Fissile Classes I or II and which are controlled in transport by special arrangements by the shipper.

NOTE 1: The following shall not be classified as Group IV fissile radioactive materials, but shall instead be classified as Group I, II, or III radioactive materials in accordance with the provisions of this paragraph:

a. Not more than 15 grams of fissile radioactive materials.

b. Any quantity of natural or depleted uranium.

c. Solutions or homogeneous compounds of uranium where the uranium-235 content does not exceed 1.0 percent by weight of the total uranium content, and the uranium-233 and plutonium content does not exceed 1.0 percent by weight of the total uranium-235 content.

d. Solutions or homogeneous compounds containing not more than:

1. 500 grams of any fissile material, and the atomic ratio of hydrogen to fissile material is greater than 7,600;

2. 800 grams of uranium-235, the atomic ratio of hydrogen to fissile material is greater than 5,200, and the total uranium-233 and plutonium content is not more than 1.0 percent by weight of the total uranium-235 content; or

3. 500 grams of uranium-233, the atomic ratio of hydrogen to fissile material is greater than 5,200, and the total uranium-235 and plutonium content is not more than 1.0 percent by weight of the total uranium-233 content.

NOTE 2: Materials classified as Group IV fissile radioactive materials shall not, in addition, be classified as Group I, II, or III radioactive materials.

NOTE 3: Uranium-235 exists only in combination with various percentages of uranium-234 and uranium-238. The term "fissile radioactive material" as applied to uranium-235 refers to the amount of uranium-235 actually contained in the total quantity of uranium being transported.

(b) For the purpose of Parts 71–79 of this chapter, a "radiation unit" is defined as either of the following:

(1) One (1) radiation unit equals one (1) milliroentgen per hour of gamma radiation or equivalent at one meter from any accessible external surface of the package. One (1) millirad of beta radiation or 0.2 millirads of thermal neutron radiation are considered equivalent to 1 milliroentgen of gamma radiation.

(2) For Group IV fissile radioactive materials only, the number of radiation units to be marked on any package shall be the larger of the following:

(i) The number of radiation units as defined in § 73.391(b)(1); or

(ii) The number of calculated radiation units obtained by dividing the number "40" by the number of similar packages which may be transported together.

NOTE 1: The method of determination of the calculated number of radiation units for Group IV fissile radioactive materials is given in the regulations of the Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

(c) For the purpose of Parts 71–79 of this chapter, "low specific activity material" shall mean any of the following:

(1) Uranium or thorium ores and physical or chemical concentrates of those ores;

(2) Unirradiated natural or depleted uranium or unirradiated natural thorium;

(3) Tritium oxide in aqueous solutions provided the concentration does not exceed 5.0 millicuries per milliliter.

(4) Material in which the activity is uniformly distributed and in which the estimated concentration per gram does not exceed:

(i) 0.0001 millicuries of radium, plutonium or polonium; or

(ii) 0.005 millicuries of strontium-90 or mixed fission products; or

(iii) 0.3 millicuries of other radioactive materials.

In § 73.392 amend paragraphs (a)(2) and (c) (29 F.R. 18766, Dec. 29, 1964) to read as follows:

§ 73.392 Exemptions for radioactive materials.

(a) * * *

(2) The package must not contain more than any of the following quantities of radioactive materials:

(i) 0.1 millicurie of radium or polonium; or

(ii) 0.135 millicuries of strontium-90; or

(iii) 15 grams of fissile radioactive materials; or

(iv) 1.35 millicuries of other radioactive materials.

* * * * *

(c) Radioactive materials of low specific activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipment in carload or truckload lots provided the radiation dose rate does not exceed 10 milliroentgens per hour or equivalent at a distance of 6 feet from the external surface of the car or vehicle, and does not exceed 2 milliroentgens per hour or equivalent in any normally occupied position in the vehicle, such as a tractor cab or a caboose. There must be no loose radioactive material in the car or vehicle and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car or vehicle must be placarded in accordance with § 74.541(b) or § 77.823 of this chapter, as appropriate. Shipments must be loaded by consignor or his duly authorized agent and unloaded by the consignee or his duly authorized agent.

* * * * *

In § 73.393 amend the introductory text of paragraph (f); add a new paragraph (f)(6); amend paragraphs (g) through (k) and add paragraphs (l) through (n) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.393 Packing and shielding.

* * * * *

(f) The outside shipping container for any radioactive material Groups I, II,

and III, unless specifically exempt by § 73.392, shall be as follows:

* * * * *

(6) Any other container approved by the Commission under the provisions of § 73.22(a)(1).

(g) The outside shipping container for fissile radioactive materials, Group IV, unless specifically exempted by this section or by § 73.392, shall be as follows:

(1) Spec. 6L (§ 78.103 of this chapter). Metal container, for fissile radioactive materials. Authorized only for not more than 14 kilograms of uranium-235.

(2) Any other container approved by the Commission under the provisions of paragraph (m) of this section and § 73.22(a)(1).

(h) All radioactive materials, liquid, solid, and gaseous, must be packed in suitable inside containers (shielded, if necessary) so that at any time during transport the radiation dose rate at three feet from the external surface of the outside container will not exceed 10 milliroentgens per hour or equivalent, except as provided for under paragraph (i) of this section. The shielding must be designed to maintain its efficiency under conditions normally incident to transport.

(i) When a package is transported in a car or vehicle assigned for the sole use of that consignor, the radiation dose rate from the package may exceed the limits specified in paragraphs (e) and (h) of this section provided it does not exceed at any time during transport any of the limits specified in subparagraphs (1) through (4) of this paragraph. Shipments must be loaded by the consignor or his duly authorized agent and unloaded by the consignee or his duly authorized agent.

(1) 1000 milliroentgens per hour or equivalent at three feet from the external surface of the package (closed car or vehicle only);

(2) 200 milliroentgens per hour or equivalent at any point on the external surface of the car or vehicle (closed car or vehicle only);

(3) 10 milliroentgens per hour or equivalent at 6 feet from the external surface of the car or vehicle; and

(4) 2 milliroentgens per hour or equivalent in any normally occupied position in the car or vehicle.

(j) All liquid radioactive materials must, in addition, be packed in tight glass, earthenware, metal, or other suitable inside containers. The inside container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such a nature that its efficiency will not be impaired by chemical reaction with the contents. Where use of shielding is necessary to reduce radiation dose rates to limits prescribed by this section, the absorbent materials should be placed within the shield. If the contents are packed in a metal container, specification 2R (§ 78.34 of this chapter) or equivalent, the absorbent material is not required.

(k) Radioactive materials, Group III, liquid, solid and gaseous, must be packed in suitable inside containers (shielded, if necessary) so that at any time during transport, the radiation measured at the surface of the outside container does not exceed 0.5 milliroentgens per hour or equivalent.

(l) Not more than the following amounts of radioactive materials may be packed in one outside container for shipment except as specifically approved by the Commission:

(1) 2 curies of polonium or radium;

(2) 300 curies of solid metallic or encapsulated cesium-137, cobalt-60, gold-198 or iridium-192;

(3) 2.7 curies of any other radioactive material.

(m) Fissile radioactive materials, Group IV, are subject to the following provisions:

(1) Application for approval of non-specification containers for fissile radioactive materials must include at least the following:

(i) The applicant's identification of the container, including the Bureau of Explosives' permit number (if any) assigned the container for this purpose.

(ii) Type and amount of fissile radioactive material which is to be carried in each such package, including the number of radiation units to be assigned to the package for the proposed package loadings.

(iii) Detailed information describing the container. This shall include a nuclear criticality safety evaluation demonstrating that the container design and labeling, and limitation on its contents are adequate to assure nuclear criticality safety. Any tests performed in this respect should be described.

(2) In application for approval of containers for fissile radioactive materials to be used in shipments by the Atomic Energy Commission, or one of its contractors or licensees, a copy of, or a certification referring to, the approval issued by that Commission will satisfy the requirements of subparagraph (1)(iii) of this paragraph.

(3) No package of fissile radioactive material for which the calculated radiation unit number is greater than 10 may be offered to a carrier for transport, nor may it be transported, as Fissile Class II. Mixing of packages of other types of radioactive materials, including Fissile Class I, with Fissile Class II is permissible provided that no more than 40 units are carried in any one car or vehicle.

(4) Fissile Class III packages may be transported only in accordance with procedures which are approved by the Commission and which will provide nuclear criticality safety. The following transport controls shall be exercised by the shipper and/or carrier to protect against loading, transporting or storing of that shipment together with other fissile material:

(i) Transport in a car or vehicle assigned for the sole use of that consignor, with a specific restriction for such sole use to be provided in the special arrangements, and with instructions to that effect issued with the shipping papers; or

(ii) Transport under escort by a person who has adequate knowledge, authority, and instructions to assure compliance with the provisions of this paragraph.

(iii) Any other controls approved by the Commission.

(n) Shipments of fissile and other radioactive materials in containers constructed prior to January 1, 1967, and approved by the Bureau of Explosives or the Atomic Energy Commission may continue to be used for the approved purpose until such approval expires or is terminated by this Commission.

In § 73.394 amend paragraphs (a) and (b); add paragraph (d) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.394 Radioactive materials labels.

(a) Each outside container of Groups I, II, and IV radioactive materials, unless exempt by § 73.392, must be labeled with a properly executed label as described in § 73.414 (a) or (c).

(b) Each outside container of Group III radioactive materials must, unless exempt by § 73.392, be labeled with a properly executed label as described in § 73.414 (b) or (d).

* * * * *

(d) Radioactive materials having other hazardous characteristics, as defined elsewhere in this part, must have the outside shipping container labeled with all labels required by these regulations according to the hazards of the commodity (see § 73.2).

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.402 amend paragraph (a) (8), (9), and (10) (29 F.R. 18768, Dec. 29, 1964) to read as follows:

§ 73.402 Labeling dangerous articles.

(a) * * *

(8) "Radioactive Materials" label as described in § 73.414 (a) or (c) on containers of Groups I, II, and IV radioactive materials, except when exempted by § 73.392.

(9) "Radioactive Materials" label as described in § 73.414 (b) or (d) on containers of class D poisons, Group III, except when exempted by § 73.392.

(10) "Radioactive Materials" label as described in § 73.414(e) on bundles, boxes, barrels or crates of magnesium-thorium alloys, and on packages of uranium, normal or depleted, in solid form as provided for by § 73.392 (e) and (f) respectively.

* * * * *

In § 73.414 amend the introductory text of paragraph (a) and the label title thereunder; amend Note 1 following the label in paragraph (a) and add Note 2; amend the introductory text of paragraph (c) and the label title thereunder; amend Note 1 following the label in paragraph (c) and add Note 2; amend the introductory text of paragraph (c)(1) and redesignate it as paragraph (d); redesignate paragraph (d) as paragraph (e) (29 F.R. 18772, 18773, Dec. 29, 1964) to read as follows:

§ 73.414 **Radioactive materials labels.**

(a) Labels for Groups I, II, and IV radioactive materials (see Note 1) must be diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown hereunder:

LABEL FOR RADIOACTIVE MATERIALS GROUPS I, II, OR IV

(No change in label.)

NOTE 1: Labels, when used for the shipment of Group IV fissile radioactive materials, must be overstamped or otherwise marked "GROUP IV" in a contrasting color.

NOTE 2: The term "radiation unit" is defined in § 73.391(b).

* * * * *

(c) Label for Groups I, II, and IV radioactive materials (see Note 1) for shipment by air shall be of the same size, shape and color as the label specified in paragraph (a) of this section, and shall be as follows:

LABEL FOR RADIOACTIVE MATERIALS GROUPS I, II, OR IV

(No change in label.)

NOTE 1: Labels, when used for the shipment of Group IV fissile radioactive materials, must be overstamped or otherwise marked "GROUP IV" in a contrasting color.

NOTE 2: The term "radiation unit" is defined in § 73.391(b).

(d) Label for Group III radioactive materials for shipment by air.

LABEL FOR RADIOACTIVE MATERIALS GROUP III

(No change in label.)

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.532 paragraph (j)(2) amend Note 1 (29 F.R. 18779, Dec. 29, 1964) to read as follows:

§ 74.532 **Loading other dangerous articles.**

* * * * *

(j) * * *

(2) * * *

NOTE 1: The term "radiation unit" is defined in § 73.391(b) of this chapter.

* * * * *

Subpart C—Placards on Cars

In § 74.541 amend paragraph (b) (29 F.R. 18782, Dec. 29, 1964) to read as follows:

§ 74.541 **"Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.**

* * * * *

(b) "Dangerous—Radioactive material" placards, as prescribed in § 74.553, must be applied to cars containing shipments of class D poisons as prescribed by §§ 73.392(c) and 73.393 of this chapter and bearing labels as described in § 73.414 (a), (b), (c), and (d) of this chapter.

* * * * *

In § 74.544 amend paragraph (a)(6) (29 F.R. 18782, Dec. 29, 1964) to read as follows:

§ 74.544 **Placards not required.**

(a) * * *

(6) Cars containing radioactive material bearing label described in § 73.414 (e) of this chapter.

Subpart E—Handling by Carriers by Rail Freight

In § 74.586 amend Note 2 to paragraph (h)(2); amend Note 1 to paragraph (h)(4) (29 F.R. 18788, Dec. 29, 1964) to read as follows:

§ 74.586 **Handling explosives and other dangerous articles.**

* * * * *

(h) * * *

(2) * * *

NOTE 2: The term "radiation unit" is defined in § 73.391(b) of this chapter.

* * * * *

(4) * * *

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(e) of this chapter).

* * * * *

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 amend Note 2 to paragraph (j)(2); amend Note 1 to paragraph (j)(7) (29 F.R. 18794, Dec. 29, 1964) to read as follows:

§ 75.655 **Protection of packages.**

* * * * *

(j) * * *

(2) * * *

NOTE 2: The term "radiation unit" is defined in § 73.391(b) of this chapter.

* * * * *

(7) * * *

NOTE 1: Except for subparagraph (7), the requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(e) of this chapter).

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.841 amend Note 2 to paragraph (d)(1); amend Note 1 to paragraph (d)(5) (29 F.R. 18804, Dec. 29, 1964) to read as follows:

§ 77.841 **Poisons.**

* * * * *

(d) * * *

(1) * * *

NOTE 2: The term "radiation unit" is defined in § 73.391(b) of this chapter.

* * * * *

(5) * * *

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, normal or depleted, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(e) of this chapter).

PART 78—SHIPPING CONTAINER SPECIFICATIONS

In Part 78 table of contents add § 78.103 (29 F.R. 18812, Dec. 29, 1964) to read as follows:

Sec. 78.103 Specification 6L; metal container, for fissile radioactive materials.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

Add § 78.103 (29 F.R. 18912, Dec. 29, 1964) to read as follows:

§ 78.103 **Specification 6L; metal container, for fissile radioactive materials.**

§ 78.103–1 **Compliance.**

(a) Required in all details.

§ 78.103–2 **Rated capacity.**

(a) Authorized only for not more than 14 kilograms of uranium-235 as metal or oxide, or as compounds or alloys which will not decompose at 750° F. Each container shipped as Fissile Class II shall be assigned not less than one (1) nor more than ten (10) radiation units. The atomic ratio of hydrogen to uranium-235 shall not exceed three (3).

§ 78.103–3 **General requirements.**

(a) Outside container must conform to specification 6J (§ 78.100) 55-gallon capacity steel drum or equivalent except as otherwise specified herein. Removable head shall be constructed of at least 16-gauge steel with one or more corrugations in the cover near the periphery.

(b) Inner container must conform to specification 2R (§ 78.34), with maximum usable inside diameter of 5¼ inches, maximum length of 28 inches, minimum wall thickness of ¼ inch. Material shall be Schedule 40 steel pipe or other material having equivalent physical strength and fire resistance. End caps must conform to §§ 78.34–2(a) and 78.34–4(a)(1). Pipe threads shall be luted with an appropriate compound to prevent inleakage of water or loosening of cap due to vibration.

(c) Inner container shall be fixed within the outer container with not less than four steel rod spacers, of at least ¼-inch cold rolled steel, welded to the pipe at each end by minimum 2-inch

continuous weld. Weld locations shall be such as not to interfere with closure of inner container. Each spacer rod shall extend the full length of the pipe and shall extend beyond the container so as to provide a spring-like snug fit.

(d) The void between the inner and outer container shall be filled with either vermiculite (expanded mica) using at least 40 pounds of 4.5 lb./cu. feet density or other material having an equivalent thermal and shock absorbing effect.

(e) The gross weight of the loaded container shall not exceed 350 pounds.

§ 78.103–4 **Welding.**

(a) Welding shall be of a workman-like manner and shall be of material having a melting point in excess of 1,000° F. with a joint efficiency of not less than 85 percent.

§ 78.103–5 **Closure.**

(a) The outer container closure shall be by bolt-locking ring clamp utilizing not less than ⅜-inch steel bolt and a lock-nut, or equivalent device, to prevent loosening of the bolt due to vibration. A tamper-proof seal shall be applied.

§ 78.103–6 **Markings.**

(a) Markings on each container, by die stamping on a metal plate attached to the outside of the outer container by spot welding, or other equally efficient method, in letters and figures of at least one-fourth inch in height, as follows:

(1) "ICC–6L". These marks shall be understood to certify that the container complies with all specification requirements.

(2) "FISSILE RADIOACTIVE MATERIAL."

(3) The name or symbol (letters) of the maker, or user, assuming responsibility for compliance with specification requirements; this must be registered with the Bureau of Explosives.

It is further ordered, That this order shall become effective July 12, 1966, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

It is further ordered, That all Special Permits issued by this Commission prior to April 1, 1966, under the provisions of § 73.22(a)(1) for the transportation of radioactive materials, are hereby terminated.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–4676; Filed, Apr. 28, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050]

[Docket Nos. AO-355, AO-313-A8]

MILK IN CENTRAL ILLINOIS AND SUBURBAN ST. LOUIS MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area and proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed marketing agreements and orders, as hereinafter set forth, were formulated, was conducted at Peoria and Springfield, Ill., on October 6-8 and 11-13, 1965, respectively, pursuant to notice thereof which was issued September 10, 1965 (30 F.R. 11761).

The economic and marketing conditions which relate to the handling of milk in the present Suburban St. Louis marketing area and to an extensive, unregulated region (56 counties) in central and southern Illinois were considered at the hearing. Proposals considered at the hearing with respect to marketing area included the alternatives of (1) issuing a separate order for a portion of the presently unregulated area to be known as the Central Illinois marketing area; and (2) inclusion of all or a portion of the above unregulated area under the Suburban St. Louis order by expansion of the marketing area.

The material issues of the record relate to:

1. Whether the handling of milk produced for sale in the proposed new area to be regulated is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order for all or part of the proposed new area to be regulated which will tend to effectuate the declared policy of the Act.

3. If an order is issued for any or all of the proposed new area to be regulated, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

4. With respect to the Suburban St. Louis order; revision of order provisions to properly reflect marketing conditions in the presently regulated territory and territory proposed to be added to the marketing area, and coordination with provisions of an order which may be issued for a Central Illinois marketing area, including:

(a) The scope of regulation:

(1) Marketing area;

(2) Pool plant provisions; and

(3) Producer milk, including:

(i) Milk received at pool plant;

(ii) Milk diverted to nonpool plants not regulated by another order;

(iii) Milk diverted to plants regulated by another order; and

(iv) Milk diverted to other pool plants.

(4) Other definitions, including handler, fluid milk product, and such definitions as necessary to conform with needed changes in other order provisions.

(b) The classification and allocation of milk, including:

(1) Revision of shrinkage provisions;

(2) Disposition of fluid milk products as animal feed and dumped; and

(3) Surplus disposal area.

(c) The determination and level of class prices and butterfat differentials.

(d) Application of location adjustments to:

(1) Milk received from producer farms at pool plants;

(2) Milk diverted to nonpool plants not regulated by any order;

(3) Milk diverted to plants regulated by another order;

(4) Milk diverted between pool plants; and

(5) Milk transferred between plants.

(e) Administrative provisions and conforming changes.

This decision deals only with the issues under the Suburban St. Louis order of milk diverted to nonpool plants not regulated by another order and the appropriate location pricing of such milk (Issues No. 4 (a)(3)(ii) and (d)(2)). All of the remaining material issues with respect to the proposed Central Illinois and Suburban St. Louis orders will be considered in a further decision on the record.

Findings and conclusions. The following findings and conclusions on material issues 4 (a)(3(ii) and (d)(2) are based on evidence presented at the hearing and the record thereof:

Milk diverted to unregulated plants. From the effective date of this amendment through August 1966, the days of production in each month for which the milk of a producer may be diverted to an unregulated plant should be not more than the number of days production of such producer physically received at pool plants in the same month. For subsequent months, the diversion should be based on a percentage of producer milk delivered to pool plants. For pricing purposes, milk diverted less than 50 miles from a pool plant to a plant not regulated by any order should be considered as received at the pool plant from which diverted. Milk diverted 50 miles or more should be priced as received at the unregulated plant.

The handling of the reserve milk of a pool plant may require diversion of producer milk to an unregulated plant for the purpose of manufacturing into Class II products. Such diversion of a producer's milk, pursuant to § 1032.14 (b), may be on any number of days in the months of February through August; and in any other month, for not more days of production by such producer than his milk is physically received at pool plants. Within these specified limits, milk diverted to an unregulated plant is treated as part of the regular supply for the market, and as such it qualifies for pooling.

Producer associations, however, expressed concern that considerable quantities of milk are sometimes qualified under the diversion provision merely for the advantage of receiving the uniform price, and do not represent regular milk supply for fluid needs. Also, concern was expressed that price advantage is enjoyed by certain groups of producers who receive the marketing area uniform price for milk diverted to distant plants. For example, a dairy farmer at some distance from the market may qualify as a producer by delivering for a few days to a base zone pool plant, and then continue to receive the base zone price while his milk is diverted to an unregulated plant closer to his farm.

The quantity of milk that handlers find need to divert varies daily because of weekly patterns of fluid sales, and varies seasonally because of changes in milk production. The greatest quantity of

milk is diverted during the high production months of spring and early summer. During this season the percentage of milk in Class II uses is highest and the attachment of any additional milk to the pool for manufacturing purposes rather than fluid sales is particularly burdensome. Similarly, it is at this time of the year that the quantities of milk at unregulated plants in manufacturing uses is greatest. There is definite incentive for a plant operator to include such milk in a market pool to enable him to pay a price which will hold the milk.

The testimony of one handler shows that, beginning about the 1st of May 1965, the milk of a number of dairy farmers who had been delivering to this handler's nonpool plant was qualified as producer milk associated with his pool plant. It was testified, nevertheless, that the pool plant had sufficient milk for its fluid sales without such additional supply. The milk of these dairy farmers, or a similar quantity, participated in the pool as milk diverted to a nonpool plant for manufacturing. In this instance, the pool carried a substantially greater burden of the surplus than did the nonpool operation, since the percentage of Class I utilization at the nonpool plant was substantially higher than at the pool plant.

It is therefore desirable that modification of the diversion provisions be considered for the earliest possible date so as to prevent burdening of the market pool with milk which would be used for manufacturing purposes rather than fluid sales during the approaching months of flush production. While the quantity of reserve milk which needs to be diverted will tend to be greatest in flush production months, it is nevertheless practical to apply some limit to prevent the abuse of the diversion privilege.

Utilization data for the market as a whole indicate that, in May and June, 40 to 45 percent of all producer milk is normally used in Class II. Not all of this Class II utilization would be milk diverted to unregulated plants, since some milk is used as Class II in pool plants. Also, some reserve milk may be disposed of by diversion to other pool plants. On an average basis, therefore, clearly less than one-half of producer milk would need to be diverted to unregulated manufacturing plants. Accordingly, a provision for diversion of a producer's milk for not more days of production in the month than it is physically received at pool plants should provide adequate flexibility for handling of reserve milk even during flush production months.

Effectuation of this provision at the earliest possible date is deemed necessary to discourage attachment of milk supplies to the market pool for use in manufacturing rather than for the fluid market. If made effective during a month, the limitation would not affect the diversion privilege for the portion of the month prior to the effective date. For the remainder of the month the handler could divert a producer's production for as many days as it is delivered to pool plants in such period. The handler would also have the alternative of diverting a producer so that the number of days of production diverted in the entire month do not exceed days of production delivered to pool plants for such producer during the month.

The various proposals on the record would provide limitation of diversion of producer milk either in terms of the number of days of production of a producer, or as a percentage of the total of producer milk received at a pool plant. Either of such methods of limiting diversion is practical and has been used in Federal milk orders. The provision for diversion of as many days of production of a producer's milk as is received at pool plants is similar to that now provided in the order for the months of September through January and handlers are therefore familiar with its operation. For future periods, however, greater flexibility in handling reserve milk can be achieved if the limitation on milk diverted is stated as a percentage of milk received at a pool plant. The percentage basis should be adopted after a period allowing handlers to make transition to the new basis.

Beginning in September 1966, the operator of a pool plant who is a proprietary handler should be permitted to divert a quantity equal to 20 percent of the producer milk received at his plant after excluding milk of members of a cooperative which diverts milk during the month. A cooperative association, similarly, during these months, would be permitted to divert a quantity equal to 20 percent of the member producer milk physically delivered to pool plants.

During other months when greater quantities of reserve milk would normally be diverted, a percentage limitation of 35 percent would apply.

Percentage limitations on diversion would permit certain efficiencies not as well achieved under limitations based on the number of days a producer's milk is delivered. Under the percentage limitation, the handler (or cooperative association) may divert throughout the month the milk of those producers best located for diversion in terms of distance from the pool plant and nearness to the manufacturing plant to which diversion is made. On the other hand, with limitation based on the number of days of production that each producer's milk is delivered, it is often necessary for the handler to shift the diversion operation among groups of producers so as to stay within the required allowance. Such rearranging of milk deliveries among routes will sometimes result in less than maximum efficiency in loading and routing of milk to plants. For these reasons the allowable percentage of diverted milk need not be as great as the corresponding proportion of a month allowed on the basis of days of delivery.

Additional flexibility in handling of reserve milk is afforded by present order provisions which allow diversion of milk between pool plants. This enables certain pool plant operators lacking manufacturing facilities to divert reserve milk to pool plants which do have such manufacturing facilities.

In light of the foregoing considerations the percentage limitations adopted herein will be sufficient to permit needed diversion of reserve milk.

The order should require that the milk of any producer be physically received for at least 3 days' production during the month at a pool plant, if the milk of the producer is to be considered producer milk when diverted. This is necessary under the diversion limitation based on a percentage to insure that diverted producers have at least a minimum degree of association with the market each month. Without such requirement some producers could be diverted continuously for extended periods without their milk being received at a pool plant. The minimum of three days of production delivered would apply also in months of May through August 1966 when diversion limits based on days of delivery would apply. A dairy farmer with less than 3 days' production delivered in a month could not be considered part of the regular supply.

Milk which is diverted in excess of the percentage limits should not be producer milk. The diverting handler should be required to designate those dairy farmers whose milk is over-diverted. Unless such designation is made, none of the diverted milk could be producer milk.

It is necessary that the order contain the above described limitations on the amount of milk which may be diverted temporarily while it is not needed in the market for Class I purposes. The provisions adopted herein will provide adequate opportunity to dispose of market reserves in an economical manner and yet not encourage the accumulation of unneeded reserves which would burden the market pool.

Location pricing of diverted milk. The order should be modified with respect to the location at which milk diverted to an unregulated plant is deemed to be received for purposes of pricing. The order now provides that the milk is deemed to be received at the pool plant from which diverted.

Cooperative association representatives claimed that inequitable advantage was being obtained by distant producers when their milk was diverted from a plant in the marketing area to an unregulated plant near the location of the producer. In such case, the producer receives the marketing area price although his milk is delivered to a plant which is at an appreciable distance from the market. The marketing area uniform price is intended to represent the value of milk delivered to plants in the market. The higher level of uniform price in this market at points distant from the market compensates for the cost of moving milk to the market.

A producer delivering his milk to an outlying pool plant at some distance from the market does not incur the cost of moving his milk to the marketing area, and the uniform price to this producer is adjusted accordingly by the location differentials. Similarly a producer in the same location whose milk is diverted to a nearby unregulated plant

should receive a comparable price. Otherwise, if this producer received the marketing area price for this diverted milk the market pool would be in effect paying such producer for moving his milk to market when actually it is not so delivered.

To preclude this the order should provide that milk diverted more than 50 miles from a pool plant should be priced at the location of the plant to which diverted. When milk is moved for diversion to an unregulated plant more than 50 miles from the pool plant there are many instances where there could be an appreciable saving in transportation. On the other hand, such pricing is not necessary in the case of milk diverted shorter distances, since there would be little change, if any, in the hauling charge. It is concluded, therefore, that milk diverted less than 50 miles from the plant from which diverted should continue to be priced at the pool plant from which diverted.

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

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order (Part 1032) and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Suburban St. Louis marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1032.14(b)(2) is revised to read as follows:

§ 1032.14 Producer milk.

* * * * *

(b) * * *

(2) Diverted during the month from a pool plant for the account of the plant operator 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 for not more days of production of producer milk by such producer than is physically received at a pool plant(s) pursuant to paragraph (a) of this section from the effective date of this amendment through August 1966, and thereafter in a quantity not greater than 35 percent of the milk from producers, who are not members of a cooperative association diverting pursuant to subparagraph (3) of this paragraph during the month, which is physically received at such pool plant during each of the months of April through August and in a quantity not greater than 20 percent of the milk from producers, who are not members of a cooperative association diverting pursuant to subparagraph (3) of this paragraph during the month, which is physically received at such pool plant during each of the months of September through March: *Provided*, That if in any month milk of a producer is designated as being diverted, milk from such producer must be physically received at pool plants for at least three days production during the month: *And provided further*, That any milk diverted for the account of the handler from the pool plant in excess of these limits shall not be producer milk, and if the diverting handler does not designate the dairy farmers whose milk is not producer milk pursuant to this proviso, then no milk diverted by him during the month from the pool plant shall be producer milk;

* * * * *

2. In § 1032.14(b), subparagraph (3) is redesignated (4), (4) is redesignated (5), (5) is redesignated (6), and a new subparagraph (3) is added to read as follows:

§ 1032.14 Producer milk.

* * * * *

(b) * * *

(3) Diverted during the month from a pool plant for the account of a cooperative association 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 for not more days of production of producer milk by such producer than is physically received at a pool plant(s) pursuant to paragraph (a) of this section from the effective date of this amendment through August 1966 and thereafter in a quantity not greater than 35 percent of its member producer milk which is physically received at pool plant(s) during each of the months of April through August and in a quantity not greater than 20 percent of its member producer milk which is physically received at pool plant(s) during each of the months of September through March: *Provided*, That if in any month milk of any producer member is designated as being diverted for the account of a cooperative association milk from such producer must be physically received at pool plant(s) for at least 3 days' production during the month: *And provided further*, That any milk diverted for the account of a cooperative association in excess of these limits shall not be producer milk, and if the cooperative association diverting such milk does not designate the dairy farmers whose milk is not producer milk pursuant to this proviso, then no milk diverted by the cooperative association during the month shall be producer milk;

* * * * *

3. In § 1032.14, paragraph (b)(4) (redesignated (5)) and (5) (redesignated (6)) is revised to read as follows:

§ 1032.14 Producer milk.

* * * * *

(b) * * *

(5) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted, except as provided in subparagraph (7) of this paragraph;

(6) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted, except as provided in subparagraph (7) of this paragraph; and

4. In § 1032.14(b), a new subparagraph (7) is added to read as follows:

§ 1032.14 Producer milk.

* * * * *

(b) * * *

(7) For pricing purposes milk diverted pursuant to subparagraphs (2) and (3) of this paragraph, to a plant located more 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 to which diverted.

Signed at Washington, D.C., on April 26, 1966.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 66-4720; Filed, Apr. 28, 1966; 8:48 a.m.]

[7 CFR Part 1099]

[Docket No. AO-183-A13]

MILK IN PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Paducah, Ky., on November 17 and 18, 1965, pursuant to notice thereof issued on October 21, 1965 (30 F.R. 13581).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 8, 1966 (31 F.R. 5696; F.R. Doc. 66-3979), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (31 F.R. 5696; F.R. Doc. 66-3979) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. In the paragraph preceding *Findings and conclusions*, add a new third sentence.
2. Under Issue No. 7, *Seasonal adjustments of payments to producers under a "Louisville plan"* following the last paragraph, add a new paragraph.
3. Under Issue No. 8, *Miscellaneous and conforming changes*, following the last paragraph in item (b) *Plants subject to other Federal orders*, add two new paragraphs.
4. Under Issue No. 8, *Miscellaneous and conforming changes*, following the last paragraph in item (d) *Other miscellaneous changes*, add a new paragraph.

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

1. Marketing area.
2. Class I prices:
(a) Class I prices through June 1966, and
(b) Class I prices after June 1966.
3. Diversion of producer milk to nonpool plants.
4. Classification of shrinkage.
5. Location adjustments for handlers.
6. Butterfat differentials for handlers.
7. Seasonal adjustment of payments to producers under a "Louisville plan."
8. Classification of disposition as animal feed and miscellaneous and conforming changes.

A decision has been issued dealing with the Class I prices under the Paducah, Ky., order through June 30, 1966 (Issue No. 2(a)). The amended Class I prices for the period through June 30, 1966, were made effective February 1, 1966 (31 F.R. 1120). The Class I price provision was further amended on April 10, 1966, for the period through June 30, 1966, based on a hearing held in St. Louis, Mo., on March 9-10, 1966 (31 F.R. 5612). This decision is concerned with remaining Issues Nos. 1, 3, 4, 6, 7, and 8 leaving Issues No. 2(b), the Class I price for months after June 1966, and No. 5, location adjustments for handlers, which will be considered in a further decision on the record.

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

1. *Marketing area.* The marketing area should be expanded to include Fulton County, Ky.

Paducah Graded Milk Association, representing the majority of the producers in the market, proposed the addition of Fulton County, Ky., to the marketing area. This proposal was supported also by the single handler located in the county.

Fulton County located in Southwestern Kentucky adjoins the present marketing area, and is surrounded by the present regulated area except for unregulated territory to the south in Tennessee. The present marketing area consists of 13 counties in Southwestern Kentucky and four Missouri counties across the Mississippi River from Fulton County.

Between 85 to 90 percent of the total Milk distribution in Fulton County is made by two regulated handlers. One of these is the handler whose plant is in the county located at Fulton. This handler's Class I sales represent about 70 percent of the total Class I sales in the county. The other regulated handler's plant is at Mayfield, Ky., in the present marketing area. The remainder of the distribution in the county is made by a Memphis order handler from his plant at Memphis, Tenn. Milk distribution in the area therefore is already preponderantly by Paducah regulated handlers.

Although a considerable portion of the Class I sales of the handler at Fulton would remain outside regulated territory, he nevertheless supported inclusion of the county. With the inclusion of Fulton County in the marketing area, about one-third of his Class I distribution would be in the regulated area. The remaining Class I sales of this handler are distributed in a nonregulated area to the south of the present marketing area.

The single objection to the addition of Fulton County to the Paducah marketing area was made by a Memphis cooperative association. This objection, however, was based on a matter of Class I price level and did not consider the relationship of Fulton County to the rest of the marketing area.

Since Class I sales in Fulton County are predominately Paducah order regulated milk and the county is contiguous to the present marketing area, the inclusion of this county is in the interest of orderly marketing and price stability for all Paducah producers and handlers. Although without inclusion of the county, milk sold in the county has been almost exclusively by regulated handlers (with the exception when the plant at Fulton was unregulated for the two months of June and August 1965), producers should have the additional assurance of the stability of the application of the regulation to this plant. The milk supply for this plant is part of the entire supply for the market furnished by the cooperative association and is in large part interchangeable with supplies for other regulated handlers.

Health regulations for Fulton County are the same as those applicable for the other Kentucky counties in the present marketing area and are under the supervision of the same administration as for the city of Paducah. The milk produced for sale in Fulton County may therefore be considered as of the same quality as and interchangeable with milk marketed in the present marketing area.

Although all milk sold in the proposed area is presently regulated, the inclusion of such area will assure the maintenance of orderly marketing conditions which will not be disrupted by sales of unregulated milk. In view of the foregoing, it is concluded that Fulton County, Ky., should be added to the marketing area.

3. *Diversion of producer milk to nonpool plants.* The "producer milk" definition should be modified to provide that a cooperative association may divert to nonpool plants up to 25 percent of the milk of its producer members received at pool plants in each month during the months of April through August, and 15 percent in all other months. A proprietary handler should also be permitted to divert up to 25 percent of the total nonmember producer receipts at his pool plants, in each month during the months of April through August, and 15 percent in all other months. The production for 5 days for each producer, in either case, whose milk is diverted to nonpool plants must be received at a pool plant during the month.

The Paducah Graded Milk Producers Association is the principal cooperative association in the Paducah market and handles about 95 percent of all the milk received by handlers on the market. This association proposed that cooperative associations be permitted to divert to nonpool plants up to 25 percent of their producer-member's deliveries to all pool plants each month, during the months of April through August and 15 percent in all other months. These limitations, they pointed out, would be sufficient to handle diversions under present supply and demand conditions of the market. This change would permit additional flexibility for the association in diverting producers in areas near nonpool manufacturing plants without regard to the number of days of delivery to pool plants, during the months of September through March.

A proprietary handler requested that the same percentage limitation, as proposed by the cooperative, apply to a proprietary handler on the diversion of nonmember milk. The representative of the cooperative association agreed that similar limitations as provided for cooperative associations should apply to proprietary handlers. This handler fur-

ther proposed that a producer be definitely identified with the market before his milk would be eligible for diversion. He proposed that at least 10 days' production of the producer be received at a pool plant during the month.

Under the existing order provisions, the quantity of a producer's milk which may be diverted to a nonpool plant is limited to 10 days' production during each of the months of September through January and no limit applies during the months of February through August.

The cooperative association has assumed the major responsibility for moving reserve milk to nonpool manufacturing plants. Milk not needed by handlers can be most economically handled by movement directly from the farm to nearby manufacturing plants. Further economy might be achieved by diverting mostly those producers located nearest the manufacturing plants. This can be done if the diversion limitation is in terms of a percentage of the total milk delivered to pool plants by the association. The present 10-day limitation for each producer hinders the achievement of the most economic handling of reserve milk. The adoption of producer's proposal, providing similar treatment for proprietary handlers also, should permit the most economical handling of reserve milk moved to nonpool manufacturing plants.

Milk diverted to nonpool plants in excess of the percentage limitations should not be producer milk. The diverting handler (proprietary or cooperative association) should specify the dairy farmer whose milk is ineligible as producer milk. The report sections of the order have been revised to provide that the handler specify each dairy farmer whose milk is diverted and the volume diverted by the diverting handler. In case of over-diversion, however, unless the handler designates the milk which is not producer milk, it is not possible for the market administrator to know which producer's milk was over-diverted. In such circumstance it would be necessary that all diverted milk of dairy farmers of such handlers would be excluded from producer milk.

Some association with the market should be established for each producer if his milk is to be diverted as producer milk to nonpool plants. Without such requirement it would be possible to include under the diversion provisions milk of dairy farmers who have had little association with the market and who would not constitute part of the regular supply. The requirement of the delivery of 10 days production at a pool plant, as proposed by a handler, would represent about 33 percent of the milk production of a producer during the month. While it is desirable to assure that a producer is associated with the market, the handler's proposed 10-day requirement would seriously limit flexibility in the handling of reserve milk by diversion. It is, therefore, concluded that such requirement be deliveries of at least 5 days production of each producer at a pool plant during the month.

4. *Classification of shrinkage.* The shrinkage allowance to handler should be revised to provide separate shrinkage allowances for receiving and processing operations.

Normal disappearance of a small percentage of milk in handling operations is recognized in the order by an allowance of two percent of receipts which may be classified as Class II. It was proposed by the cooperative association representing most producers on the market that milk moving through the association's receiving plant be entitled to one-fourth of this allowance or 0.5 percent. Similar division of the allowance would apply to any milk transferred between plants.

The association representative testified it has experienced loss in the handling of milk through the association's plant where the only function is assembly of milk for shipment to pool plants or plants outside the market. The association contended that its proposal would provide an equitable division of shrinkage allowance in accord with experience in this and other markets.

Shrinkage limitations apply under present order provisions not only to receipts of producer milk, but also to receipts of other order milk and certain receipts from unregulated plants. Such shrinkage allowances apply to these categories of milk to which the order allocates a share of handler's Class I utilization.

To provide equitable application of shrinkage provisions to handlers with various types of operations and receipts, adoption of the proposed division of shrinkage allowance would require that it apply also to these other types of receipts. Thus, the 1.5 percent allowance would need to apply to all receipts at a plant in bulk form from other plants, except in the case of other source receipts for which Class II utilization is requested.

The proposed revision of the shrinkage allowance to provide different allowances for receiving and processing operations is feasible and is in accord with experience in this and other markets. It is to be expected that a greater loss would occur in processing than in receiving operations. Where both operations are carried on by the same handler, it follows that the allowance on milk so handled would continue to be the full two percent. Such a revision of shrinkage allowances is adopted.

The two percent allowance would continue to apply to most all of plant receipts under current market practices. Handlers ordinarily buy their milk from the cooperative association on the basis of direct delivery from the farm and at farm weights and butterfat tests. Thus, the quantity of milk billed to the purchasing handler is the quantity which leaves the farm and is thus subject to loss from farm to plant as well as in processing operations. There is no reason why such procurement arrangements should not be recognized in the shrinkage provisions, and it is so provided.

It is possible, however, for a handler to purchase milk delivered from farms in tank trucks for which a cooperative acts as the handler pursuant to § 1099.10 (e). In such case the handler may purchase the milk on the basis of quantities delivered at his plant. There is no difference as to possible shrinkage to be incurred by the plant operator in this case as compared to that incurred on milk received in tank trucks from other plants. Equitable application of shrinkage allowance on this milk received from the cooperative association would require that the maximum allowance be 1.5 percent. An exception to this would be allowed if the plant operator agrees to purchase the milk on the basis of farm weights and butterfat tests. In such case the full two percent would apply.

The assembly of milk from farms by the cooperative association and delivery in tank trucks is a handling operation which also may involve loss. The loss, if any, is the concern of the cooperative association, and since the association must account for the total quantity of milk picked up at farms, shrinkage allowance is appropriate. This would be the same as the 0.5 percent allowed on receiving operations at plants. A similar situation exists with respect to handling of milk from farm to plant in the case of diverted milk, and the same shrinkage allowance should apply.

6. *Butterfat differentials for handlers.* No change should be made in Class I butterfat differentials for handlers.

The present Class I butterfat differential is determined for each month by multiplying the Chicago 92-score butter price by 0.12. The resulting butterfat differential applies to each one-tenth of a percent of butterfat above or below 3.5 percent.

Producers proposed that the Class I butterfat differential be reduced to 0.115 times the Chicago butter price during the months of August through March and to 0.11 in the other months. The Class I butterfat differentials thus would be the same as the present Class II butterfat differentials.

Producer butterfat differentials are based on a separate schedule related to Chicago butter prices and were not considered at the hearing.

Producers contended that lower butterfat differentials for Class I milk would encourage use of more butterfat in fluid milk disposition and would increase sales of cream. This was intended to bring about a closer balance between supplies and utilization of butterfat in Class I.

The proportion of butterfat in all Class I disposition has decreased in recent years. From 1963 to 1965 the decline was from 3.51 percent butterfat to 3.36 percent in all Class I milk.[1] This reflects a moderate reduction in the butterfat content of most Class I milk products. The proportion of Class I disposition represented by low butterfat products has not varied greatly in recent years.

The butterfat content of producer deliveries has also shown a very slight long-time downward trend but the reduction

[1] Official notice is taken of public announcements of market data by the market administrator since the hearing.

in the butterfat content of producer deliveries has not been as great as the reduction in the butterfat content of the Class I sales.

Producers stated that the primary purpose of their proposal was to gain a better balance between the butterfat content of producer deliveries and the butterfat content of Class I sales. It was not clear from the testimony whether they expected that the adoption of their proposal would materially increase producer returns.

Without any adjustment in the 3.5 percent butterfat price for Class I milk, the proposal would increase the value of Class I milk slightly. This is because the average butterfat test of Class I is less than 3.5 percent. This increase in returns to producers would take place even though there were no change in the butterfat content of Class I products because reduction in the butterfat differential would increase the value of the skim milk at the average test of milk in Class I. In any case, producers did not enter any testimony to justify an increase in skim milk values. On the other hand, one of the handlers in his brief stated that no justification for an increase in skim milk prices was warranted and that any such increase would place him at a disadvantage with reference to his sales of skim milk and low-fat items in competition with handlers regulated by other orders. Hence, whatever change is made would need to be made in a way that could not increase skim milk values. The issue, therefore, is whether it is desirable to reduce the butterfat differential and simultaneously make an adjustment in skim milk values so that such values will not be increased by the adjustment.

If producer returns could be increased by a reduction in the Class I butterfat differential (without increasing skim milk values) it would be desirable to decrease the butterfat differential. Whether producer incomes would be increased would depend upon whether the butterfat content of Class I items would be increased proportionately more than any proportionate decrease in the butterfat differential. For instance, if it appeared that a 5-percent decrease in the butterfat differential would result in a 10-percent increase in the butterfat content of Class I items and so long as the Class I butterfat value was higher than the Class II butterfat value, an increase in producer returns would result. There are a number of research studies [2] which reveal information about the price elasticity of demand for dairy products. None of these indicates that a price decrease of a given percentage will result in a consumption increase of a greater percentage. Accordingly, it does not appear that producers' incomes could be increased by reducing the butterfat differential except as an income increase might be the result of an increase in the skim milk values.

Moreover, the producers' proposal would reduce the Class I butterfat differential to the Class II level. At this value for Class I butterfat, no purpose is served by improving the balance of butterfat supply with its use in Class I. Sufficient outlets exist in Class II to absorb all excess butterfat on the market at returns the same as obtainable under the producers' proposal in Class I.

Since the adoption of the producers' proposal, with the price of skim milk adjusted, would not increase their returns but, on the contrary, might reduce their returns, the proposal is not adopted.

7. *Seasonal adjustment of payments to producers under a "Louisville plan."* The "Louisville plan" for seasonal adjustment of payments to producers should be adopted in this order. This plan provides for setting aside in the months of April through July part of the money paid by handlers, and subsequent distribution of such money to producers during the following months of October through January.

Twenty cents per hundredweight should be withheld on all milk delivered by producers in each of the months of April through July and should be deposited in the producer-settlement fund by the market administrator. These funds should be held as obligated funds, for the purpose of payments to producers in the months of October through January. Twenty-five percent of the fund should be included in the uniform price computation of each of the four months of October through January.

The principal cooperative association's representative proposed the plan as described. It was the cooperative's position that the proposed system of reducing payments in the normal flush production months of April through July is needed to deter unneeded production in these months. The association representative contended that there was some danger producers would relax their efforts in achieving level production because of the amendment, April 1965, which reduced the seasonal spread of Class I price differentials. This reduction was from 60 cents to 40 cents between the high and low priced months. Further, it was their position that the adoption of the plan would provide an additional incentive for greater production in the normal short production months of October through January. This cooperative association represents nearly all producers delivering milk to the Paducah market.

The "Louisville plan" is used in conjunction with seasonal Class I price differentials in the nearby St. Louis and Suburban St. Louis markets. Producers serving the Suburban St. Louis market are also located in the production area of the Paducah market. The adoption of the Louisville plan in the Paducah market will thus contribute to similarity of pricing to groups of producers located in the same areas.

Production per farm during the months of April through July 1961 averaged 132 percent of production per farm during the following months of October 1961 through January 1962. For succeeding years of 1962, 1963, and 1964, April through July, daily production per farm was 129, 111, 109 percent of the daily production in the following October through January, respectively.

The preceding data indicate that producers did achieve more level production during the periods while the seasonal Class I price changes were greater than now provided. The proposed Louisville plan will restore seasonality of pricing to producers to a somewhat greater extent than it was reduced by the change in Class I differentials effective April 1, 1965.

Although in recent decisions issued by the Department on March 31, 1966, it has been found necessary to increase Class I prices in April, May, and June in Federal order markets, including Paducah, to assure adequate milk supplies, the plan proposed herein is necessary in the long-term interest of providing an adequate supply of milk for this market at the right time of year. It is appropriate, therefore, that the plan be made effective as soon as possible.

The plan does not change the total amount of money paid by handlers and received by producers, although it does change the time of the year at which producers receive the money for their milk. In these circumstances, where producers desire that their money be paid to them in this fashion, and it is well understood among producers that the total amount of money paid for their milk is unchanged, the plan would not be expected to effect the average level of production of milk for the market during the entire year. Inasmuch as very nearly all of the producers supplying this market are members of a cooperative association which is the proponent, it may be expected that membership of the association will be completely informed as to the operation of this plan. In these circumstances, the plan will provide a definite incentive for producers to have a relatively level production throughout the year. It is concluded that this plan is an appropriate seasonal incentive plan and should be adopted.

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[2] Official notice is taken of the following publications:

"Demand and Price Analysis," Frederick V. Waugh, U.S.D.A. Technical Bulletin 1316, November 1964.

"The Demand and Price Structure for Dairy Products," Anthony S. Rojko, U.S.D.A. Technical Bulletin 1168, May 1957.

"Consumption of Milk and Cream in the New York City Market and Northern New Jersey," Leland Spencer and Ida A. Parker, Cornell University Experiment Station Bulletin 965, July 1961.

"Consumer Use of Dairy Products in Portland, Maine," H. Alan Luke, Maine Experiment Station Bulletin 477, November 1949.

"Effect of Changes in Income and Price on Milk Consumption," George K. Brinegar, Storrs Experiment Station Bulletin 280, July 1951.

"Dairy Marketing," Stewart Johnson, University of Connecticut monthly mimeographed report, February 1954 and 1960.

"Milk Distribution Systems in Ohio," G. H. Mitchell, D. W. Ware, and E. F. Baumer, Ohio Research Bulletin 855, June 1960.

"Changing Patterns of Milk Consumption in Memphis, Tennessee," Philip B. Dwoskin, James A. Bayton, and William S. Hoofnagle, U.S.D.A. Marketing Research Report No. 69, June 1954.

The cooperative, in its exception, requested that the Louisville seasonal incentive plan be effective for April milk deliveries. Since the uniform price announcement for producer milk delivered during the month of April is made on or before May 10th, the Louisville plan can be made effective as to April milk if the order is amended effective not later than May 10.

8. Miscellaneous and conforming changes:

(a) *Class II milk classification for disposition as animal feed and dumped milk.* The classification as Class II milk should be revised to include skim milk and butterfat in fluid milk products disposed of for livestock feed or dumped.

A regulated handler proposed that fluid milk products disposed of as livestock feed or dumped should be classified as Class II milk.

Handlers at times have no outlet for route returns or small volumes of milk in excess of Class I requirements other than disposition as animal feed. Manufacturing facilities in regulated plants are limited and at least one handler has no manufacturing facilities in his plant. The sale of such products as livestock feed offer little or no return to handlers. Fluid milk products disposed of as livestock feed should be classified as Class II milk, contingent upon specific records showing (1) the amount of skim milk and butterfat in such disposition, (2) the purchaser and his address, (3) the payment for such products, and (4) the purchaser's signed receipts for such products.

Reports would also be required, at the discretion of the market administrator for fluid milk products for which the handler finds no outlet and must dump. Provision should also be made for prior notice to the market administrator so as to permit him an opportunity to physically observe the handler dumping fluid milk products. It is therefore concluded that the skim milk and butterfat in fluid milk products disposed of for animal feed, or dumped, after prior notice to the market administrator, shall be classified as Class II milk.

(b) *Plants subject to other Federal orders.* Some plants regulated under the Paducah order dispose of milk in other Federal order marketing areas. The order contains provisions for determining when such a plant should be relieved of full regulation under this order if it would then be fully regulated under another order. This is generally on the basis of the marketing area in which the plant has greater Class I disposition.

In certain cases, however, this measure of market association is affected by disposition under limited term contracts to governmental bases and institutions in another Federal order market. If such contract constitutes a large change in the handler's total disposition, it may cause the plant to be regulated under such other order.

The potential of a handler shifting regulation because of contracts with governmental bases and institutions creates certain problems for the handler as well as producers supplying milk to the handler's plant. These problems arise because of different Class I price levels under the two orders, different location differentials, and differences in seasonal pricing plans including the effect of seasonal differentials, base-excess plans or the Louisville plan. These problems affecting both handlers and producers were described on the record by producer representatives in this and other nearby Federal order markets.

An amended provision adopted herein would allow the handler, or a cooperative serving such handler, to apply for a determination of the applicable regulation on a basis excluding such limited term contract sales to governmental bases and institutions. This would allow a determination by the Secretary depending on the particular circumstances involved. Application for such determination would need to be 15 days before the requested effective date.

Exceptions were filed by two cooperative associations in nearby Federal order markets objecting to the revised provision relating to the determination of the applicable regulation in the case of a plant selling in two Federal order markets. It was held that this provision would unduly favor a plant desiring to be regulated under the Paducah order while selling milk on a contract basis in another Federal order marketing area.

The revised provision does not automatically eliminate from consideration the Class I disposition of the handler under limited term contracts as a consideration in determining the applicable order. It provides rather that a determination will be made by the Secretary as to whether such sales will be included if requested by the plant operator or the cooperative association supplying the plant. Arguments as cited in the exceptions might in some circumstances be relevant in arriving at such determination, and could be considered by the Secretary if presented by interested parties.

(c) *Date for payment of uniform price to producers.* The proposal that payment of uniform prices to producers be made on the 17th day of the month (for milk received by handlers in the previous month) should be adopted.

The Paducah cooperative association proposed that payment of the uniform price to producers be made on or before the 17th day of the month for milk received by handlers in the previous month. This would provide an additional day for making uniform price payments to producers. The association has encountered difficulty in making such uniform price payments to its member producers on or before the 16th day of the month, in those months when the 16th day falls on Monday. No objection was raised by handlers regarding the proposed additional day. The primary effect of this proposal requested by producers is on the timeliness of receipt of money by producers. It is appropriate that the order provisions realistically reflect the time required for accounting and payment procedures. It is concluded that the proposed date for payment should be adopted.

(d) *Other miscellaneous changes.* Certain parts of the order need revision to make them more compatible with modern methods of handling milk. These revisions do not change the essential effect of the provisions, and have proved useful in the formulation of milk orders.

Milk received at pool plants from a cooperative association which acts as the handler pursuant to § 1099.10(e) is presently classified by the order the same as producer milk pursuant to § 1099.41. This is a convenient method of arriving at the classification since it is milk entirely from producers. It would simplify order language to specify such milk in the "Producer milk" definition as a receipt of producer milk at the plant. It will also simplify order accounting if such milk is paid for by the plant operator at the uniform price the same as other producer milk. This method of payment will facilitate any adjustments required when audit by the market administrator discloses an error such as an error in classification. The adjustment of money due can then be handled through payments into and out of the producer-settlement fund. Otherwise, if payment by the plant operator to the association were on class use basis, subsequent audit adjustments would involve billings and payments between the association and handler, besides related payments into or out of the producer-settlement fund.

The pool plant definition should be clarified. Presently, the pool plant definition depends on receipts of milk from producers and "pool milk" from other pool plants. Without changing the effect of such provision, more direct language will specify receipts of fluid milk products from other pool plants, and the definition of pool milk may be eliminated. Another modification of the wording of the pool plant definition would include the Grade A qualification of dairy farmers delivering thereto, and delete the term "producer milk." This would avoid definitions of pool plant and producer milk each depending upon the other.

Receipts from dairy farmers at pool plants include those delivered by a cooperative association as a handler pursuant to § 1099.10(e). Currently the association in the market is customarily making deliveries from the farm to pool plants without assuming the handler status. For the purpose of pool status of the plant, however, it would make no difference as to whether the association assumes handler status on such milk. Without changing the effect of the pool plant definition, these changes in wording will more directly reflect current market practices and provide more flexibility in use of the definition.

A definition for a cooperative association should be added. Presently the marketing service provision specifies that a cooperative association must be qualified under the provision of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead

Act." This requirement should be included in the definition of a cooperative association along with the specification that the association have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or its products for its members. This definition will provide meaningful use of the term cooperative association as related to the various functions of a cooperative association under the order.

This decision contains the complete text of the order, as amended, including the Class I price provision made effective by the April 10, 1966, amending order (31 F.R. 5612).

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

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

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

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

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

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

Exception was taken to the omission in the recommended decision of findings for Class I prices for May and June 1966 and for periods after June 1966.

In a prior decision on this record (31 F.R. 1152) it was concluded that Class I prices for May and June 1966 should be not less than $4.70 per hundredweight. This provision was adopted in the order by amendment made effective February 1, 1966. Subsequently, the Class I price provision was further amended on April 10, 1966, for the period ending June 30, 1966, based on a hearing held in St. Louis, Mo., on March 9–10, 1966. This record thus does not provide any further basis for modifying Class I pricing for May and June 1966. Exceptors requested, as an alternative, that a hearing be scheduled to consider Class I prices for May and June 1966. In response to the request by exceptors and other interested parties, the hearing notice to consider Class I pricing for periods beginning May 1, was issued on April 18. For the above reasons these exceptions are overruled.

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

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

Determination of representative period. The month of February 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Ky., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

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

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in Paducah, Ky., Marketing Area

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

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1099.100 Agents.
1099.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1099 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1099.0 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 Paducah, Ky., 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 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) and milk received from a cooperative association as a handler pursuant to § 1099.10(e), (ii) other source milk allocated to Class I pursuant to § 1099.45(a) (3) and (7) and the corresponding steps of § 1099.45(b), and (iii) packaged Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

ORDER RELATIVE TO HANDLING

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 8, 1966, and published in the FEDERAL REGISTER on April 13, 1966 (31 F.R. 5696 F.R. Doc. 3979), shall be and are the terms and provisions of this order, as is set forth in full herein subject to the following revisions:

INDEX OF CHANGES

1. In § 1099.51, Class prices, paragraph (a) *Class I milk price,* is added.

2. Changes are made in §§ 1099.11 and 1099.86(c).

DEFINITIONS

§ 1099.1 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.).

§ 1099.2 Secretary.

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

§ 1099.3 Department of Agriculture.

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

§ 1099.4 Person.

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

§ 1099.5 Paducah, Ky., marketing area.

The "Paducah, Ky., marketing area," hereinafter called the "marketing area," means all the territory within the counties listed below (except that portion of any of these counties contained in the Fort Campbell military reservation):

KENTUCKY COUNTIES

Ballard.	Hickman.
Caldwell.	Livingston.
Calloway.	Lyon.
Carlisle.	Marshall.
Christian.	McCracken.
Fulton.	Todd.
Graves.	Trigg.

MISSOURI COUNTIES

Mississippi.	Pemiscot.
New Madrid.	Scott.

§ 1099.6 Distributing plant.

"Distributing plant" means a plant in which milk is processed and packaged and from which Class I milk is disposed of during the month as route disposition in the marketing area.

§ 1099.7 Supply plant.

"Supply plant" means a plant (except a distributing plant) which is qualified as a pool plant pursuant to the proviso in § 1099.8(b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 1099.8(a).

§ 1099.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which 45 percent or more of its receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.-10(e) and fluid milk products from other plants disposed of as Class I milk on route disposition during the month and from which a daily average of 3,000 pounds or more per day, or 10 percent or more of such receipts, whichever is less, is disposed of as fluid milk products on route disposition in the marketing area: *Provided,* That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as Class I milk on route distribution is equal to not less than 50 percent of the receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products received from other plants: *Provided,* That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section, milk, skim milk and cream equal to at least 75 percent of its receipts of milk from such dairy farmers and cooperative associa-

tions in their capacity as handlers pursuant to § 1099.10(e) in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the terms of this proviso.

§ 1099.9 **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 route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant (other than a producer-handler plant or an other order plant) from which milk, skim milk, or cream acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label is shipped to a pool plant.

§ 1099.10 **Handler.**

"Handler" means:

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

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

(c) A producer-handler or any person who operates an other order plant described in § 1099.61;

(d) A cooperative association qualified pursuant to § 1099.18 with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant; or

(e) A cooperative association which chooses to report as a handler with respect to milk which is delivered from the farm to a pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 1099.11 **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 under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1099.10(e).

§ 1099.12 **Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a distributing plant, from which Class I milk is distributed within the marketing area but which receives no other source milk or milk from other dairy farmers.

§ 1099.13 **Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk produced by a producer which is:

(a) Received during the month at a pool plant from producers or from a cooperative association pursuant to § 1099.10(e): *Provided:* That milk received at a pool plant by diversion from a plant at which such milk would otherwise be 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;

(b) Received by a cooperative association as a handler pursuant to § 1099.10(e) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1099.41(b)(4) or as Class I shrinkage;

(c) Diverted by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1099.10(d) to a nonpool plant at which the handling of milk is not subject to pricing and pooling under the terms or provisions of another order issued pursuant to the Act, subject to the following conditions:

(1) Not less than 5 days' production of any producer whose milk is diverted is physically received at a pool plant;

(2) If diverted by a cooperative association for its account as milk of its members to nonpool plants which does not exceed 25 percent of the milk physically received from member producers of such cooperative association at pool plants during the month in any of the months of April through August and 15 percent in other months, except that if milk of members is diverted by the cooperative association in excess of the specified percentages, no milk diverted by the cooperative association during the month shall be producer milk unless the cooperative association designates the dairy farmers whose milk is not producer milk;

(3) If diverted by a handler in his capacity as the operator of a pool plant, as milk of a producer who is not a member of a cooperative association diverting milk pursuant to subparagraph (2) of this paragraph, which does not exceed 25 percent of the aggregate quantity of milk received at such plant from such nonmember producers during the month in any of the months of April through August and 15 percent in other months, except that if milk of nonmember producers is diverted by the handler in excess of the specified percentages, no milk diverted by the handler during the month shall be producer milk unless the handler designates the dairy farmers whose milk is not producer milk; and

(4) Milk diverted for the account of a handler in his capacity as an operator of a pool plant shall be deemed to have been received at the pool plant from which diverted and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at a location identical with that of the pool plant from which diverted.

§ 1099.14 **Other source milk.**

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

(a) Receipts during the month in the form of fluid milk products except (1) producer milk, and (2) such products which are received from other pool plants; and

(b) Products designated as Class II milk pursuant to § 1099.41(b)(1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1099.15 **Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks (modified or fortified, including dietary products) and reconstituted milk or skim; concentrated milk not sterilized in hermetically sealed containers; cream, sweet and sour; and mixtures of cream and milk or skim milk but not including the following: Frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog and boiled custard, ice cream, and ice cream and ice milk mixes, and cream or mixtures of cream with milk or skim milk sterilized in hermetically sealed containers.

§ 1099.16 **Route disposition.**

"Route disposition" 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 products to a retail or wholesale outlet other than a milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

§ 1099.17 **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.

§ 1099.18 **Cooperative association.**

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

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

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

in making collective sales of or marketing milk or its products for its members.

MARKET ADMINISTRATOR

§ 1099.20 Designation.

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

§ 1099.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1099.22 Duties.

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

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds received pursuant to § 1099.88: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1099.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1099.30 through 1099.33 or payments pursuant to §§ 1099.62 and 1099.80 through 1099.88;

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

(h) Upon request, report, on or before the 25th day after the end of each month, to each cooperative association described in § 1099.87(b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

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

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order;

(k) Publicly announce, by posting in his office and by other means he deems appropriate, on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 1099.51(a), and the Class I butterfat differential, pursuant to § 1099.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1099.51(b), and the Class II butterfat differentials, pursuant to § 1099.52(b), both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price, pursuant to § 1099.71, and the producer butterfat differential, pursuant to § 1099.85;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1099.45(a)(8) and the corresponding step of § 1099.45(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;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1099.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

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

REPORTS, RECORDS, AND FACILITIES

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator; each handler specified in § 1099.10(b), who operates a partially regulated distributing plant shall report the same information 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 route disposition in the marketing area as Class I milk:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (1) producer milk, showing separately that from cooperative associations pursuant to § 1099.10(e), (2) in fluid milk products received from pool plants, and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1099.13, the names of the producers so diverted, and the plant to which diverted;

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(d) Inventories of Class I milk on hand at the beginning and end of the month;

(e) The name and address of each producer from whom milk was not received during the previous months, and the date on which milk was first received from such producer;

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer; and

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

§ 1099.31 Payroll reports.

(a) On or before the 20th day of each month, each handler, operating a pool plant(s), except a producer-handler and each cooperative association which is a handler pursuant to § 1099.10 (d) or (e), shall report its producer payroll for the preceding 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 number of days on which milk was received from such producer;

(3) The average butterfat content of such milk;

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

(5) The amount and nature of any payments paid pursuant to § 1099.84;

(b) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 1099.80(b) shall report to such cooperative association with respect to each such producer as follows:

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

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month together with the butterfat content of such milk, (ii) the amount or rate and nature of any deductions, and (iii) the amount and nature of payments due pursuant to § 1099.84; and

(c) On or before the 25th day after the end of the month each handler operating a partially regulated distributing plant except one who elects at the time of reporting pursuant to § 1099.30 to make payments pursuant to § 1099.62(b) shall report his payments to dairy farmers qualified to be producers as if such plant were a pool plant showing for each such dairy farmer:

(1) The daily and total pounds of milk received;

(2) The average butterfat content thereof; and

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

§ 1099.32 Other reports.

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

§ 1099.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The amount and nature of deductions authorized by producers, and disbursements of any money so deducted; and

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

§ 1099.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 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 OF MILK

§ 1099.40 Basis of classification.

All skim milk and butterfat which is required to be reported pursuant to § 1099.30 shall be classified by the market administrator pursuant to the provisions of §§ 1099.41 through 1099.46.

§ 1099.41 Classes of utilization.

The classes of utilization shall be as follows:

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

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

(2) Not specifically accounted for as Class II milk;

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

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

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

(3) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section;

(4) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1099.10 (d) and (e):

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1099.10(e)) and milk diverted pursuant to § 1099.13; 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 § 1099.10(e) except that if the handler operating the pool plant files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of farm weight determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be two 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 test determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage in such milk shall be two percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants (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 test determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage in such milk shall be two percent); less

(viii) One and one-half percent of diversion of milk to nonpool plants (in the case of a cooperative association selling milk to a handler receiving milk on the basis of farm weights determined by farm bulk tank calibration and butterfat test determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, or a handler receiving milk on the basis of farm weights determined by farm bulk tank calibration and butterfat test determined from farm bulk tank samples, the percentage in such milk shall be two percent);

(5) In shrinkage of skim milk and butterfat, in other source milk in the form of fluid milk products in bulk except that included in subparagraph (4) of this paragraph: *Provided*, That such shrinkage shall be assigned pro rata to the amounts used in the computations pursuant to subparagraph (4) of this paragraph and this subparagraph; and

(6) Contained in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping or in fluid milk products disposed of and used for livestock feed.

§ 1099.42 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 § 1099.10(e) such responsibility shall be that of the plant operator receiving such milk.

(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.

§ 1099.43 Transfers.

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

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred 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 § 1099.45 (a)(8) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1099.45(a)(3) and the corresponding step of § 1099.45 (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 § 1099.45(a) (7) or (8) and the corresponding steps of § 1099.45(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 to a producer-handler;

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

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1099.30 for the month within which such transaction occurred;

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

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

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

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

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

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

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

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

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

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

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

(6) If the form in which any fluid milk producer milk at the pool plant(s) of plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1099.41.

§ 1099.44 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 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1099.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1099.44, the market administrator shall determine the classification of product is transferred to an other order each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1099.41(b)(4);

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

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

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

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

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

(i) Receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers:

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

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

(ii) Receipts of fluid milk products in bulk from an other order plant in excess

of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

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

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

(7) 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 and dairy farmers who are not producers which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

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

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1099.22(l) or the percentage that Class II utilization remaining is of the total utilization of skim milk of the handler; and

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

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received:

(i) In fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1099.43(a); and

(ii) In milk from a cooperative association which chooses to report as a handler pursuant to § 1099.10(e) pro rata from each class in the same proportion as all producer milk after the subtraction pursuant to subdivision (i) of this subparagraph; and

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

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

§ 1099.46 Determination of producer milk in each class.

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 1099.45, and determine the percentage of butterfat in the producer milk allocated to each class. In the case of a cooperative association determine the total pounds of skim milk and butterfat pursuant to § 1099.13 (b) and (c).

MINIMUM PRICES

§ 1099.50 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 U.S. Department of Agriculture for the month. Such price shall be adjusted to 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.

§ 1099.51 Class prices.

Subject to the provisions of §§ 1099.52 and 1099.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price*. The price for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.05 in April, May, and June, $1.15 in July and March and $1.45 in the other months: *Provided*, That 10 cents shall be added to the price for Class I milk at pool plants located within that portion of the marketing area in the State of Missouri: *And provided further*, That the applicable Class I price so computed for the period April 10, 1966, through June 1966 shall be increased 22 cents; and

(b) *Class II milk price*. The Class II price shall be the basic formula price computed pursuant to § 1099.50.

§ 1099.52 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 1099.44, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization follows:

(a) *Class I milk*. Multiply the Chicago butter price for the previous month by 0.12 and round the resulting figure to the nearest one-tenth cent.

(b) *Class II milk*. Multiply the Chicago butter price for the month, by 0.115 for the months of August through March and 0.11 for the months of April through July, and round the resulting figure to the nearest one-tenth cent.

§ 1099.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 40 miles by shortest highway distance as measured by the market administrator, from the nearest County Courthouse in any of the counties included in the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment credit is applicable, the price computed pursuant to § 1099.51(a) shall be reduced by 7.5 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 50 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of the receipts at such plant from producers and cooperative associations pursuant to § 1099.10(e), 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.

APPLICATION OF PROVISIONS

§ 1099.60 Producer-handlers.

Sections 1099.30, 1099.40 through 1099.52, and 1099.61 through 1099.87 shall not apply to a producer-handler.

§ 1099.61 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 § 1099.8 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 Paducah, Ky., 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: *And provided further*, on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions:

(b) A distributing plant qualified pursuant to § 1099.8 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 Paducah 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 Paducah, Ky., order; and

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1099.8(b) during the preceding August through January period.

§ 1099.62 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 §§ 1099.30 and 1099.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1099.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1099.70(e) and a credit in the amount specified in § 1099.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1099.30 and 1099.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1099.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

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

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on route disposition 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

§ 1099.70 Computation of the net pool obligation of each pool handler.

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

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1099.46, by the applicable class prices (adjusted pursuant to §§ 1099.52 and 1099.53) excluding in the case of a cooperative association acting as a handler pursuant to § 1099.10(e) milk received by it and delivered to the pool plant of another handler;

(b) 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 § 1099.45(a)(5) and the corresponding step of § 1099.45(b);

(c) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1099.45(a)(10) and the corresponding step of § 1099.45(b) by the applicable class prices;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to the skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1099.45(a)(3) and the corresponding step of § 1099.45(b);

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume of skim milk and butterfat was received from an unregulated supply plant which volume of skim milk and butterfat is subtracted from Class I pursuant to § 1099.45(a)(7) and the corresponding step of § 1099.45(b). With respect to skim milk and butterfat which is received from dairy farmers who are not producers and which is subtracted from Class I pursuant to § 1099.45(a)(7) and the corresponding step of § 1099.45(b), add an amount equal to its value at the Class I price applicable at the pool plant.

§ 1099.71 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, f.o.b. market, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1099.70 for all handlers who filed the reports prescribed by § 1099.30 for the month and who made the payments pursuant to §§ 1099.80 and 1099.82 for the preceding month;

(b) Add an amount equivalent to the sum of the net deductions (reductions less increases) for location differentials to be made from producer payments pursuant to § 1099.86;

(c) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add an amount equivalent to one-half 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 § 1099.70(e);

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure 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) For each of the months of April, May, June, and July, subtract an amount equal to 20 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provision of paragraph (i) of this section;

(i) For each of the months of October, November, December, and January add one-fourth 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.

PAYMENTS

§ 1099.80 Time and method of payment for producer milk.

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

(1) On or before the last day of each month to each such 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 17th day of the following month, 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 such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1099.87, (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 pursuant to § 1099.85 from the market administrator 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) In the case of a cooperative association qualified pursuant to § 1099.18 which has so requested any handler in writing, such handler shall on or before the third day prior to the date on which payments are due individual producers pursuant to paragraph (a) of this section pay the cooperative association for milk received during the month from the producer members of such association an amount equal to not less than the amount due such producer members pursuant to paragraph (a) of this section: *Provided*, That the proper deductions referred to in paragraphs (a) (1) and (2) (iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative;

(c) Each handler shall also make payment to a cooperative association delivering milk to such handler pursuant to § 1099.10(e) for milk so delivered as follows:

(1) On or before the 28th 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 so received from such cooperative association during the first 15 days of the month, less proper deductions authorized in writing by the cooperative association;

(2) On or before the 14th day of the following month not less than the uniform price adjusted by the butterfat and location differentials to producers pursuant to §§ 1099.85 and 1099.86 multiplied by the hundredweight of milk so received from the cooperative association during the month, subject to the following adjustments (i) less payments made to such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) less proper deductions authorized in writing by such cooperative association: *Provided*, That if by such date the handler has not received full payment pursuant to § 1099.83 from the market administrator for such month, he may reduce pro rata his payments on such milk as in the case of payments to producers pursuant to paragraph (a) of this section, and payments hereunder shall be completed not later than the date for making payments pursuant to this subparagraph next following the receipt of the balance due from the market administrator; and

(d) On or before the 14th day of the following month each handler shall pay to a cooperative association, with respect to such milk as was received from the association in its capacity as a handler operating a pool plant during the month not less than the value of such milk at the applicable class prices.

§ 1099.81 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 §§ 1099.62, 1099.82, and 1099.84 shall be deposited in this fund, and all payments made pursuant to §§ 1099.83 and 1099.84 shall be made out of this fund: *Provided*, That payments due to any handler shall be offset by payments due from such handler; and

(b) All amounts subtracted pursuant to § 1099.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1099.80 in accordance with the requirements of § 1099.71(i).

§ 1099.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total 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 § 1099.70 for such handler;

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1099.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1099.10(e) 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 § 1099.70(e).

§ 1099.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1099.82(b) exceeds the amount computed pursuant to § 1099.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1099.84 Adjustment of errors in payments.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1099.80, the handler shall make up the difference of such payment not later than the next time for making payments as set forth in the provisions relating to payments which were in error.

§ 1099.85 Butterfat differential to producers.

The uniform price to be used pursuant to § 1099.80 in making payments for producer milk shall be adjusted by adding or subtracting, as the case may be, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, the appropriate amount as shown in the following schedule according to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the month:

Butter price range (cents):	Rate (cents)
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 1099.86 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which it is diverted at the rates set forth in § 1099.53;

(b) In making payments pursuant to § 1099.80, the uniform price per hundredweight for producer milk received at pool plants located in that portion of the marketing area in the state of Missouri shall be increased by an amount obtained by dividing the total hundredweight of producer milk received at such pool plants during the month into the sum obtained by multiplying the total hundredweight of Class I milk assigned a value pursuant to § 1099.70 at such plants during the month by 10 cents: *Provided*, That the resultant price, rounded to the nearest full cent, shall not be increased pursuant to this paragraph by more than 10 cents; and

(c) For purposes of computations pursuant to §§ 1099.82 and 1099.83 the weighted average price shall be adjusted at the rates set forth in § 1099.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1099.87 Marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1099.80 with respect to milk received from producers (excluding such handler's own farm production), shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers 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) *Cooperative associations.* In the case of producers who are members of a cooperative association, which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section and which is not receiving payment for its producer members, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers pursuant to § 1099.80(b) as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1099.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1099.10(e), (b) other source milk allocated to Class I pursuant to § 1099.45(a) (3) and (7) and the corresponding steps of § 1099.45(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1099.89 Termination of obligations.

The provisions of this section shall apply to any obligations under this order for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c(15) (A) of the Act or before a court.

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

(1) The amount of the obligation;

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

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

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

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this 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.

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

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1099.90 Effective time.

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

§ 1099.91 Suspension or termination.

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

§ 1099.92 Continuing obligations.

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

§ 1099.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except §§ 1099.34, 1099.89, and 1099.91 through 1099.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all as-

signments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agents. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1099.100 Agents.

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

§ 1099.101 Separability of provisions.

If any provisions 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 order, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 66-4707; Filed, Apr. 28, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Lincoln, Nebr., terminal area.

Presently, the Lincoln, Nebr., transition area is designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lincoln AFB (latitude 40°50′48″ N., longitude 96°45′32″ W.), and within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln AFB, to a line 2 miles east of and parallel to the Raymond VORTAC 015° radial, within 5 miles west and 9 miles east of the Lincoln AFB ILS localizer south course, extending from the 9-mile radius of 13 miles south of the ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 96°23′00″ W., on the south by the north edge of V-216, on the west by longitude 97°30′00″ W., and on the north by the south edge of V-172; and that airspace extending from 3,500 feet MSL southwest of Lincoln, bounded on the east by longitude 97°30′00″ W., on the south by the north edge of V-216 on the west by longitude 98°00′00″ W., and on the north by the south edge of V-138; and that airspace northwest of Lincoln, bounded on the east by longitude 97°30′-00″ W., on the south by the north edge of V-6, on the west by a line 5 miles east of and parallel to the Grand Island VORTAC 360° radial, and on the north by the south edge of V-172, excluding the Hastings, Nebr., transition area.

The Lincoln VOR and its instrument approach procedure have been decomissioned. Therefore, the Raymond VORTAC is being redesignated as the Lincoln VORTAC. In addition, there is no longer any requirement for the 3,500-foot MSL transition area at this location. Therefore, that portion of the transition area is herein released.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Lincoln terminal area, as a result of the redesignation of the Raymond VORTAC to the Lincoln VORTAC and due to the fact that the 3,500-foot MSL transition area is no longer required, proposes the following airspace action:

Alter the Lincoln, Nebr., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lincoln Airport (latitude 40°50′48″ N., longitude 96°45′32″ W.) and within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial, within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius to 13 miles south of the ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 96°23′00″ W., on the south by the north edge of V-216, on the west by longitude 97°02′00″ W., a 29-mile arc centered on the Lincoln Airport and a line 8 miles NW of and parallel to the Lincoln VORTAC 040° radial, and on the northeast by a 30-mile arc centered on Lincoln VORTAC and the area within 6 miles S and 5 miles N of the Lincoln VORTAC 267° radial extending from the 29-mile arc to 34 miles W of the VORTAC.

The proposed redesignation of the Raymond VORTAC to the Lincoln VORTAC should eliminate any confusion by pilots unfamiliar with NAVAIDS in the Lincoln area. With this redesignation, the following VOR airways will be redesignated in part as: (1) V-71. Via Int. of Pawnee City 334° and Lincoln, Nebr., 146° radials; to Lincoln. (2) V-138. Via Int. of Grand Island 099° and Lincoln, Nebr., 267° radials; Lincoln; Int. of Lincoln 040° and Neola, Iowa, 251° radials; Neola; to Fort Dodge, Iowa.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Since the proposed amendment is less restrictive and imposes no additional burden on any person, the time for submitting comments will be limited to 30 days.

Specific details regarding the proposed controlled airspace may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 15, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-4694; Filed, Apr. 28, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SW-19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at La Grange, Tex.

It is proposed to designate the La Grange, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55′30″ N., longitude 96°48′12″ W.) and within 2 miles each side of the Industry VOR 262° (253° magnetic) radial extending from the 5-mile radius area to the VOR.

Designation of the La Grange, Tex., transition area would provide airspace protection for aircraft executing the instrument approach and departure procedure proposed for the Rocky Creek Ranch Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All com-

munications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on April 22, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-4695; Filed, Apr. 28, 1966; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 14]

[Docket No. R-297]

HYDROELECTRIC PROJECT LICENSES

Calculation of "Net Investment"; Notice of Extension of Time

APRIL 21, 1966.

Upon consideration of the requests filed in the subject proceeding by Niagara Mohawk Power Corp., Central Maine Power Co., Tapaco, Inc., Yadkin, Inc., Rumford Falls Power Co., St. Regis Power Co. on April 5, 1966, Louisville Gas & Electric Co. on April 6, 1966, Washington Water Power Co., Pacific Power & Light Co., and the Edison Electric Institute on April 11, 1966, Montana Power Co. on April 13, 1966, American Electric Power Corp., Southern California Edison Co., New England Power Co. on April 14, 1966, Wisconsin Michigan Power Co. on April 15, 1966, Utah Power & Light Co., Union Electric Co., and Georgia Power Co. on April 18, 1966, and Consumers Power Co. and Jersey Central Power & Light Co. on April 20, 1966, for an extension of time within which to file data, views, and comments in writing concerning the proposal set forth in the notice of proposed rule making issued in the above-designated matter on January 20, 1966;

Notice is hereby given that the time is extended from April 30, 1966, to and including August 1, 1966, within which interested persons may file data, views, and comments in writing concerning the proposal set forth in the notice of proposed rule making issued January 20, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4696; Filed, Apr. 28, 1966; 8:45 a.m.]

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 May 13, 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, § 31.6302(c)-1 of the Employment Tax Regulations (26 CFR Part 31) is amended as follows:

Paragraph (a) of § 31.6302(c)-1 is amended by revising subparagraphs (1) and (3) 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, 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.

(ii) This subdivision shall apply to taxes with respect to wages paid by an employer during June 1966 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 $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. An employer will be considered to have complied with the requirements of this subdivision for a semimonthly period if (*1*) he computes the amount of his deposit on an estimated basis and deposits an amount which is not less than 90 percent of the aggregate amount of the taxes for such period, and (*2*) if the deposit is for a semimonthly period other than the last such period in a calendar quarter, he deposits any underpayment within 3 banking days after the close of the following semimonthly period. 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.

(iii) As used in this subparagraph, the term "taxes" means—

(*a*) The employee tax withheld under section 3102,

(*b*) The employer tax under section 3111, and

(*c*) The income tax withheld under section 3402,

exclusive of taxes with respect to wages for agricultural labor or for domestic service in a private home of the employer.

* * * * *

(3) *Depositary receipts.* Any deposit required to be made by an employer under subparagraph (1) of this paragraph shall be made separately from any deposit required to be made by him under subparagraph (2) of this paragraph. An employer required to make deposits under subparagraph (1) or subparagraph (2) may make one, or more than one, remittance of the amount required by such subparagraph to be deposited for a calendar month or a semimonthly period, as the case may be. However, a deposit for a period in one calendar quarter shall be made separately from any deposit for a period in another calendar quarter. Each remittance shall be accompanied by a Federal Depositary Receipt (Form 450) which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt,

such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay to the district director the balance, if any, of the taxes due for such period. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires. If such a voluntary deposit is made, the employer shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return.

* * * * *

[F.R. Doc. 66-4787; Filed, Apr. 28, 1966; 1:32 p.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[California 079611]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 22, 1966.

Notice of an application Serial No. 079611, for withdrawal and reservation of lands was published as F.R. Doc. 65-6905 on page 8417 of the issue for July 1, 1965. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands will be at 10 a.m., on May 30, 1966, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SHASTA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 39 N., R. 7 W.,
Sec. 34, SE¼NE¼, E½SW¼NE¼, and E½W½SE¼;
Sec. 35, S½NW¼SW¼ and N½SW¼SW¼.

The areas described aggregate 120 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 66-4703; Filed, Apr. 28, 1966; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-252]

UNIVERSITY OF NEW MEXICO

Notice of Application for Construction Permit and Facility License

Please take notice that the University of New Mexico, Albuquerque, N. Mex., under section 104C of the Atomic Energy Act of 1954, as amended, has filed an application, dated April 4, 1966, for a license to construct and operate a nuclear reactor on the university's campus in Albuquerque, N. Mex. The reactor, a Model AGN-201, Serial No. 112, is presently owned and operated by the University of California at Berkeley, Calif. Upon the issuance of a construction permit, the reactor will be transferred from its present site and reconstructed at a site on the campus of the University of New Mexico in Albuquerque, N. Mex.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of April 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director, Division of Reactor Licensing.

[F.R. Doc. 66-4715; Filed, Apr. 28, 1966; 8:48 a.m.]

CIVIL SERVICE COMMISSION

HEALTH SCIENCE ADMINISTRATORS AND GRANTS ASSOCIATES

Notice of Manpower Shortage

Under the provision of section 7(b) of the Administrative Expenses Act of 1946, as amended, relating to the payment of travel and transportation expenses of appointees, the Civil Service Commission has found, effective April 19, 1966, that there is a nationwide manpower shortage for the positions of Health Scientist Administrators and Grants Associates, GS-601-11/15.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-4718; Filed, Apr. 28, 1966; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Maryland Port Authority, Pier 2, Pratt Street Baltimore, Md., 21202.

Agreement No. T-1941, establishes the Baltimore Marine Terminal Association (Association) composed of several marine terminal operators handling foreign and domestic commerce at the Port of Baltimore. The agreement covers all terminal services performed by Association members that come under the jurisdiction of the Federal Maritime Commission. The Association agrees to file promptly copies of its tariffs with the Commission and to make no changes until after 30 days notice to the public unless good cause exists for a change upon shorter notice. Reasons for tariff changes of less than 30 days notice will be furnished to the Commission. The agreement also provides that (1) Association members will assess and collect charges strictly in accordance with their tariffs, (2) membership is open to other terminal operators at Baltimore upon approval by a majority of the Association members, (3) no applicant shall be denied admission except for good cause, the reasons for which will be promptly furnished to the Commission, (4) any member may withdraw after 60 days written notice, and (5) certified copies of all minutes will be furnished the Commission within 30 days after Association meetings.

Dated: April 26, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4713; Filed, Apr. 28, 1966; 8:48 a.m.]

[No. 65-51]

HAWAII/EUROPE RATE AGREEMENT

Admission, Withdrawal and Expulsion, Self-Policing Provisions; Correction

APRIL 25, 1966.

In the revised order to show cause served April 22, 1966, make the following correction in the first sentence:

Delete: "Pacific Coast European Conference".

Insert: "Hawaii/Europe Rate Agreement".

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4714; Filed, Apr. 28, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project 2165]

ALABAMA POWER CO.

Order Fixing Hearing

APRIL 21, 1966.

On January 27, 1966, the Commission granted rehearing for purposes of reconsideration of its order of September 28, 1965, as modified by its order of November 26, 1965, fixing annual charges to be paid by the Alabama Power Co. for its use of the U.S. John Hollis Bankhead Dam.

It is appropriate in this proceeding to fix the above described annual charges that the matter be set for a public hearing. The hearing will involve not only the issues raised by the Alabama Power Co.'s application for rehearing filed on December 30, 1965, but also the question of what basic method should be employed for fixing annual charges for the use of the Government dam.

The Commission finds:

It is appropriate and in the public interest in administering Part I of the Federal Power Act (16 U.S.C. 791–823), and particularly section 10(e) thereof (16 U.S.C. 803(e)), that a hearing be held in the proceeding to fix the annual charges to be paid by the Alabama Power Co. for its use of the U.S. John Hollis Bankhead Dam.

The Commission orders:

(A) A public hearing will be held at a time and place to be fixed by a notice of the Presiding Examiner, in the proceeding to fix annual charges to be paid by the Alabama Power Co. for its use of the U.S. John Hollis Bankhead Dam.

(B) A prehearing conference will be held before the Presiding Examiner on May 10, 1966, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-4697; Filed, Apr. 28, 1966; 8:46 a.m.]

[Docket No. CP66-333]

BLACK MARLIN PIPELINE CO.

Notice of Application

APRIL 22, 1966.

Take notice that on April 21, 1966, Black Marlin Pipeline Co. (Applicant), 608 Gulf States Building, Dallas, Tex., filed in Docket No. CP66-333 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline extending from the Outer Continental Shelf in the Gulf of Mexico offshore of Texas Railroad Commission District No. 3, to points in the vicinity of Texas City, Tex., for the transportation of natural gas pursuant to agreements with Union Carbide Corp. (Union Carbide) and Phillips Petroleum Co. (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is a Texas corporation, newly formed for the purpose of transporting gas which Union Carbide will purchase from Shell Oil Co.'s (Shell) interest in Federal Blocks 135, 136, 160 and 161 (hereinafter collectively referred to as the Den Field), located offshore Texas in the Gulf of Mexico, and also the gas from Phillips interest in the Den Field, Phillips having elected to dispose of its gas separately through arrangements with Pan American Gas Co. The Den Field reserves are estimated to be 405 million Mcf. The contract between Union Carbide and Shell provides for a price of 15.4 cents per Mcf (14.65 p.s.i.a.) over the 15-year period thereof.

Specifically, Applicant seeks authorization to construct and operate approximately 53 miles of 16-inch O.D. pipeline, commencing in Federal Block 136 and extending to Texas City, Tex., together with measuring and regulating facilities and appurtenances.

Applicant states that it has entered into a General Gas Transportation Agreement with Union Carbide, and a Limited Gas Transportation Agreement with Phillips. Applicant further states that initially its designated daily Contract Quantities for Union Carbide and Phillips will be 67,900 Mcf and 55,600 Mcf of gas, respectively, which quantities are subject to revision in order that Phillips may have the opportunity to maintain a ratable position with Shell's production from the Den Field, in which Phillips and Shell have joint and equal ownership. Applicant has undertaken to receive and transport up to 125 percent of the designated Contract Quantities. Applicant states that the Unit Transportation Charge of 2.1 cents per Mcf (14.65 p.s.i.a.) is to be applied to all volumes delivered to it for transportation.

The total estimated cost of Applicant's proposed project is $6,500,000, which will be financed through the sale of $5,050,000, of secured promissory notes and by the issuance of common stock to its stockholder.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 13, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-4698; Filed, Apr. 28, 1966; 8:46 a.m.]

[Docket Nos. E-7120, E-7288]

CRISP COUNTY POWER COMMISSION AND GEORGIA POWER CO.

Order Providing for Filing of Briefs on Settlement Proposal; and Directing Immediate Temporary Emergency Interconnection and Service

APRIL 22, 1966.

This order directs that briefs respecting a settlement proposal tendered in Docket No. E-7120 be filed by all parties within 2 weeks. The order also provides (in Docket No. E-7288) that, pending further consideration of the settlement proposal or other resolution of the merits of the proceeding, and in the light of information indicating the urgent need for an immediate temporary connection of electric facilities and rendition of emergency service by Georgia Power Co. (Georgia Power) to Crisp County Power Commission (Crisp County), Georgia Power be directed to institute such connection and service in the manner hereinafter provided.

On August 8, 1963, Crisp County filed a complaint with the Commission under section 202(b) of the Federal Power Act in Docket No. E-7120 requesting the Commission to direct Georgia Power to interconnect with and sell and exchange energy with Crisp County. Crisp County presently operates in electrical isolation. Hearings on the complaint have been held and the issues have been briefed to the Presiding Examiner. On April 13, 1966, the Presiding Examiner certified to the Commission for its consideration a settlement proposal which had been filed on April 11, 1966, by Georgia Power and Crisp County.

Crisp County has not asked Commission permission for withdrawal of its complaint. Instead the letter accompanying the tender of the settlement proposal asks on behalf of Crisp County and Georgia Power that the Commission approve and adopt the settlement proposal by an appropriate order in Docket No. E-7120.

On April 15, 1966, the Commission staff filed a motion urging that we fix a period of 20 days for comment by all parties upon the merits of the settlement. The staff points out that in submitting the proposal, neither Georgia Power nor Crisp County had purported to show why its terms constituted an appropriate resolution of the issues in the proceeding and that the staff, itself, had not participated in the settlement conferences, and had not had time within

the brief period subsequent to the filing of the proposal to evaluate the merits of the complex agreement in the light of the facts of record.

We believe that under the circumstances, it is both necessary and appropriate to provide an opportunity for preparation and filing of briefs by all parties on the merits of the settlement agreement before the Commission determines whether its approval and adoption would be a reasonable resolution of the proceeding instituted by Crisp County which has been already heard and briefed. We shall accordingly defer action upon the settlement proposal (as well as the ancillary motion of the staff to waive intermediate decision by the Examiner, which would be moot should we approve the settlement) until we can consider these further pleadings. However, we believe 2 weeks from the date of this order should be sufficient in which to prepare and file such briefs.

Reliable information coming to the Commission's attention [1] indicates that in the past year there have been seven outages on the Crisp County system resulting in loss of service to some or all customers served. Five of those outages lasted over an hour and one of those five lasted for over 5 hours. Two outages of 27- and 6-minute durations resulted in loss of service to the entire system. The five others, all of which lasted over an hour, deprived 500 to 2,000 customers of service.

We find that on the basis of the numerous service interruptions on the Crisp County system due to inadequate generating facilities under isolated operation, an emergency situation exists with respect to electric service to the customers of Crisp County. Available information indicates two alternative means of establishing such temporary interconnection: closure of existing switching facilities of Georgia Power Co. at Cordele, Ga., which are fed by the 66-mile Americus-Perry 46 kv circuit of Georgia Power,[2] or a temporary backup service from Georgia Power's 46 kv Flint River circuit. The Commission believes that Georgia Power and Crisp County should be offered the opportunity in the first instance to determine if these or other alternative connections will best meet the emergency situation and to agree upon terms of the financial and operating agreement between them in effecting the temporary emergency interconnection and service hereinafter directed.

[1] Outages on May 10, June 2, and Aug. 18, 1965, are indicated by the record in Docket No. E-7120 (Tr. 100, 102, and 99). An engineer in the employ of Crisp County has advised the Commission staff of four other outages which occurred subsequent to the closing of the record on Feb. 5, Mar. 7, 25, and 28, 1966. For more details on these seven outages see Appendix A to the Staff Comment and Motion filed Apr. 15, 1966, in Docket No. E-7120.

[2] There had been an interconnection between Georgia Power and Crisp County at Cordele prior to January 1961. There is no record of any power supply failure prior to the discontinuance of this interconnection.

Nothing contained herein shall be construed as passing upon the issues raised in the pending proceeding in Docket No. E-7120 initiated by Crisp County against Georgia Power pursuant to section 202(b) of the Federal Power Act. The temporary emergency interconnection directed herein in Docket No. E-7288, may be modified or removed after the Commission has resolved the issues pending in Docket No. E-7120.

The Commission finds:

(1) An immediate temporary emergency interconnection between Crisp County and Georgia Power at Cordele, Ga., or from the 46 kv Flint River circuit is necessary and appropriate and in the public interest for the purposes of the Federal Power Act, particularly section 202(c), to assure adequate electric service to Crisp County's customers.

(2) The settlement proposal in Docket No. E-7120 is so complex that the Commission deems it advisable to defer passing thereon until after a period elapses for preparation of briefs and Commission consideration of such briefs.

The Commission orders:

(A) Georgia Power shall within seven days hereafter establish temporary emergency interconnection of its electric facilities with those of Crisp County so as to provide emergency backup service capacity to the Crisp County system until further order of the Commission.

(B) Georgia Power shall notify this Commission when the temporary interconnection ordered herein is established and operative.

(C) This temporary interconnection and emergency service shall be rendered in accordance with the terms and conditions as shall be agreed to between Georgia Power and Crisp County. If no agreement is reached, the temporary interconnection and service shall be subject to such terms and conditions as may be fixed by supplemental order of the Commission pursuant to section 202(c) of the Federal Power Act.

(D) All parties shall file with this Commission within 2 weeks from the issuance of this order their briefs with respect to the settlement proposal certified to the Commission by the Presiding Examiner on April 13, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-4699; Filed, Apr. 28, 1966; 8:46 a.m.]

[Docket No. CP66-6]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

APRIL 22, 1966.

Take notice that on April 15, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., filed in Docket No. CP66-6 a petition to amend the order of the Commission issued in said docket on September 24, 1965, and amended January 24, 1966, which order, as amended, authorized, inter alia, the sale and delivery of natural gas by Petitioner through existing facilities to Intermountain Gas Co. (Intermountain) for transportation to and resale and distribution in the communities of Rigby, Rexburg, Ucon, and Lewisville, Idaho, and their respective environs. By the instant filing, Petitioner seeks further amendment of the aforementioned order to permit the sale and delivery of natural gas to Intermountain for transportation to and resale in the community of Iona, Idaho, and its environs, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner proposes to transport and sell to Intermountain, through its existing Idaho Falls Meter Station without enlargement or modification, firm quantities of natural gas for Iona, Idaho, and its environs, such quantities estimated at a maximum daily and annual requirement of 151 Mcf and 16,100 Mcf, respectively. The sale is proposed to be initiated in accordance with and at rates contained in Petitioner's Rate Schedule DI-1, FPC Gas Tariff, Original Volume No. 3.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-4700; Filed, Apr. 28, 1966; 8:46 a.m.]

[Docket No. RI66-344]

F. A. CALLERY, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 22, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

No. 83——6

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reported procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 8, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-344...	F. A. Callery, Inc., et al., 1550 First City National Bank Bldg., Houston, Tex., 77002.	8	8	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$284	3-24-66	[1] 4-24-66	[2] 4-25-66	[5][6] 14.50	[3][4][5] 14.64	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Upward B.t.u. price adjustment based on quality statement filed concurrently with rate change.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to 0.50 cent per Mcf compression charge.
[6] Area base rate per Opinion No. 468.

F. A. Callery, Inc., et al. (Callery), proposes a rate increase from 14.5 cents to 14.64 cents per Mcf, amounting to $284 annually, for a sale of "old" gas-well gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas.

The present effective rate of 14.5 cents per Mcf is the reduced rate which Callery voluntarily placed into effect on September 1, 1965, in accordance with the Commission's area base rate determination in its Permian Basin Opinion (prior to the stays issued by the Court and Commission). The effective rate under the rate schedule prior to the filing of the rate reduction was 15.70925 cents per Mcf, being collected under refund obligation in Docket No. RI60-395. A rate increase to 16.72275 cents per Mcf was suspended in Docket No. RI64-806 until January 1, 1965, but was never placed into effect.

Concurrently with the subject rate increase, Callery filed a Rate Schedule-Quality Statement for the subject sale showing, among other things, an upward adjustment of 0.14 cent per Mcf to its base rate of 14.5 cents per Mcf, which represents a B.t.u. price adjustment for 10 B.t.u.'s in excess of the maximum standard of 1050 B.t.u.'s prescribed in the Permian Basin Opinions. Such B.t.u. price adjustment is the basis for the increased rate involved herein.

The quality statement further shows a treating cost figure of 0.40 cent per Mcf for the removal of sulphur and water content, which are the only two quality provisions of the sale not meeting the quality standards prescribed in the Permian Basin Opinions. Such treating cost, however, is not considered in arriving at the applicable area rate for the sale in question because of a claimed offsetting credit for B.t.u. content between 1,000 and 1,050 B.t.u.'s. By order issued March 23, 1966, in Area Rate Proceeding, Docket No. AR61-1 (Phillips Petroleum Co., Docket No. G-20405) the Commission indicated it would not allow an upward adjustment for B.t.u. content between 1,000 and 1,050 as an offset against a downward quality adjustment in determining the applicable area rate. That ruling is equally applicable here.

Examination has not been completed with respect to the propriety of other matters covered in the subject quality statement. In our future determination as to whether Callery's quality statement is otherwise acceptable, no consideration will be given to the proposed credit for B.t.u. content.

In view of the possibility that Callery's proposed rate may be in excess of the applicable area rate ceiling determined in Permian, it is appropriate to suspend such rate for one day as ordered herein.

Except for the stay of the moratorium in Opinion No. 468, Callery's filing would be rejectable. If the moratorium is ultimately upheld upon judicial review, the filing will be rejected ab initio.

[F.R. Doc. 66-4701; Filed, Apr. 28, 1966; 8:46 a.m.]

[Docket No. CS66-85, etc.]

MILES KIMBALL CO., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 22, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket Nos.	Date filed	Name of applicant
CS66-85 [1]	3-17-66	Miles Kimball Co., Post Office Box 678, Oshkosh, Wis.
CS66-86 [1]	3-17-66	Mr. Edward F. Leyhe, 1540 Algoma Blvd., Oshkosh, Wis.
CS66-87 [1]	3-17-66	Mrs. Alberta S. Kimball, 1018 Algoma Blvd., Oshkosh, Wis.
CS66-120	4- 5-66	Ashmun & Hilliard (Operator), et al., 710 Vaughn Bldg., Midland, Tex.
CS66-121	4- 8-66	Neleh Gas & Oil Corp., Box 2189, San Angelo, Tex.
CS66-122	4-14-66	Bert Fields Estate, 1181 First National Bank Bldg., Dallas, Tex., 75202.
CS66-123	4-18-66	Me-Tex Supply Co., Post Office Box 2070, Hobbs, N. Mex., 88240.

[1] Resubmission of application. Application previously filed Feb. 2, 1966, but rejected by letter dated Mar. 8, 1966.

[F.R. Doc. 66-4702; Filed, Apr. 28, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1937]

BALDWIN SECURITIES CORP. AND FASCO, INC.

Filing of Application for Order Exempting Transaction Between Affiliated Persons

APRIL 25, 1966.

Notice is hereby given that Baldwin Securities Corp. ("Baldwin"), 1 Chase Manhattan Plaza, New York, N.Y., a Delaware corporation and a registered closed-end diversified investment company, and Fasco, Inc. ("Fasco"), 6140 Oliver Building, Pittsburgh, Pa., also a Delaware corporation, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed purchase by Fasco from Baldwin of 180,000 shares of common stock of Brown Co. ("Brown") at $22.50 a share or a total of $4,050,000. All interested persons are referred to the application which is on file with the Commission for a statement of applicants' representations, which are summarized below.

Baldwin owns 344,417 shares (approximately 14 percent) of the outstanding common stock of Brown, which is engaged in the manufacture and sale of paper products. Fasco is a wholly owned subsidiary of Fasco A.G., a Liechtenstein corporation, which owns 550,000 shares (approximately 22 percent) of Brown's outstanding common stock. Applicants concede for the purposes of this application that Fasco A.G. controls Brown within the meaning of the Act; under section 2(a)(9) of the Act Fasco A.G. controls Fasco. Under section 2(a)(3) of the Act, Fasco is an affiliated person of Brown and Brown is an affiliated person of Baldwin.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company or an affiliated person of such person, from purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) 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, 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.

The terms of the proposed purchase and sale are set forth in an agreement between the parties executed on March 28, 1966. The obligations of Fasco, under the purchase-sale agreement, have been guaranteed by Fasco A.G. Such agreement provides that the purchase price of $4,050,000 is to be paid as follows: $1,800,000 at the closing, $875,000 on each of the first and second anniversaries of the closing, and $500,000 on the third anniversary. Fasco has deposited in escrow $900,000 to be applied to the initial payment at the closing. The unpaid balance of the purchase price is to bear interest at the rate of 6 percent per annum from the closing date. At the closing the shares of Brown stock purchased are to be deposited as security for payment of the unpaid balance of the purchase price. Until it pays the first $875,000 installment, Fasco is to maintain in escrow security having a fair market value of at least 100 percent of the unpaid balance of the purchase price. After the first installment is paid Fasco is required to maintain in escrow security having a fair market value of at least 150 percent of the unpaid balance. Baldwin is to receive that portion of any dividends paid on the Brown shares in the future as the period from the date of the signing of the agreement (March 28, 1966), to the closing bears to the total period covered by such dividend. The escrow agent is to invest the $900,000 deposited by Fasco in certain debt securities and Baldwin is to receive all interest paid on such deposit. After the closing, and so long as Fasco is not in default, Fasco will have the right to vote the Brown shares involved and, under certain circumstances, to withdraw from escrow a portion of the Brown shares.

Baldwin's holdings of Brown common stock, which were purchased during the period from September 11, 1963 to June 23, 1964, were acquired at an average cost of 14⅜ a share.

The common stock of Brown is traded on the American Stock Exchange. During the year 1965 the stock ranged in price from 19 to 11⅞. From January 1, 1966, to March 28, 1966, the date of the agreement, the stock ranged in price from 27½ to 17⅛. During the period subsequent to execution of the agreement through April 18, 1966, Brown's common stock ranged in price from 25½ to 22¾ and closed at 24½ on April 18, 1966.

In support of the application the applicants state, among other things, that the proposed transaction, including the price to be paid for the purchase of the Brown shares, was the result of arm's-length negotiations between independent parties; and that no relationship exists between Baldwin on the one hand and Fasco and Fasco A. G. on the other hand except that both Baldwin and Fasco own shares of Brown common stock and each of those companies has representation on the board of directors of Brown. Applicants express the opinion that the sale in the open market by Baldwin of the amount of Brown stock involved here would have depressed the market price for such stock and have involved the payment of brokerage fees; that the sale of such shares to the public through underwriters would have involved substantial underwriting fees; and that if registration under the Securities Act of 1933 is necessary additional expenses would be incurred.

Notice is further given that any interested person may, not later than May 10, 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 matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-4705; Filed, Apr. 28, 1966; 8:46 a.m.]

[811-806]

INSURED ACCOUNTS FUND, INC.

Application for Order Declaring Company Has Ceased To Be Investment Company

APRIL 25, 1966.

Notice is hereby given that Insured Accounts Funds, Inc. ("applicant"), 11 East Adams Street, Chicago, Ill., 60603, a Massachusetts corporation, has filed an application for an order pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), declaring that applicant has ceased to be an investment

company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant registered as an open-end diversified management investment company, was formed to provide an investment vehicle for persons desiring to invest in savings accounts in insured savings and loan associations. In 1958 applicant publicly offered its shares pursuant to an effective registration statement under the Securities Act of 1933. This registration statement was withdrawn in September 1963. A subsequent registration statement was filed in October 1964 and was withdrawn on November 26, 1965, without having become effective.

At a meeting held on November 23, 1965, applicant's shareholders approved liquidation of applicant and authorized its officers to take all steps necessary to effect liquidation. By March 30, 1966, all of applicant's assets had been paid to shareholders on a prorated basis and applicant represents that it shortly will file the documents required to dissolve applicant under Massachusetts law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the effectiveness of that order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than May 12, 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 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 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] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-4706; Filed, Apr. 28, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 173]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 26, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules 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 (6) 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 17002 (Sub-No. 32 TA), filed April 22, 1966. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, East, Post Office Box No. 1156, Huntington, W. Va., 25714. 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 because of size or weight, require the use of special equipment, from Huntington, W. Va., to points in Texas, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Connors Steel Division, Huntington, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 59909 (Sub-No. 9 TA), filed April 22, 1966. Applicant: JACOBS TRANSFER, INC., 61 Pierce Street NE., Washington, D.C. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C., 20036. 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, and household goods as defined by the Commission): (1) Between the warehouse site of Sears Roebuck & Co., at Gaithersburg, Md., on the one hand, and, on the other, the District of Columbia, Baltimore, Md., St. Marys, Charles, Calvert, Howard, Anne Arundel, Montgomery, Prince Georges, Baltimore, Carroll and Frederick Counties, Md., and Fairfax, Prince William, Loudoun, Clarke, Orange, Westmoreland, Rappahannock, Culpeper, King George, Caroline, Louisa, Essex, Warren, Fauquier, Spotsylvania and Stafford Counties, Va., and points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake & Delaware Canal, (2) between the stores and warehouse sites of Sears Roebuck & Co. in Washington, D.C., and the Washington, D.C., commercial zone, on the one hand, and, on the other, Clarke, Orange, Westmoreland, Rappahannock, Culpeper, King George, Caroline, Louisa, Essex, and Warren Counties, Va., for 180 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 6742, Philadelphia 32, Pa., Attention: Vice President McKee. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, 12th and Constitution NW., Washington, D.C., 20423.

No. MC 107983 (Sub-No. 6 TA), filed April 22, 1966. Applicant: COLD-WAY EXPRESS, INC., Route 1, Morton, Ill., 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60541. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including butter, powdered milk, condensed milk, ice cream mix, and oleomargarine*, from Dubuque, Iowa, and Hannibal, Mo., on the one hand, and, on the other, Indianapolis, Ind., Louisville, Ky., Knoxville, Tenn., Carlinville, Pana, Peoria, Quincy, and Robinson, Ill., for 180 days. Supporting shipper: Sugar Creek Foods, Division of National Dairy Products Corp., 222 West Adams Street, Chicago, Ill., 60606. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 111320 (Sub-No. 46 TA), filed April 22, 1966. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., Barlow Road, Hudson, Ohio. Applicant's representative: J. C. Schriner, 11615 Detroit Avenue, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile haulaway trailers*, in initial, driveaway, and truckaway service, from Bethlehem, Pa., to Lordstown, Ohio, Detroit and River Rouge, Mich., for 180 days. Supporting shipper: Whitehead & Kales Co., 58 Haltiner Street, Detroit 18, Mich. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 114533 (Sub-No. 135 TA), filed April 22, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Applicant's representative: Herman Burk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films, and materials and supplies used in connection with commercial and television motion pictures), between Lansing, Mich., on the one hand, and, on the other, Columbus and Canton, Ohio, for 150 days. Supporting shipper: Capital Film Services, 1001 Terminal Road, Lansing, Mich., 48906. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 117765 (Sub-No. 42 TA), filed April 22, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern Avenue, Oklahoma City, Okla., 73111. Applicant's representative: R. E. Hagan, 5800 North Eastern, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated and noncarbonated* (nonalcoholic), in containers, from Ottumwa, Iowa, to points in Arkansas, Illinois, Kansas, Missouri (except Kansas City and St. Joseph on volume shipments), Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Dad's-Clicquot Bottling Co., 504 Richmond, Ottumwa, Iowa, 52501. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla.

No. MC 117765 (Sub-No. 43 TA), filed April 22, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern Avenue, Oklahoma City, Okla., 73111. Applicant's representative: R. E. Hagan, 5800 North Eastern, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated and noncarbonated* (nonalcoholic), in containers, from Muskogee, Okla., to points in Arkansas, Colorado, Kansas, Missouri, New Mexico, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: Wagner Industries, Inc., 1331 South 55th Court, Cicero, Ill., 60650, Vincent Russo, vice president. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 124078 (Sub-No. 208 TA), filed April 22, 1966. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Longview, Ala., to Rockmart, Ga., and Hamilton, Miss., for 150 days. Supporting shipper: Longview Lime Corp., 2144 Highland Avenue, South, Birmingham 5, Ala. (William S. Warren, Traffic Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 124078 (Sub-No. 209 TA), filed April 22, 1966. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylic paints, adhesives, black asphalt, liquid asphalt sealer, tile grout, vinyl concrete patcher, cement mix, lime, sand, rock and stone* (crushed, ground, or natural), *and advertising material*, all in containers, straight or mixed truckloads, from (1) Atlanta, Ga., to points in Alabama and points in Tennessee east of the Tennessee River and (2) from Lilesville, N.C., to points in South Carolina, Virginia; and Savannah, Ga., for 180 days. Supporting shipper: W. R. Bonsal Co., Inc., 1155 Zonolite Road NE., Atlanta, Ga., 30306. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

By the Commission.

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

[F.R. Doc. 66-4708; Filed, Apr. 28, 1966; 8:47 a.m.]

[Notice 1336]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 26, 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-68414. By order of April 20, 1966, the Transfer Board, on reconsideration, approved the transaction whereby William Furry, South Bend, Ind., would control the brokerage operations, and acquire broker license No. MC-12483, issued October 20, 1960, to Forlow Travel Bureau, Inc., Frankfort, Ind., authorizing the performance of brokerage operations at Frankfort, Ind., in arranging for the transportation of: Passengers and their baggage, in charter service, between points in Indiana, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C., 20005, attorney for applicants.

No. MC-FC-68606. By order of April 22, 1966, the Transfer Board approved the transfer to Western States Express, a corporation, Watsonville, Calif., of the operating rights of Ayers & Maddux, Inc., Los Angeles, Calif., in certificate No. MC-118281, issued July 2, 1963, authorizing the transportation, over irregular routes, of frozen fruits, frozen berries, and frozen vegetables, from Watsonville, Calif., to Phoenix and Tucson, Ariz., and El Paso, Tex., and from Albany, Oreg., to Seattle, Kent, Arlington, and Stanwood, Wash., to Los Angeles, Calif. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., attorney for transferor. Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif., attorney for transferee.

No. MC-FC-68622. By order of April 21, 1966, the Transfer Board approved the transfer to Anthony H. Santiago, doing business as Bison City Cartage Co., Buffalo, N.Y., of certificates Nos. MC-119449, issued March 29, 1960, to Anthony H. Santiago and Mario Cecchini, a partnership, doing business as Bison City Cartage Co., Buffalo, N.Y., authorizing the tranpsortation of meats, meat products and meat byproducts, dairy products, and articles distributed by meatpacking houses, from Buffalo, N.Y., to points in Broome, Cortland, and Onondaga Counties, N.Y., on and west of U.S. Highway 11, and to all points in various other New York counties, and various other commodities, from Buffalo, N.Y., to points in New York and Pennsylvania, and MC-119449 (Sub-No. 2), issued January 18, 1962, to Anthony H. Santiago and Mario Cecchini, a partnership, doing business as Bison City Cartage Co., Buffalo, N.Y., authorizing the transportation of meats, meat products and meat byproducts and dairy products, from Buffalo, N.Y., to New Hartford, Oneida, and Utica, N.Y. Kenneth T. Johnson, Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N.Y., 14701, attorney, for applicants.

No. MC-FC-68623. By order of April 25, 1966, the Transfer Board approved the transfer to James D. Zelka, doing business as James Zelka Trucking, 120 North Custer Avenue, Hardin, Mont., of the operating rights in certificate of registration No. MC-120931 (Sub-No. 1), issued August 13, 1964, to Ben Feller, 817 West Second Street, Hardin, Mont., corresponding to the grant of intrastate authority to transferor in certificate of public convenience and necessity No. 2174, dated June 14, 1961, issued by the Board of Railroad Commissioners of the State of Montana.

No. MC-FC-68630. By order of April 21, 1966, the Transfer Board approved the transfer to Gemmell's Transfer, Inc., 205 Commerce Street, Box 694, Pulaski, Va., of certificate in No. MC-65410, issued October 24, 1962, to Thomas James Gemmell and Matthew Maines Gemmell, a partnership, doing business as Gem-

mell's Transfer, 205 Commerce Street, Box 694, Pulaski, Va., authorizing the transportation of household goods between Pulaski, Va., and points in Virginia within 25 miles of Pulaski, on the one hand, and, on the other, points in North Carolina, West Virginia, and Tennessee.

No. MC-FC-68699. By order of April 21, 1966, the Transfer Board approved the transfer to Werner Bus Lines, Inc., Phoenixville, Pa., of certificate in Nos. MC-62296 and MC-62296 (Sub-No. 4), issued May 11, 1961, and March 1, 1966, respectively, to Homer V. Werner, doing business as Werner Bus Lines, Phoenixville, Pa., authorizing the transportation of passengers and their baggage in charter or special operations from, or beginning and ending at specified points in Pennsylvania to points and places in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermonth, Virginia, West Virginia, and the District of Columbia. Leonard Sugerman, Sugerman, Mussinger & Weiss, 400 South Main Street, Phoenixville, Pa., attorney for applicants.

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

[F.R. Doc. 66-4709; Filed, Apr. 28, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 26, 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. 40445—*Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 104), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 35 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA No. 40446—*Muriatic acid to Norco, La.* Filed by O. W. South, Jr., agent (No. A4885), for interested rail carriers. Rates on muriatic (hydrochloric) acid, in tank carloads, from Chattanooga and Memphis, Tenn., to Norco, La.

Grounds for relief—Market Competition.

Tariff—Supplement 86 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40447—*Liquid fertilizers to points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-8844), for interested rail carriers. Rates on liquid fertilizers, in carloads, from Donaldsville, La., Dimmitt and Hurlwood, Tex., to points in Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 171 to Southwestern Freight Bureau, agent, tariff ICC 4422.

By the Commission.

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

[F.R. Doc. 66-4710; Filed, Apr. 28, 1966; 8:48 a.m.]

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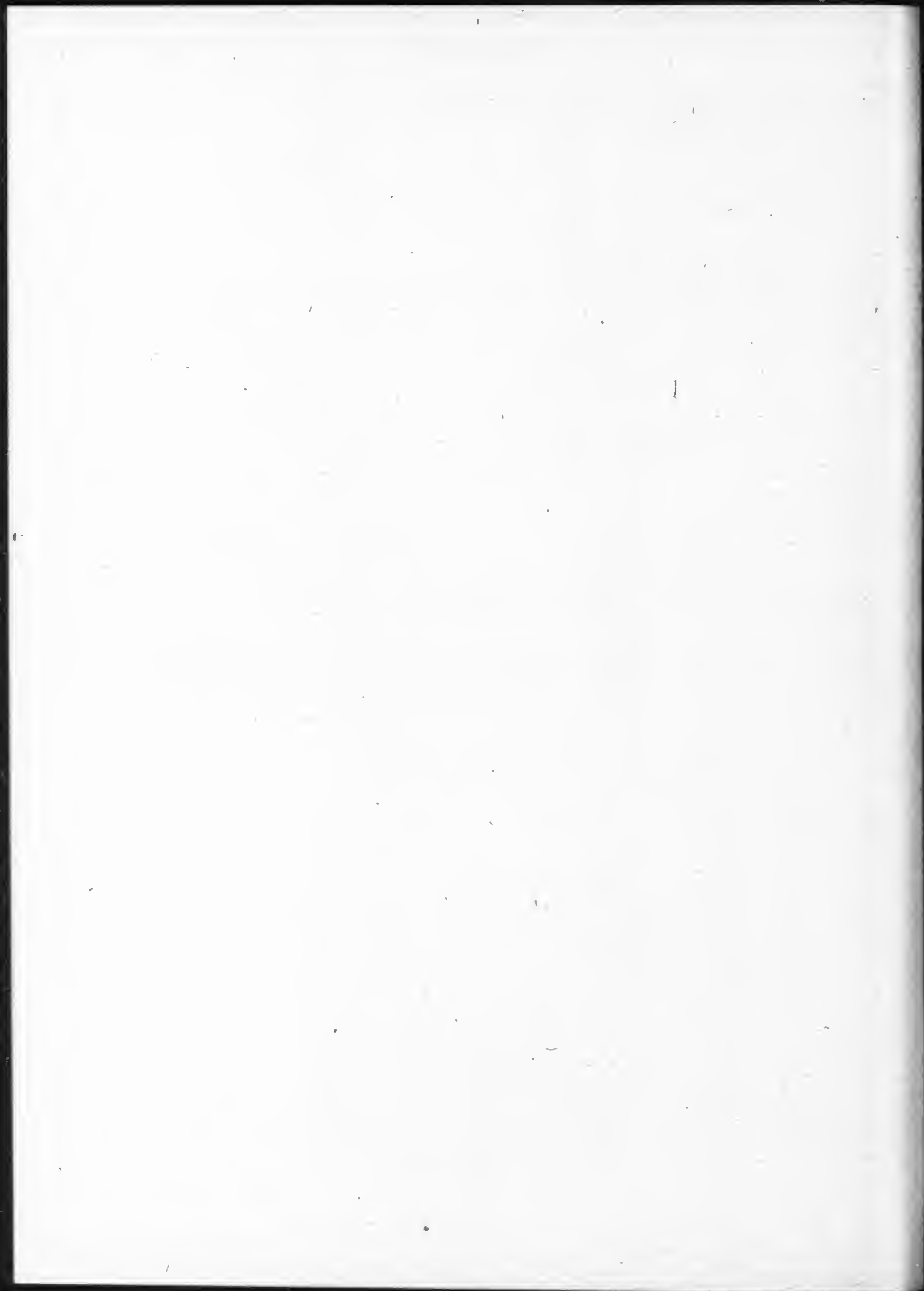

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