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## List of CFR Parts Affected

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

#### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

#### Appendix—Initial Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1967

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1967, are apportioned among the States as follows:

State	Initial apportionment	State agency	Withheld for private schools
Alabama	\$55,315	\$54,200	\$1,100
Alaska	6,975	6,975	-----
Arizona	22,060	19,064	3,015
Arkansas	63,965	62,353	1,602
California	39,142	39,142	-----
Colorado	11,062	9,229	1,833
Connecticut	4,130	4,130	-----
Delaware	802	786	16
District of Columbia	15,204	15,204	-----
Florida	93,063	90,964	2,129
Georgia	112,745	112,745	-----
Guam	166	94	72
Hawaii	5,604	3,183	2,421
Idaho	2,058	1,852	206
Illinois	18,643	18,643	-----
Indiana	14,649	14,649	-----
Iowa	13,064	9,354	3,730
Kansas	6,608	6,608	-----
Kentucky	79,393	79,393	-----
Louisiana	128,287	128,287	-----
Maine	10,210	7,612	2,598
Maryland	10,968	8,182	2,803
Massachusetts	22,428	22,428	-----
Michigan	25,664	19,846	5,819
Minnesota	10,626	12,351	4,275
Mississippi	51,450	51,450	-----
Missouri	24,075	24,075	-----
Montana	7,118	5,647	1,471
Nebraska	9,985	6,983	3,002
Nevada	1,320	1,308	12
New Hampshire	3,589	3,589	-----
New Jersey	12,898	6,654	6,241
New Mexico	25,473	25,473	-----
New York	356,750	356,750	-----
North Carolina	98,946	98,946	-----
North Dakota	5,391	3,758	1,633
Ohio	44,068	33,543	10,522
Oklahoma	26,518	26,518	-----
Oregon	3,798	3,798	-----
Pennsylvania	62,719	41,383	21,333
Puerto Rico	57,867	57,867	-----
Rhode Island	781	781	-----
South Carolina	118,988	114,560	4,428
South Dakota	8,058	8,058	-----
Tennessee	91,947	90,813	1,134
Texas	83,335	78,324	5,011
Utah	10,441	10,328	113
Vermont	3,115	2,118	997
Virginia	41,011	39,931	1,080
Virgin Islands	1,650	1,650	-----
Washington	9,162	7,652	1,510
West Virginia	45,423	44,634	789
Wisconsin	16,268	8,218	7,079
Wyoming	807	807	-----
Samoa, American	308	308	-----
Total	2,003,000	1,903,611	94,969

(Secs. 2-12, 60 Stat. 230-233, as amended, 75 Stat. 944; 42 U.S.C. 1751-1760)

Dated: October 26, 1966.

ROY W. LENNARTSON,  
Associate Administrator.

[F.R. Doc. 66-11823; Filed, Oct. 28, 1966;  
8:48 a.m.]

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Black Stem Rust

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 38 relating to black stem rust and the regulations supplemental to said quarantine (7 CFR 301.38, 301.38-1 through 301.38-11) are hereby amended to read as follows:

##### Subpart—Black Stem Rust

#### QUARANTINE AND REGULATIONS

- Sec. 301.38 Quarantine: restriction on interstate movement of specified articles.
- 301.38-1 Definitions.
- 301.38-2 Authorization for Director to list rust-resistant plants, specifically approved sources, and eradication areas; cancellation of approval of specifically approved sources.
- 301.38-3 Conditions governing the interstate movement of regulated articles.
- 301.38-4 Inspection of regulated articles and issuance and withdrawal of certificates and limited permits.
- 301.38-5 Inspection and disposal of regulated articles and pests.
- 301.38-6 Special provisions governing the interstate movement of regulated articles for scientific purposes only.
- 301.38-7 Movement of live black stem rust spores.
- 301.38-8 Division policies relating to compliance agreements; cancellation of such agreements.
- 301.38-9 Nonliability of the Department.

**AUTHORITY:** The provisions of this subpart issued under sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 93; 7 U.S.C. 162, 150ee; 29 P.R. 16210, as amended; 30 P.R. 5799, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161.

#### QUARANTINE AND REGULATIONS

§ 301.38 Quarantine: restriction on interstate movement of specified articles.

(a) *Notice of quarantine.* Pursuant to section 8 of the Plant Quarantine Act, as

amended (7 U.S.C. 161), the Secretary of Agriculture heretofore determined, after public hearing in accordance with said section 8, that it was necessary to quarantine all States within the continuous United States and the District of Columbia in order to prevent the spread of black stem rust (*Puccinia graminis*), a dangerous plant disease of small grains; and accordingly quarantined said States and District. Under the authority of said section 8 and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined areas of the articles specified in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restriction on interstate movement.* No common carrier or other person shall move interstate from any quarantined State or District of the United States, any plants, seeds, fruits, or other parts of plants which are capable of propagation, and belong in the genera *Berberis*, *Mahoberberis*, or *Mahonia* (other than *Mahonia* cuttings for decorative purposes), except in accordance with the conditions prescribed in this subpart.

##### § 301.38-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice-versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Black stem rust.* The disease commonly known as the black stem rust of grains (*Puccinia graminis*).

(b) *Certificate.* A document issued or label authorized by an inspector to allow the movement of regulated articles to any destination.

(c) *Compliance agreement.* A written agreement between a person engaged in growing, dealing in, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with conditions specified in the agreement by the inspector who executes the agreement on behalf of the Division, to prevent the dissemination of black stem rust.

(d) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(e) *Eradication area.* Any State, or portion of any State, or the District of

## RULES AND REGULATIONS

Columbia, listed as an eradication area in § 301.38-2c by the Director in accordance with § 301.38-2.

(f) *Inspector.* Any employee of the U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(g) *Interstate.* From any State into or through any other State or the District of Columbia, or from the District of Columbia into or through any State.

(h) *Limited permit.* A document issued by an inspector to allow the interstate movement of certain regulated articles to a specified destination for particular handling or utilization.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved. "Movement" and "move" shall be construed accordingly.

(j) *One year's growth.* The growth of a plant during all growing seasons of any calendar year.

(k) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(l) *Regulated articles.* All plants, seeds, fruits, and other parts of plants which are capable of propagation, and belong in the genera *Berberis*, *Mahoberberis*, or *Mahonia*, except *Mahonia* cuttings for decorative purposes.

(m) *Rust-resistant plants.* *Berberis*, *Mahoberberis*, and *Mahonia* plants listed as rust-resistant plants in § 301.38-2a by the Director in accordance with § 301.38-2.

(n) *Scientific permit.* A document issued by the Director to authorize movement of regulated articles to a specified destination for scientific purposes.

(o) *Seedlings.* Any plant within the genera *Berberis* or *Mahoberberis* of less than 2 years' growth and any plant within the genera *Mahonia* of less than 1 year's growth.

(p) *Specifically approved source.* Any nursery, dealer's establishment, or other establishment, listed as a specifically approved source in § 301.38-2b by the Director in accordance with § 301.38-2.

(q) *Two years' growth.* The growth of a plant during all growing seasons of 2 successive calendar years.

**§ 301.38-2 Authorization for Director to list rust-resistant plants, specifically approved sources, and eradication areas; cancellation of approval of specifically approved sources.**

(a) The Director shall publish and amend from time to time as the facts warrant, the following lists:

(1) *List of rust-resistant plants.* The Director shall list as rust-resistant plants, in a supplemental regulation designated as § 301.38-2a, the species and horticultural varieties of *Berberis*, *Mahoberberis*, and *Mahonia*, which he has found are rust-resistant.

(2) *List of specifically approved sources.* The Director shall list as specifically approved sources, in a supple-

mental regulation designated as § 301.38-2b, nurseries, dealers' establishments, and other establishments which are found to be growing or handling plants and/or seed of species or horticultural varieties of *Berberis*, *Mahoberberis*, and *Mahonia* only if they have been designated as rust-resistant in § 301.38-2a, and which are found to be otherwise operating in accordance with a compliance agreement.

(3) *List of eradication areas.* The Director shall list as eradication areas, in a supplemental regulation designated as § 301.38-2c, the States, or portions of States, or the District of Columbia, which have adopted and are enforcing specific procedures to eradicate *Berberis*, *Mahoberberis*, and *Mahonia* plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division.

(b) The approval of any establishment as a specifically approved source may be canceled by the inspector who is supervising the enforcement of the compliance agreement with such establishment, whenever he finds, after notice and reasonable opportunity to present views has been accorded to the operator of the establishment, that such operator, while his establishment was listed as a specifically approved source, has grown or handled any plants or seed of species or horticultural varieties of *Berberis*, *Mahoberberis*, or *Mahonia* which were not then designated as rust-resistant by the Director, or has failed to comply with any other condition stated in the compliance agreement. When approval of any establishment as a specifically approved source is canceled under this paragraph, the name of such establishment shall be deleted by the Director from the listing of specifically approved sources in § 301.38-2b.

**§ 301.38-3 Conditions governing the interstate movement of regulated articles.**

The following regulated articles may be moved interstate under this subpart if all of the applicable conditions as specified below have been fulfilled:

(a) *Rust-resistant *Berberis* and *Mahoberberis* plants.* (1) Seedlings of rust-resistant *Berberis* and *Mahoberberis* plants originating at a specifically approved source may be moved interstate, if accompanied by a limited permit, to a destination specified in the permit. Such a permit will be issued only if the recipient has entered into a compliance agreement with the Plant Pest Control Division which will include requirements for holding such seedlings by the recipient at such destination until the plants have completed 2 years' growth.

(2) *Rust-resistant *Berberis* and *Mahoberberis* plants of at least 2 years' growth, and cuttings taken from such plants, may be moved interstate to any destination if an inspector determines that the plants and cuttings are true to type and if the plants and cuttings are*

<sup>1</sup> However, requirements under other applicable Federal plant quarantines must also be met.

accompanied by a certificate: *Provided, however,* That such plants and cuttings originating at a specifically approved source may be moved interstate without a certificate if the outside of the container in which they are moved is labeled with the name and address of the specifically approved source and the species and horticultural variety of the plants and cuttings contained therein.

(b) *Rust-resistant *Mahonia* plants.* Rust-resistant *Mahonia* plants of at least 1 year's growth, and cuttings taken from such plants, may be moved interstate to any destination if an inspector determines that the plants and cuttings are true to type and if the plants and cuttings are accompanied by a certificate: *Provided, however,* That such plants and cuttings originating at a specifically approved source may be moved interstate without a certificate if the outside of the container in which they are moved is labeled with the name and address of the specifically approved source and the species and horticultural variety of the plants and cuttings contained therein.

(c) *Seeds and fruits of rust-resistant *Berberis* and *Mahoberberis* plants.* (1) Seeds and fruits of rust-resistant *Berberis* and *Mahoberberis* plants originating at a specifically approved source within an eradication area may be moved interstate between eradication areas if accompanied by a limited permit.

(2) Seeds and fruits of rust-resistant *Berberis* and *Mahoberberis* plants may be moved interstate between noneradication areas and from any eradication area to any noneradication area without restriction under this subpart.

(d) *Seeds and fruits of rust-resistant *Mahonia* plants.* (1) Seeds and fruits of rust-resistant *Mahonia* plants originating at a specifically approved source within an eradication area may be moved interstate between eradication areas if accompanied by a limited permit.

(2) Seeds and fruits of rust-resistant *Mahonia* plants originating at a specifically approved source in a noneradication area may be moved interstate into any eradication area if accompanied by a limited permit. Such a permit will be issued only if the recipient has entered into a compliance agreement with the Plant Pest Control Division which will include the requirement for holding plants from such seed at his establishment until they have completed 1 year's growth.

(3) Seeds and fruits of rust-resistant *Mahonia* plants may be moved interstate between noneradication areas and from any eradication area to any noneradication area without restriction under this subpart.

**§ 301.38-4 Inspection of regulated articles and issuance and withdrawal of certificates and limited permits.**

(a) If a certificate or limited permit is required to accompany the interstate movement of regulated articles, such certificate or permit shall be issued or authorized by an inspector only if he has examined the regulated articles and de-

terminated that such articles are eligible for such movement under this subpart. Certificates will be issued or authorized if the regulated articles are found upon such examination to be free from evidence of black stem rust; to be rust-resistant; and to be otherwise eligible for the proposed interstate movement under this subpart. Limited permits will be issued to allow interstate movement of regulated articles not eligible for movement under certificate to specified destinations for specific handling or utilization in accordance with provisions specified in this subpart and with additional conditions specified in any applicable compliance agreement. Any certificate or limited permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any conditions for the use of such documents as specified in this subpart or with any applicable compliance agreement.

(b) Persons desiring to move interstate regulated articles which must be accompanied by a certificate or limited permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement.

(c) If a certificate or limited permit is required to authorize the interstate movement of regulated articles, the certificate or limited permit shall be firmly attached to the outside of the container in which such articles are moved, except that, where the certificate or limited permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, limited permit, or shipping document, the attachment of the certificate or limited permit to each container of the articles shall not be required. Certificates or permits attached to the waybill or other shipping document shall be furnished by the carrier to the consignee at the destination of the shipment.

**§ 301.38-5 Inspection and disposal of regulated articles and pests.**

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and live black stem rust spores, as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd).

**§ 301.38-6 Special provisions governing the interstate movement of regulated articles for scientific purposes only.**

Regulated articles may be moved interstate for experimental or scientific purposes under such conditions as may be prescribed by the Director if a scientific permit issued by the Director is attached to the container of such articles or the article itself.

**§ 301.38-7 Movement of live black stem rust spores.**

Regulations requiring a permit for and otherwise governing the movement of live black stem rust spores (*Puccinia graminis*) in interstate or foreign commerce

are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for the movement of such spores may be made to the Director.

**§ 301.38-8 Division policies relating to compliance agreements; cancellation of such agreements.**

(a) The policies of the Division as to the conditions that may be included by the inspectors in compliance agreements are outlined in instructions issued to the inspectors. Information thereon may be obtained upon request to the Division or the inspectors.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with any of the conditions of the agreement.

**§ 301.38-9 Nonliability of the Department.**

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections required under the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The primary purpose of this amendment is to simplify and clarify the black stem rust quarantine and regulations. The only substantive changes made are as follows:

The term "eradication area" is substituted for the term "eradication States" and provision is made whereby the Director of the Plant Pest Control Division may limit designation of an eradication area to the portion of a State in which a cooperative eradication program is being conducted, if the entire State is not within such program. This would enable imposition of more stringent requirements than now apply to interstate shipments from points within the portions of the States which would be excluded from designation as "eradication areas" and in this respect the amendment should be made effective as soon as possible in order to prevent the spread of black stem rust. The amendment would enable relieving of restrictions for shipments into portions of former "eradication States" which would be excluded from the "eradication areas."

The amendment also relieves restrictions by allowing regulated nursery stock to be moved interstate by any person instead of limiting shipments to those made by approved nurseries and dealers. This will involve no increase in pest risk because adequate restrictions are provided by the regulations to prevent the spread of black stem rust.

To the extent that the amendment relieves restrictions it should be made effective as soon as possible in order to be of maximum benefit to persons subject to the requirements of the quarantine and regulations.

Therefore under administrative procedure provisions in 5 U.S.C. 553, it is

found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 25th day of October 1966.

[SEAL] E. P. REAGAN,  
Acting Deputy Administrator,  
Agricultural Research Service.

[F.R. Doc. 66-11798; Filed, Oct. 28, 1966; 8:46 a.m.]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Black Stem Rust**

**RUST RESISTANT PLANTS**

Under authority conferred by § 301.38-2 of the Black Stem Rust Quarantine regulations, 7 CFR 301.38-2, as amended, 31 F.R. 13888, the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2a:

**§ 301.38-2a Rust-resistant Barberry, Mahoberberis, and Mahonia plants.**

On the basis of evidence satisfactory to the Director, the following species and horticultural varieties of Berberis, Mahoberberis, and Mahonia have been found to be resistant to black stem rust. Accordingly, such species and horticultural varieties are hereby listed as rust-resistant:

SCIENTIFIC NAME

- Berberis aridocalida.
- B. beaniana.
- B. buxifolia.
- B. buxifolia nana.
- B. calliantha.
- B. candidula.
- B. cavalleri.
- B. chenautili.
- B. circumserrata.
- B. concinna.
- B. coxii.
- B. darwini.
- B. dasystachya.
- B. dubia.
- B. formosana.
- B. franchetiana.
- B. gagnepaini.
- B. gigiana.
- B. gladwynensis.
- B. heterophylla.
- B. horvathi.
- B. hybrido-gagnepaini.
- B. insignis.
- B. julianae.
- B. koreana.
- B. lempergiana.
- B. lepidifolia.
- B. linearifolia.
- B. linearifolia var. Orange King.
- B. loligenis.
- B. manipurana.
- B. media "Park Juweel."
- B. mentorensis.
- B. pallens.
- B. potanini.
- B. Renton.
- B. replicata.
- B. sanguinea.
- B. sargentiana.

## SCIENTIFIC NAME—Continued

B. stenophylla.  
 B. stenophylla diversifolia.  
 B. stenophylla gracilis.  
 B. stenophylla irwini.  
 B. stenophylla nana compacta.  
 B. tallensis.  
 B. telomaica artispala.  
 B. thunbergi.  
 B. thunbergi aurea.  
 B. thunbergi "Kobold."  
 B. thunbergi argenteo marginata.  
 B. thunbergi atropurpurea.  
 B. thunbergi atropurpurea erecta.  
 B. thunbergi atropurpurea "Golden Ring."  
 B. thunbergi atropurpurea nana.  
 B. thunbergi atropurpurea "Redbird."  
 B. thunbergi atropurpurea "Zebra."  
 B. thunbergi "Dwarf Jewell."  
 B. thunbergi erecta.  
 B. thunbergi "globe."  
 B. thunbergi "golden."  
 B. thunbergi maximowiczii.  
 B. thunbergi minor.  
 B. thunbergi pluriflora.  
 B. thunbergi "Rose Glow."  
 B. thunbergi "thornless."  
 B. thunbergi "Upright Jewell."  
 B. thunbergi "variegata."  
 B. thunbergi xanthocarpa.  
 B. triacanthophora.  
 B. triculosa.  
 B. verruculosa.  
 B. virgatorum.  
 B. wokingensis.  
 B. xanthoxylon.  
 Mahoberberis aquil-candidula.  
 M. aquil-sargentiae.  
 M. miethkeana.  
 Mahonia amplexens.  
 M. aquifolium.  
 M. aquifolium atropurpurea.  
 M. aquifolium compacta.  
 M. aquifolium "Donewell."  
 M. aquifolium "Orange Flame."  
 M. bealei.  
 M. dictyota.  
 M. fortunei.  
 M. japonica.  
 M. lomarifolia.  
 M. nervosa.  
 M. pinnata.  
 M. piperiana.  
 M. pumila.  
 M. repens.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This list of rust-resistant Barberry, Mahoberberis, and Mahonia plants supersedes the list of rust-resistant plants in P.P.C. 577, 8th revision, effective May 20, 1964 (7 CFR 301.38-5a).

This supplemental regulation shall become effective October 29, 1966.

The purpose of this regulation is to add the following species and horticultural varieties of Berberis and Mahonia to the list of rust-resistant plants: *B. thunbergi* "Kobold," *B. thunbergi atropurpurea* "Golden Ring," *M. aquifolium* "Donewell," and *M. aquifolium* "Orange Flame," and to delete the reference to *M. compacta* since it is synonymous with *M. aquifolium compacta*. The format of this supplemental regulation has been changed in accordance with the black stem rust-quarantine and regulations (7 CFR 301.38, 301.38-1 et seq.) as recently amended.

The designation of rust-resistant species and varieties constitutes a relaxation of the restrictions of the regulations since it permits the interstate movement of

such species and varieties under less stringent requirements of the regulations than otherwise apply. Such designation is based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. Such tests show there is no unwarranted pest risk involved in such movement of the species and varieties listed above, and authorization for their movement under the lesser restrictions of the regulations should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning this regulation are impracticable, and since it relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of October 1966.

[SEAL] E. D. BURGESS,  
 Director,  
 Plant Pest Control Division.

[F.R. Doc. 66-11801; Filed, Oct. 28, 1966; 8:46 a.m.]

## PART 301—DOMESTIC QUARANTINE NOTICES

## Subpart—Black Stem Rust

## SPECIFICALLY APPROVED SOURCES

Under authority conferred by § 301.38-2 of the Black-Stem Rust Quarantine regulations (7 CFR 301.38-2, as amended, 31 F.R. 13888), the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2b:

## § 301.38-2b List of specifically approved sources.

The following nurseries, dealers' establishments, and other establishments have been found to be growing or handling plants and/or seed of species and horticultural varieties of Berberis, Mahoberberis, and Mahonia only if they have been designated as rust resistant in § 301.38-2a and such establishments have been found to be otherwise operating in accordance with a compliance agreement. Accordingly, each establishment listed herein is hereby designated as a specifically approved source. (The listing for Montgomery Ward & Co., Inc., and Sears, Roebuck & Co. under the heading "Illinois" applies to all their outlets in the United States.)

## SPECIFICALLY APPROVED SOURCE, ADDRESS

## ALABAMA

Abbot's Nursery, Route 4, Box 550, Mobile.  
 Athens Nursery Co., Box 107, Athens.  
 Azalewood Nursery, Elmore County.  
 Bradford's Blue Spring Nursery, Route 2, Box 548, Huntsville.  
 Byers Nursery Co., Huntsville.  
 Chase Nursery Co., Chase.  
 Cottage Hill Nursery, 4000 Japonica Lane, Mobile.  
 Crossville Nurseries, Box 127, Crossville.  
 Tom Dodd Nurseries, Inc., Semmes.  
 Eva Nurseries, Post Office Box 65, Eva.

## ALABAMA—Continued

Flowerwood Nursery, Inc., Route 1, Box 130, Mobile.  
 Fraser Nurseries, Inc., 630 Montevallo Road, SW., Birmingham.  
 Grimes Nursery, Semmes.  
 Guthrie-Barton Nursery, Inc., Route 2, Box 42-A, Tuscaloosa.  
 Joppa Nursery Co., Joppa.  
 A. L. Kendrick Retail Nursery, Irvington.  
 King's Nursery, Auburn.  
 Loop Nursery, 2406 Grant, Mobile.  
 Monroe Nurseries, Inc., Crossville.  
 Overlook Nurseries, Inc., 4125 Overlook Grove, Mobile.  
 Harry A. Partridge Nursery, 1955 Springhill Avenue, Mobile.  
 Semmes Nurseries, Inc., Semmes.  
 Silver Bay Nurseries, Route 1, Daphne.  
 Stephens Nursery, Semmes.  
 Strain and Son Nursery, Highway 31 South, Athens.  
 Tallapoosa County Nursery, R.F.D. 1, Dadeville.  
 Webb Nursery and Landscape Co., 4501 Blue Spring Highway, NW., Huntsville.

## ARKANSAS

Piggott Nursery Co., Piggott.

## CALIFORNIA

Armstrong Nurseries, Inc., 1265 South Palmetto Street, Ontario.  
 Bee Line Nursery, 1160 North Amella, San Dimas.  
 Bordier's Nursery, Inc., 7231 Irvine Boulevard, Santa Ana.  
 Carpinteria Nursery, 3798 North Via Real, Carpinteria.  
 Christensen Nursery Co., 935 Old County Road, Belmont.  
 J. Clarke Nursery Co., Post Office Box 343, San Jose.  
 Coast Wholesale Nursery, 5006 North Bartlett Avenue, San Gabriel.  
 Leonard Coates Nurseries, Inc., Post Office Box 231, San Jose.  
 Deigaard Nurseries, Inc., Post Office Box 582, Monrovia.  
 Descanso Nurseries, 12492 Pipeline Avenue, Chino.  
 Descanso Nurseries, North Benson Lane, Fort Bragg.  
 Edenvale Nursery, Inc., 40160 Mission Boulevard, Fremont.  
 Eggl Nursery, 110 East 25th Avenue, San Mateo.  
 Hemet Wholesale, Post Office Box 37, Hemet.  
 Hines Nurseries, 301 North San Gabriel Boulevard, San Gabriel.  
 Hines Wholesale Nurseries, 12621 Jeffrey Road, Santa Ana.  
 Hubbard Wholesale Growers, Inc., Post Office Box 116, Duarte.  
 J & J Nursery, 13521 South Crenshaw, Hawthorne.  
 K. M. Nursery, Inc., Post Office Box 847, Carpinteria.  
 Mayflower Nurseries, Inc., 16908 South Normandie Avenue, Gardena.  
 Medallion Nurseries, Route 4, Box 409N, Escondido.  
 L. B. Merrick Nurseries, 9531 East Whittier Boulevard, Pico Rivers.  
 Monrovia Nursery Co., 18331 Foothill Boulevard, Azusa.  
 Nelson Nursery, 32149 Alvarado Boulevard, Union City.  
 F. L. Norman's Nursery, 3343 Del Mar Boulevard, Pasadena.  
 Frank H. Ogawa, Inc. (dealer), 2221 73d Avenue, Oakland.  
 Okl Nursery, Inc., Post Office Box 7118, Perkins Branch, Sacramento.  
 Olle Olsson Nursery, Inc., 2154 Peck Road, Monrovia.  
 Pomona Wholesale Nursery, 1480 East Fifth Street, Pomona.

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CALIFORNIA—Continued

Ponto Nursery, Inc., 2545 Ramona Drive, Vista.  
 San Gabriel Nursery & Florist, Inc., 632 South San Gabriel Boulevard, South San Gabriel.  
 Select Nurseries, Inc., 12831 East Central Avenue, Brea.  
 Skylark Nursery, 6735 Sonoma Highway, Santa Rosa.  
 Stribling's Nurseries, Inc., 1620 West 16th Street, Merced.  
 Sunnyside Nursery, 1650 West El Segundo Boulevard, Gardena.  
 Ben Taketomo Nursery, 14417 South Budlong Avenue, Gardena.  
 Tom's Nursery, Inc., 13021 Doty Avenue, Hawthorne.  
 Twin Pines Nursery, 2707 West Olive Avenue, Fresno.  
 The White Flower Nursery Co., Inc., 1535 West 120th Street, Los Angeles.

COLORADO

Alameda Nursery, 3160 South Zuni Street, Englewood.  
 Fort Morgan Nursery, West Platte Avenue, Fort Morgan.  
 Illiff Garden Nursery, 4750 East Illiff, Denver.  
 Virgil Johnson Wholesale Nursery (dealer), 4400 Wynkoop, Denver.  
 Kroh Bros. Nurseries, Box 536, Loveland.  
 Marshall Nurseries, 5825 West 16th Avenue, Denver.  
 Northern Nursery, 6364 North Washington, Denver.  
 Nuzum Nurseries, 96 Arapahoe, Boulder.  
 Shapard's Gardens, 5350 East Arapahoe, Boulder.  
 Tower Nursery & Greenhouse Inc., 17050 Smith Road, Aurora.  
 Western Evergreens, Inc., 14201 West 44th Avenue, Golden.  
 W. W. Wilmore Nurseries, Inc., 7615 West 38th Avenue, Wheat Ridge.

CONNECTICUT

Brimfield Gardens Nursery, 245 Brimfield Road, Wethersfield.  
 Brouwer's Nurseries, Box 25, New London.  
 Brouwer's Nurseries, Jack, 55 Lester Street, New London.  
 Brouwer's Nurseries, Peter, 24 Lester Street, New London.  
 Burr, C. R. & Co., Inc. (dealer), 276 North Main Street, Manchester.  
 Hoyt's Sons Co., Inc., Stephen, 529 Carter Street, New Canaan.  
 Imperial Nurseries, Post Office Box 1000, East Hartford.  
 Oliver Nurseries (dealer), 1159 Bronson Road, Fairfield.  
 Reynold's Farms Nurseries, Box 30, South Norwalk.  
 Verkade's Nurseries, 98 Gardner Avenue, New London.  
 White Flower Farm (dealer), Route 63, Litchfield.  
 Woodcock's Nurseries, Danbury Road, Ridgefield.  
 Young's Nursery, 211 Danbury Road, Wilton.

DELAWARE

Weaver Valley Nursery, Inc. (dealer), 5601 Concord Pike, Wilmington.  
 Buntings Nurseries, Inc., Selbyville.  
 Danegger's Hi-Way Nursery, Inc., Post Office Box 336, Milford.  
 Del-Mar-Va Nurseries, DuPont Boulevard, Lincoln.  
 Diamond State Nurseries, Rehoboth Road, Milford.  
 Evergreen Acres, Inc., R.F.D. 2, Middletown.  
 Huber Nurseries, 703 Boxwood Road and Dodson Avenue, Wilmington.  
 Millcreek Nursery, Inc., Route 3, Pleasant Hill Road, Newark.  
 Peninsula Nurseries, Hoosier Avenue, Selbyville.

DELAWARE—Continued

Phillips Nurseries, Inc., 5014 Concord Pike, Wilmington.  
 J. R. Warrington & Son, Inc., Greenwood.

DISTRICT OF COLUMBIA

Bolgiano, F. W. & Co. (dealer), 411 New York Avenue NE, Washington.  
 Hecht Co., Arcadian Gardens (Goldfarb) (dealer), 4143 Branch Avenue SE, Washington.

FLORIDA

Monticello Nursery Co., Monticello.

GEORGIA

Alcova Nurseries, 614 Emory Street, Covington.  
 Beadford Nursery, 1023 Oleander Drive, Augusta.  
 Cato's Nursery, Hall Street, Post Office Box 573, Bainbridge.  
 Chatham Nursery, Route 1, Box 480, Bloomingdale.  
 Chews Nursery, Bartow.  
 Covington Nursery, Inc., Route 4, Covington.  
 Dudley Nurseries, Inc., Box 609, Athens.  
 Evergreen Nursery, 206 Pine Valley Drive, Athens.  
 Flowerwood Nursery, Post Office 206, Cairo.  
 Fruitland Nurseries, Box 3506, Augusta.  
 Green Thumb Gardens, 2841 Central Avenue, Augusta.  
 Calvin Harman Nursery, Stovall.  
 McCorkle Nurseries, Fort Gordon Highway, Augusta.  
 Miller Nursery, Post Office Box 5203, Augusta.  
 Monroe's Landscape Nursery Co., 1898 Monroe Drive, Atlanta.  
 Mountville Nurseries, Mountville.  
 Northeast Georgia Nursery, Jefferson Road, Athens.  
 Patch Nursery & Landscaping Co., Route 2, Leesburg.  
 Powell's Nurseries, Thomasville.  
 P. L. Smith Nursery, Box 276, 906 South Drive, Albany.  
 Wight Nurseries, Inc., Box 390, Cairo.

ILLINOIS

Anna Nursery, Anna.  
 Beloit Nurseries, South Beloit.  
 Bergman Nurseries, Inc., 3607 North 12th Street, Quincy.  
 Bork Nursery, 500 North Oak, Onarga.  
 Egyptian Nursery & Landscaping Co., Farina.  
 Walter Elsner Landscape Co., 10214 South Bell Avenue, Chicago.  
 Chas. Fiore Nurseries, Inc., Post Office Box 67, Prairie View.  
 Frese Bros. Nursery, Route 6, Quincy.  
 Hanley's Nursery (dealer), Carbondale.  
 H. B. Hartline Farm, Route 1, Makanda.  
 Henry Nurseries, 1022 College, Henry.  
 D. Hill Nursery Co., Dundee.  
 Home Nursery Greenhouses, Inc., Box 181, Edwardsville.  
 Ireland's Nursery, Onarga.  
 Kankakee Nursery Co., Box 288, Kankakee.  
 Lafayette Home Nursery, Lafayette.  
 Leesley Nurseries, Inc., Route 1, Box 289, Libertyville.  
 Maywood Nursery Co., Box 322, Maywood.  
 Montgomery Ward & Co., Inc. (dealer), Main office: 619 West Chicago Avenue, Chicago (all outlets in United States).  
 Jim Moorhead's North Park Gardens, Inc., Route 1, Poplar Grove.  
 Onarga Nursery Co., Onarga.  
 Sapp's Nursery, Post Office Box 708, Mount Vernon.  
 Sears, Roebuck & Co. (dealer), 925 South Homan Avenue, Chicago Main Office: (all outlets in United States).  
 R. H. Shunway Seedsman (dealer), 628 Cedar Street, Rockford.  
 Eugene A. de St. Aubin & Bros. Inc., Box 1, Addison.

ILLINOIS—Continued

Sunnyside Nursery, Route 1, Troy and Edwardsville.  
 Ralph Synnestvedt & Assoc. Inc., 3602 Glenview Road, Glenview.  
 Vienna Nursery, Vienna.  
 Wandell's Twin City Nursery, Route 3, Urbana.  
 Waukegan Nursery, 220 North Green Bay Road, Waukegan.  
 Westman Evergreen Nurseries, 13700 South Street, Woodstock.  
 Wheeling Nurseries & Sky-View, Wholesale Nursery Sales Co., Inc., 642 South Milwaukee Avenue, Wheeling.

INDIANA

Bebec Nursery, Route 3, Box 452, Alexandria.  
 Billings Nursery, Rural Route 4, Muncie.  
 Chesterton Nursery, R.F.D. 1, Box 314, Chesterton.  
 Crousore Nursery, Route 5, Kokomo.  
 Gar Creek Nursery, Rural Route 2, New Haven.  
 Hillside Nursery, Box 603, Dublin.  
 C. M. Hobbs & Sons Inc., 9300 West Washington Street, Indianapolis (Bridgeport).  
 The Krider Nurseries, Inc., Middlebury.  
 Littleford Nurseries, Route 1, Vincennes.  
 Mathews Nursery & Landscape Service, 3100 West Ridge Road, Gary.  
 Whiteman's Gardens, Plymouth.

IOWA

Earl Ferris Nursery, 811 Fourth Street NE, Hampton.  
 Henry Field Seed & Nursery Co., Shenandoah.  
 Inter-State Nurseries, Inc., Hamburg.  
 Linn County Nurseries, Center Point.  
 May Seed & Nursery Co., Shenandoah.  
 Mount Arbor Nurseries, Shenandoah.  
 Shenandoah Nurseries, 301 Wabash Avenue, Shenandoah.  
 Sherman Nursery Co., 1300 Grove Street, Charles City.  
 Smith Nursery Co., Post Office Box 511, Charles City.

KANSAS

N. E. Bird Nursery, 8910 West 80th Street, Overland Park.  
 Blueville Nursery, Route 1, Manhattan.  
 Borst Nursery & Garden Center, 5118 South Broadway, Wichita.  
 Gabler's Nursery, 8131 Metcalf, Overland Park.  
 The Garden Shop, Inc., 6315 West 75th Street, Overland Park.  
 Goodland Greenhouse & Garden Center, 508 East 12th Street, Goodland.  
 Grutzmacher Nursery, 405 Webster Street, Clay Center.  
 Hillside Nursery, 2200 South Hillside, Wichita.  
 Holsinger Nursery Co., 2405 Merriam Lane, Kansas City.  
 Kansas Landscape & Nursery Co., 1416 East Iron, Salina.  
 Leavenworth Nurseries, 12th and Villas, Leavenworth.  
 M. Meyer's Nursery, 5439 South Hydraulic, Wichita.  
 Ralph's Nursery & Garden Shop, 7929 Leavenworth Road, Bethel.  
 Rieke Nursery, 7036 Nieman Road, Shawnee.  
 Schnitzler Nursery Co., 2011 South Hillside, Wichita.  
 J. H. Skinner & Co., Route 4, Topeka.  
 Smith Floral Nursery, East 23d Street, Box 308, Lawrence.  
 Sunnyside Nursery, Inc., 6750 South Broadway, Wichita.  
 Twin Cedar Nursery, 120th Street and I35 Highway, Olathe.  
 Williams & Harvey Village Nursery, 7223 Mission Road, Prairie Village.  
 Willis Nursery Co., Fifth and Cherry, Ottawa.

## KENTUCKY

Arrow-Wood Nurseries, East River Road, Warsaw.  
 Boone-Gardiner Nurseries, 9409 Shelbyville Road, Louisville.  
 Elkhorn Nursery, Route 4, Lexington.  
 Hill's Nursery, Warsaw.  
 Hillenmeyer Nurseries, Lexington.  
 Donald Hillenmeyer Nursery, Lexington.  
 Holiday Garden Nursery, 809 Lyndon Lane, Louisville.  
 Theodore Klein Nurseries, Crestwood.  
 Leichhardt Hillview Nursery, Nashville Road, Bowling Green.  
 Lillard Nursery, Jeffersontown.  
 J. L. Morrill Nursery, R.F.D. 1, Cunningham.  
 Nick's Nursery, Route 2, Anchorage.  
 Sanders Bros. Nursery, Rural Route 4, Benton Road, Paducah.  
 Lawrence Sanders Nursery, 721 Kentucky Avenue, Paducah.  
 Schneidman Nursery, R.F.D. 8, Paducah.  
 Willadean Nurseries, Inc., Sparta.

## LOUISIANA

Bailey's Nursery, Route 1, Box 84B, Forrest Hill.  
 Casadaban's Nurseries, Abita Spring.  
 Clegg's Nursery, 4411 Florida Boulevard, Baton Rouge.  
 G & G Landscape Co., Inc. (dealer), 900 East 70th Street, Shreveport.  
 Grandview Nursery, R.F.D. Box 54, Youngsville.  
 Hillside Nursery, Folsom.  
 Jenkins Nursery, Route 2, Box 140-A, Amite.  
 Kraak Nursery, 1019 Central, Metairie.  
 Magnolia State Nursery, 8820 Greenville Springs Road, Baton Rouge.  
 McKee's Nursery, Post Office Box 749, Covington.  
 Mizzell's Nursery, Folsom.  
 Poole Brothers' Nursery, Lecompte.  
 Purkey's Nursery, Route 1, Forest Hill.  
 Richard's Nursery, Forest Hill.  
 Roach Nursery, Highway 80 West, West Monroe.  
 Straugham's Nursery, Loranger.  
 Tammia Nursery, Post Office Box 157, Slidell.  
 Williams' Nursery, Route 1, Forest Hill.  
 Windmill Hill Nursery, Route 4, Box 180, Franklinton.

## MARYLAND

Andover Nurseries, Massey.  
 Angelica Nurseries, R.F.D. 1, Kennedyville.  
 Bountiful Ridge Nursery (dealer), Princess Anne.  
 Carroll Gardens (dealer), Box 310, Westminster.  
 Chesapeake Nursery, Inc., Salisbury.  
 Dolan's Evergreen Gardens, 1701 Bedford Street, Cumberland.  
 Dubbert's Nursery (dealer), 5424 Falls Road, Baltimore.  
 Eastern Shore Nursery, Box 743, Easton.  
 C. T. Fooks Nursery, Route 4, Johnson Road, Salisbury.  
 Glencoe Gardens, York and Ensor Mill Road, Baltimore.  
 Greenwood Nursery, 316 Talbot Avenue, Laurel.  
 Gude, A. Sons Co., Route 355, Box 1010, Rockville.  
 Holloway Nursery, South Second Street, Delmar.  
 Holly Gardens Nursery, 83 Frost Avenue, Frostburg.  
 T A Kalmia Farms Nursery (Kimburthill, Inc.), Post Office Box 96, Clarksville.  
 Kelly's Nursery (dealer), Millington.  
 Kingsville Nurseries, Inc., Kingsville.  
 S. Klein Nursery & Greenhouse (dealer), 6000 Greenbelt Road, Greenbelt.  
 Longwood Nursery, Inc. (dealer), Route 1, Waldorf.  
 Meekins Evergreen Nursery, Post Office Box 254, Cambridge.

## MARYLAND—Continued

Pine Arbor Nursery, Dickerson Church Road, Dickerson.  
 Quaint Acres Nurseries, 11800 New Hampshire, Silver Spring.  
 Sehman's Nursery, Route 13A, Delmar.  
 Small, J. H. & Sons, 15910 Georgia Avenue, Rockville.  
 Smith's Garden Center (dealer), 1120 Shades Lane, Cumberland.  
 Stock Bros., Inc., 10500 Boswell Lane, Rockville.  
 Sudlersville Nursery, Sudlersville.  
 Ten Oaks Nursery & Gardens, Inc., 10 Oaks Road, Clarksville.  
 Tingle Nursery Co., Pittsville.  
 Towson Nurseries, Inc., Paper Mill Road, Cockeysville.  
 Westminster Nurseries, Inc., Post Office Box 227, Westminster.  
 Wye Nursery, Route 50, Queenstown.

## MASSACHUSETTS

Adams Nursery, Inc., Springfield Road, Westfield.  
 Atwater Nursery, 368 South Street, Agawam.  
 Cherry Hill Nurseries, Cherry Hill Street, West Newbury.  
 Corliss Bros., Inc., Essex Road, Ipswich.  
 Hunting Hills, Federal Street, Montague.  
 Littlefield-Wyman Nursery, Inc., 227 Centre Avenue, Abington.  
 Stobbart's Nurseries, 444 East Central Street, Franklin.  
 Weston Nurseries, Inc., 93 East Main Street, Hopkinton.  
 Winslow Nurseries, Inc., Pilgrim Road, Needham.

## MICHIGAN

Ackerman Nurseries, 1013 Lake Street, Bridgman.  
 Berg Nursery, Star Route 2, Box 85A, Norway.  
 Carleton Nursery Co., 11529 Jones Road, Carleton.  
 Chiles Nursery, 24355 Telegraph Road, Flat Rock.  
 The Cottage Gardens, 2707 West St. Joseph Street, Lansing.  
 Dutch Mount Nursery, Route 1, Box 167, Augusta.  
 Emlong Nursery, Inc., Stevensville.  
 Farmington Gardens Nursery (dealer), 35620 Grand River, Farmington.  
 Larry Ganun Nursery, 3307 North Adrian Highway, Adrian.  
 Grootendorst Nursery, Box 123, Lakeside.  
 Housels Nursery & Garden Center, 8519 Lewis Avenue, Temperance.  
 M. J. Hunziker & Sons Nursery, Box 313, Niles.  
 Inland Orchards & Nurseries, Post Office Box 288, Marshall.  
 Lakeside Nursery, Route 1, Sawyer.  
 Ed LaVigne & Son Nursery, 1555 Toben Road, Carleton.  
 Lincoln Nursery & Landscaping, Grand Rapids.  
 The Monroe Nursery Co., and Ilgenfritz Nurseries, Inc., Post Office Box 665, Monroe.  
 Pine Mountain Nursery, Star Route 2, Iron Mountain.  
 Art Plucinski & Son (Plutter Nursery), 14680 Hall Road, Mount Clemens.  
 Ray & Fischer Nurseries, Route 1, Rothbury.  
 Scherf's Nursery, 1605 North Monroe, Monroe.  
 South Michigan Nursery, New Buffalo.  
 Spielman's (dealer), 2170 North Main, Adrian.  
 Earl Steinkopf Nursery, 14780 Hall Road, Mount Clemens.  
 Zilke Bros. Nursery, Baroda.

## MINNESOTA

Abrahamson's Nursery, Scandia.  
 Anderson's Nursery, 6555 Arrowhead Road, Duluth.  
 Andrews Nursery Co., Box 446 Faribault.

## MINNESOTA—Continued

Bachman's Inc. (dealer), 6010 Lyndale Avenue South, Minneapolis.  
 J. V. Bailey Nurseries, St. Paul and Newport.  
 Bergeson Nursery, Fertile.  
 Blacks Market and Nursery (dealer), Lakeland.  
 Bulger Garden Center, Inc. (dealer), 1887 Rice Street, St. Paul.  
 Cross Nursery, Box 193, Lakeville.  
 Donaldson's Flower Shop and Garden Lot (dealer), 601 Nicollet, Minneapolis; also Southdale, Minneapolis.  
 Donaldson's Garden Lot and Flower Shop (dealer), Miracle Mile, Rochester.  
 Duluth Glass Block Store (dealer), 128 West Superior Street, Duluth.  
 Elmore Nursery Co., Elmore.  
 Farmers Seed & Nursery Co. (dealer), Faribault (and all retail outlets in Minnesota).  
 Ferndale Nursery, Askov.  
 Fillmore County Nursery, Canton.  
 Flowerland Farms and Nursery, Shafer.  
 Fritz' Farm and Garden Center (dealer), Newport.  
 Galloway Nursery, Route 2, Lake Crystal.  
 Garden and Lawn Center (dealer), Box 295, Wheaton.  
 Golden Rule Flower Shop and Garden Lot (dealer), Eighth and Robert, St. Paul.  
 Goldfine's Inc., 700 Garfield Avenue, Duluth.  
 Grussendorf Nursery, 4022 Midway Road, Duluth.  
 Home Landscape Supply (dealer), R.F.D. 1, Ortonville.  
 Jewell Nurseries, Inc., Box 457, Lake City.  
 H. L. Johnson Garden Store and Nursery (dealer), 3625 West Lake Street, Minneapolis.  
 Killmer Northern Nurseries, 500 Parkwood Road, Rosemount.  
 Lake Agassiz Nursery (dealer), Moorhead. Also Retail Sales Yard at Fargo, N. Dak.  
 Lake City Nurseries, Inc., North Sixth Street, Lake City.  
 Law's Valley View Nurseries, Inc. (dealer), Box 271, Hastings.  
 Lindstrom Nursery, Post Office Box 266, Lindstrom.  
 Meehan Bros. Nursery (dealer), 1215 Oakbury Road, Lake Elmo.  
 North Central Nursery Sales (dealer), Owatonna.  
 Owatonna Nursery Co., Inc., Box 330, East Rose Street, Owatonna.  
 The Park Nurseries, 1200 St. Clair Avenue, St. Paul.  
 Peters Evergreen Nursery, Box 337, Sherburne.  
 Rose Hill Nursery, 2380 West Larpenteur, St. Paul, also Box 495, Minneapolis.  
 Sargents Red Wing Nursery, Red Wing.  
 Scheidler F-M Nursery (dealer), 825 North Highway 75, Moorhead.  
 Seeferts Hudson Road Nursery (dealer), Highway 12 and White Bear Avenue, St. Paul.  
 Shoppers' City Garden Center (dealer), c/o Donald Fritz, Glen Road, Newport; also outlets in Minneapolis and St. Paul.  
 Shoreacres Gardens (dealer), 640 Shoreacres Drive, Fairmont.  
 Springvale Nursery, 2627 Springvale Road, Duluth.  
 Summit Nurseries, Inc., Route 4, Stillwater.  
 Swedberg Nursery, Battle Lake.  
 Trapper Hunt's Nursery, Bagley.  
 Valley Nursery, 3855 Sixth, Goodview.  
 Wedge Nursery, Route 2, Albert Lea.  
 The Willmar Nursery (Irv Hanson) (dealer), Route 2, Box 31, Willmar.  
 Wrights Nursery & Landscape Service, 2602 London Road, Duluth; also Larsmont.  
 Wy's Gardens (dealer), East Grand Forks.

## MISSISSIPPI

Big River Nursery, Lula.  
 Gilmer Brothers Nursery, Route 2, Caledonia.  
 A. P. Miller & Sons Nursery, 1506 Main Street, Columbus.



MISSISSIPPI—Continued

T. G. Owen & Sons, Inc., Box 946, Columbus.  
C. W. Stuart & Co. (dealer), Bell Avenue and South 19th Street, Columbus.

MISSOURI

Bruening Nursery, Higginsville.  
Houllhan Nursery Co., Moaley Road, Creve Coeur.  
Forrest Keeling Nursery, Elsberry.  
Logan's Nursery & Landscape Service, 1631 Independence Street, Cape Girardeau.  
McCoy Nursery, Box 257, R.F.D. 3, Joplin.  
Neosho Nurseries Co., Neosho.  
Roller Nursery, Sellman.  
Sarcosie Nurseries (Wild Bros. Nursery Co.), (also seed grower), Sarcosie.  
Stark Bros. Nursery & Orchards Co., Louisiana.

MONTANA

Billings Nursery, Route 1, Box 47, Billings.  
Holland Nursery, Route 4, Kallispell.  
E. C. Moran (seed dealer), Stanford.  
Pierce's Nursery, 352 Highway 2 East, Kallispell.  
Frank H. Rose Native Evergreens (seed dealer), 1020 Poplar Street, Missoula.

NEBRASKA

ABC Nursery, Route 1, Box 113, Scotts Bluff.  
Marshall Nurseries, Arlington.  
Plumfield Nursery, Inc., 2105 Nye Avenue, Fremont.

NEW JERSEY

Akerboom, Klaas, Route 1, Bridgeton.  
Arcadian Gardens (Goldfarb) (dealer), Menlo Park Shopping Center, Route 1 and Parsonage Road, Menlo Park.  
Arcadian Gardens (Goldfarb) (dealer), Garden State Plaza, Paramus.  
Behren, E. H., Rural Delivery 1, Newfield.  
Blair's Nurseries, Inc., 652 Center Street, Nutley.  
Bobblink's Nurseries, Inc., Box 124, Freehold.  
Bongarzone Nursery, Wayside Road, Eatontown.  
Bulk's Nurseries, Inc., Rural Delivery 3, Smithburg-Manalapan Road, Freehold.  
Calgo Gardens Nursery, North Maple Avenue, Toms River.  
Conifer Nursery, Rural Delivery, Mays Landing.  
Cumberland Nurseries, Rural Delivery No. 1, Millville.  
Cy's Nursery, Box 301, R.F.D. 4, Sewell.  
D & D Rose Garden, 42 Monmouth Road, Eatontown.  
Deerfield Nurseries, Box 32, Deerfield.  
deWilde's Rhodo-Lake Nursery, Rural Delivery No. 1, Bridgeton.  
F & F Nurseries, Box 126, Holmdel.  
Happy Hill Nursery, Box 54, Alloway.  
Hess Nurseries, Cedarville.  
Hess Nurseries, Post Office Box 128, Wayne.  
Hogbin Nursery, Frank, Black Horse Pike, R.F.D., Williamstown.  
Holly Ravine Nursery, R.F.D., Monroeville.  
Homestead Nursery, N. Pemberton Road, Rural Delivery No. 1, Pemberton.  
Howe Nurseries, 304 Burd Street, Pennington.  
Jackson & Perkins Corp., Perkins-de-Wilde Division, Shiloh.  
Jones Nursery, Harvey, Black Horse Pike, R.F.D., Williamstown.  
Jones Nursery, Maurice, Black Horse Pike, R.F.D., Williamstown.  
Jones Nursery, Wes, Black Horse Pike, R.F.D., Williamstown.  
Kelsey Nursery Service (dealer), 104 Portland Road, Highlands.  
Lovett's Nursery, Inc., Phalanx Road, Rural Route No. 1, Colts Neck.  
McCart Gardens, R.F.D., Mays Landing.  
Medford Nursery, Rural Delivery No. 1, Medford.  
Morestown Gardens, Inc., 55 East Oak Avenue, Morestown.

NEW JERSEY—Continued

Oakview Nursery, Inc., R.F.D., Sewell.  
Obert's Nursery, J., 169 Chestnut Street, Somerville.  
Osterman Nursery, 525 Bound Brook Road, Middlesex.  
Prickett's Nursery, Mantua Boulevard, Sewell.  
Princeton Nurseries-William Fiemer's Sons, Inc., Post Office Box 191, Princeton.  
Somerset Rose Nursery, Inc., Post Office Box 608, New Brunswick.  
South Jersey Colonial Nurseries, Inc., Rural Delivery No. 1, Salem.  
Split Rock Nursery, 218 Farview Avenue, Paramus.  
Straub Nursery, Lambs Road, Sewell.  
Sonnybrook Nursery, Inc., Rural Delivery No. 1, Route 45, Swedesboro.  
Vermeulen, John & Son, Inc., Post Office Box 267, Neshanic Station.  
Wells Nursery, Inc., James S., Nutswamp Road, Red Bank.  
Whip-Poor-Will Nursery, Buck Hill and River Roads, Woodbine.  
Wilton, Michael F. & Son, Sugarman Avenue, Rural Delivery No. 1, Millville.

NEW YORK

Arcadian Gardens (Goldfarb) (dealer), South Highland Avenue, Ossining.  
Arcadia Rose Co. (dealer), 1000 South Main Street, Newark.  
Babcock, Charles E., North Clinton Street, Dansville.  
Bagatelle Nursery, Half Hollow Hills, Huntington Station (Box 196).  
Buck & Son, William, Rural Delivery 3, Dansville.  
Bulk's Nurseries, Inc., 610 West Montauk Highway, Babylon, Long Island.  
City of Glass (Goldfarb) (dealer), Melville Road, Farmingdale, Long Island.  
Congdon & Weller Wholesale Nursery, Mileblock Road, North Collins.  
Congdon's Wholesale Nursery, Mileblock Road, North Collins.  
Finnerty Nursery, 50 New York Avenue, Rensselaer.  
Garden Galleries, Inc. (dealer), 572 Castle Street, Geneva.  
Garden World, Inc. (dealer), Francis Lewis Boulevard and 46th Avenue, Flushing.  
Hathaway, Harry M. (dealer), Rural Delivery 5, Amsterdam.  
Hoffman's Nursery, 921 Hoffman Street, Elmira.  
Jackson & Perkins Co., 1000 South Main Street, Newark.  
Johnson Avenue Nursery, Johnson Avenue, Sayville.  
K & B Gardens, Rural Delivery No. 1, Falconer.  
Kelly Bros. Nursery, Inc., Box 430, 23 Maple Street, Dansville.  
Laurel Hill Nurseries, Elwood Road, East Northport, Long Island.  
Lehde Nurseries, Edward, 86 French Road, Buffalo.  
Maney's Nurseries, Pre-Emption Road, Geneva.  
Maxwell, Bowden & Rice, Inc., Pre-Emption Road, Geneva.  
McNair Nurseries, C. W., Rural Delivery 3, Dansville.  
My Florist, Inc. (Goldfarb) (dealer), 160 East 57th Street, New York City.  
Rosedale in Dutchess, Route 44, Millbrook.  
Rosedale Nurseries, Inc., Sawmill River Road, Hawthorne.  
Shemin, Emanuel, 3990 Boston Road, Bronx.  
Shepard Nurseries, Rural Delivery 1, Skaneateles.  
Smith, W. T. Corp. (dealer), 572 Castle Street, Geneva.  
Stern's Nurseries, Inc., 404 William Street, Geneva.  
Stuart, C. W., & Co., 165 East Union Street, Newark.

NEW YORK—Continued

Westbrook Assoc., Inc., 33 Stony Hollow Road, Greenlawn.  
Westbury Rose Co., Inc., Jericho Turnpike and Rose Avenue, Box 277, Westbury, Long Island.  
Wheelock & Turnbull, Inc., Versailles Road, North Collins.  
Woodlea Nursery, 615 Higbie Lane, West Islip.  
Woodlea Nursery, Moriches.

NORTH CAROLINA

Gilmore Plant & Bulb Co., Inc., Julian.  
Lindley Nurseries, Inc., Greensboro.  
Knox Porter Nursery, Post Office Box 1242, Rocky Mount.  
Robbins Nursery, Inc., Willard.  
Tinga Nursery, Route 1, Box 255, Castle Hayne.

NORTH DAKOTA

Christianson Landscape Service (dealer), Box 244, Fargo.  
Lake Agassiz Nursery Retail Sales Yard, Fargo.  
Northwest Nursery Co., Valley City.  
Talbot Drive-In Nursery (dealer), Route 2, Minot.

OHIO

Bentley's Hardy Plants, 4640 Lane Road, Perry.  
The Berryhill Nursery Co., Route 6, Box 696, Springfield.  
Bo-Jo Acres Nursery, 4197 Middle Ridge, Perry.  
John Bos Nursery, 603 West Maple Street, Clyde.  
Bosley Nurseries Inc., 9579 Mentor Avenue, Mentor.  
L. P. Brick Nurseries, 483 Park Road, Painesville.  
Champion's Lakeview Nursery Co., Post Office Box 772, Painesville.  
Champion Nurseries Inc., 3689 Main Street, Perry.  
Louis Colavecchio (also seed grower), 1487 North Ridge Road, Painesville.  
The Cole Nursery Co., Circleville.  
Cole Nursery Co., 2000 West Jackson Street, Painesville.  
Donewell Nurseries, 2168 Mentor Avenue, Painesville.  
Dugan Nurseries, Center Street, Perry.  
Fairview Floral Nursery, 27819 Center Ridge Road, Westlake.  
The French Nursery Co., Race Street, Clyde.  
Girard Bros. Nursery Co., Route 20, Geneva.  
Gwenn-Gary Nursery, Route 2, Columbiana.  
Hollandia Gardens, Inc., South Vienna.  
Holly Gardens (Wm. A. Karolyi), Route 2, Perry.  
Horton Nurseries, Inc., Route 20, Madison.  
Edw. Y. James & Son Nursery, 25346 Butter-nut Ridge, North Olmsted.  
The Kallay Brothers Co., Painesville.  
Joseph J. Kern Rose Nursery, Center Street, Box 33, Mentor.  
Kingwood Nurseries (also seed grower), South Center Street, Mentor.  
Gerard K. Klyn, Inc., Box 200, Mentor.  
Lakewood Nursery, 18105 Detroit Avenue, Lakewood.  
Lake County Nursery Exchange, Box 22, Route 84, Perry.  
McGuff Nursery, Route 3, New Carlisle.  
Mellinger's Inc., Route 1, North Lima.  
Mentor Heights Nursery, Chillicothe Road, Mentor.  
Mentor Nurseries, Inc., Chillicothe Road, Mentor.  
Mentor Rose Growers, Inc., 7711 Little Mt. Road, Mentor.  
Moretti Nursery, 10 Fairport Nursery Road, Painesville.  
The William A. Natorp Co., 4400 Reading Road, Cincinnati.  
Ralph T. Norman Nurseries, Post Office Box 104, Painesville.

## OHIO—Continued

Paul F. Otto Nursery, Lane Road, Perry.  
 Ramsey's Nurseries, 7927 Madison Road, Thompson.  
 Rocknoll Nursery, Morrow.  
 Joe Sabo & Son Nursery, 365 Bowhall Road, Painesville.  
 Scarff's Nursery, Inc., New Carlisle.  
 The Siebenthaler Co., 3001 Catalpa Drive, Dayton.  
 Spring Brook Gardens, Heisley Road, Mentor.  
 Spring Hill Nurseries Co., Elm Street, Tipp City.  
 Paul J. Square Nursery, 120 Fairport Nursery Road, Painesville.  
 State Line Nursery, 6205 Lewis Avenue, West Toledo.  
 J. G. Stropkey & Sons Nursery, 485 Bowhall Road, Painesville.  
 Frank Toreki & Sons Nursery, 294 Bowhall Road, Painesville.  
 Wade & Gatton Nursery, Route 3, Bellville.  
 Warmer Nursery, Route 4, Willoughby.  
 Wayside Gardens Co., 9456 Mentor Avenue, Mentor.  
 Wilms Nursery, Depot Road, Salem.  
 York Nurseries, 895 Elm Street, Painesville.

## OKLAHOMA

Emil R. Bresser, Florist and Nurseryman, 1718 Locust, Box 973, Muscogee.  
 Capitol Garden Farms, 4200 North May Avenue, Oklahoma City.  
 Durant Nursery Co., Box 24, Durant.  
 Greenleaf Nursery Co., Route 1, Box 98, Park Hill.  
 Keyon's Nursery, Dover.  
 Luke Nursery, Pauls Valley.  
 Ozark Nursery Co. (Ozanco Nurseries), c/o J. E. Davis, Post Office Box 381, Talhequah.  
 Sneed Nursery Co., Box 798, Oklahoma City.  
 Stark Nursery Co., Post Office Box 345, Porum.

## OREGON

Arneson Nursery, Route 1, Box 111, Canby.  
 Aurora Nurseries, Route 2, Box 141, Aurora.  
 E. P. Baliz Nursery, Route 1, Box 748, Gresham.  
 Beaver Creek Nursery, Route 1, Box 1118, Gresham.  
 Benedict Nursery Co., 735 Northeast 87th Avenue, Portland.  
 Bixby Nursery, 6424 Monroe Road, Milwauki.  
 E. J. Burnacci Nursery, Route 2, Box 840, Troutdale.  
 George Caldwell Wholesale Nursery (dealer), 4229 Southeast Division, Portland.  
 Calorwash Nursery, Route 1, Box 291A, Aurora.  
 Canby Evergreen Nursery, Route 1, Box 152, Canby.  
 Carlton Nursery Co. (dealer), Post Office Box 8, Forest Grove.  
 Clinton Nursery, 2630 Southeast 75th Avenue, Portland.  
 F. A. Doerfler & Sons Nursery, 250 Lancaster Drive NE, Salem.  
 Doty & Doerner, Inc., 6691 Southwest Capitol Highway, Portland.  
 Drew's Nursery, 13765 Tualatin Valley Highway, Beaverton.  
 Carl Elkstrom Nursery, Route 2, Box 840, Gresham.  
 Femrite's Nursery, Route 2, Box 355, Troutdale.  
 Ferris Quality Nursery, 448 Northeast Loomis Street, Newport.  
 Field Nursery, Route 2, Box 1107, Troutdale.  
 Four-Mile Nursery, Route 3, Box 121, Canby.  
 Garden Center Nursery (dealer), 4631 South Pacific Highway, Medford.  
 Gasser's Nursery, Route 2, Box 128, Oregon City.  
 Eddie Handy Nursery, 16440 SE Main Street, Portland.  
 Handy Nursery Co., 17216 Northeast Sandy Boulevard, Portland.  
 Hazel Dell Gardens, Route 1, Box 465, Canby.

## OREGON—Continued

Hood View Acres, Route 5, Box 498, Oregon City.  
 Kelso Nursery, Route 1, Box 205, Boring.  
 Jack Leslie, 382 Northeast Third Street (Post Office Box 404) Cornelius.  
 Le-Ge-Pa Nursery, Inc., Route 1, Box 339, Forest Grove.  
 Lindstrom's Nursery, Post Office Box 92, Seaside.  
 Mason's Nursery, 13890 Southeast Ambler Road, Clackamas.  
 Milton Nursery Company, Box 7, Eastside Road, Milton-Freewater.  
 Mitsch Nursery, Route 2, Box 34, Aurora.  
 Motz & Son Nursery, Route 2, Box 54, Portland.  
 Harry Park Nursery, Route 2, Box 829, Gresham.  
 H. L. Percy Nursery Co., Route 2, Box 97, Salem.  
 Portland Wholesale Nursery Co. (dealer), 5050 Southeast Stark Street, Portland.  
 Powell Valley Nursery, Route 2, Box 257, Gresham.  
 The Rhododendron Nursery, 2332 Southeast 42d Avenue, Portland.  
 Rich Northwest Nurseries, Inc., Route 1, Box 330, Hillsboro.  
 Rich & Sons Nursery, Route 1, Hillsboro.  
 W. B. Sanders Nursery, 11165 Southwest Naevs Street, Tigard.  
 Schmidt Brothers Nursery, Route 2, Box 390, Troutdale.  
 Sharp's Nursery, 7430 Southeast Powell Boulevard, Portland.  
 Sherwood Nursery Co., Corbett.  
 Staab's Nursery, Route 1, Box 27, Boring.  
 Floyd Stafford's Nursery, Route 2, Box 1075, Troutdale.  
 Paul Stenzel, 14110 Northeast Gilsan, Portland.  
 Surface Nursery, Route 1, Box 832, Gresham.  
 Alfred Teufel Nursery (dealer), 12345 Northwest Cornell Road, Portland.  
 Alfred Teufel Nursery, 12345 Barnes Road, Portland.  
 Villa Nursery, Box 5137, Portland.  
 Glenn Walters Nursery, Route 4, Box 142, Hillsboro.  
 Vern W. Wasson, Route 2, Box 1035, Troutdale.  
 West Oregon Nursery, 3550 Northwest Saltzman Road, Portland.  
 Mel Wills Nursery, Route 2, Box 113, Troutdale.  
 Wil-Chris Acres, Route 2, Box 105, Sherwood.

## PENNSYLVANIA

Angelica Nurseries, Inc., Rural Delivery 1, Mohnton.  
 Appalachian Nurseries, Box 87, Waynesboro.  
 Barrcrest Nursery, 1725 Marietta Avenue, Lancaster.  
 Bercaw's Nursery, Route 4, Waynesboro.  
 Bloodgood Nurseries, Rural Delivery 1, Route 313, Doylestown.  
 Blooming Valley Nurseries, Route 1, Meadville.  
 Braine & Foreman, Rural Delivery 2, Sharon.  
 Percy Brown Nursery, Inc., Gibraltar.  
 Cacoosing Nurseries, Rural Delivery 1, Sinking Springs.  
 The Conard-Pyle Co., West Grove.  
 Darlington Nursery, Inc. (dealer), 1400 Beechwood Boulevard, Pittsburgh.  
 Dauber's Nurseries, 1705 North George Street, York.  
 DeKalb Nurseries, Inc., 2700 De Kalb Street, Post Office Box 67, Norristown.  
 Fairview Evergreen Nurseries (seed grower), 131 East Water Street, Fairview.  
 Farr Nursery, Womelsdorf.  
 Fetherolf's Nurseries, Rural Delivery 4, West Chester.  
 Gimbel Bros (dealer), Eighth and Market Streets, Philadelphia.

## PENNSYLVANIA—Continued

W. S. Hamilton & Son (dealer), 278 Bridge-water Road, Chester.  
 Hansen Brothers Nurseries, Inc., 472 South Gulph Road, King of Prussia.  
 Hansen's Ground Covers, 1268 Montgomery Avenue, Narberth.  
 Harborcreek Nursery, Route 20, Harborcreek.  
 King Nursery, Rural Delivery 5, Greensburg.  
 King Wholesale Nursery, Beatty Farm, Latrobe.  
 Kraynak Nursery, 2525 East State Street, Sharon.  
 LaBars' Rhododendron Nursery, West Bryant Street, Stroudsburg.  
 Lincoln Way Nursery, Rural Delivery 2, West Lincoln Highway, Coatesville.  
 Mayfair Nurseries, Rural Delivery 2, Nichols New York (Bradford County).  
 Musser Forests, Inc. (seed grower), Box 640, Route 110, Indiana.  
 Paint Creek Nursery, Shipperville.  
 Pallach Bros. Nurseries, Inc., Route 1, Harmony.  
 Pendale Nurseries (dealer), 5081 Brightwood Road, Bethel Park.  
 Pikes Peak Nurseries (division of Clearfield Bituminous Coal Corp.), Post Office Box 670, Indiana.  
 Pitzonka Nurseries, Inc., Bristol-Oxford Valley Road, Bristol.  
 Richard Schwoebel, 20 North Haverford Avenue, Ardmore.  
 Sears, Roebuck & Co. (dealer), Roosevelt Boulevard and Adams Avenue, Philadelphia.  
 Slater Supply Co., Inc. (dealer), 5081 Brightwood Road, Bethel Park.  
 Star Rose Garden Center, Route 230, Lancaster.  
 J. Franklin Styer Nurseries, Inc., Concordville.  
 John F. Styer Landscape Nurseries, Box 37, Route 1, Concordville.  
 John F. Styer Nurseries, Flagg Manor Road, Rural Delivery 2, Cochranville.  
 Upper Bank Nurseries, Inc., South Orange Street, Media.  
 Woodland Nursery, Rural Delivery 1, Perkiomenville.

## RHODE ISLAND

Bald Hill Nurseries, Inc., Bald Hill Road, Pontiac.  
 Boulevard Nurseries, 389 West Main Road, Newport.  
 Forest Hills Nurseries, Inc., 1073 Reservoir Avenue, Cranston.  
 Hoogendoorn, C., 408 Turner Road, Newport.  
 Rhode Island Nurseries, Inc., East Main Road, Newport.  
 Sowams Nursery, 82 Sowams Road Barrington.  
 Van Hof Nurseries, 54 Bristol Ferry Road, Portsmouth.

## SOUTH CAROLINA

Carolina Floral Nursery, Mount Holly.  
 Green Nursery, West Poinsett (Old Highway 29), Greer.  
 Magnolia Gardens & Nurseries, Route 2, Johns Island.  
 Owens Nursery, Wiskey Road, Aiken.

## SOUTH DAKOTA

Bob's Nursery (dealer), South 22d Avenue, Brookings.  
 Brookings Nursery (dealer) (also known as Modern Landscaping Service), Box 359, Brookings.  
 Arthur Christensen (dealer), 4010 Jackson Boulevard, Rapid City.  
 Gunderson's Inc. (dealer), 2040 West Main, Rapid City.  
 Gurney Seed & Nursery Co., Second and Capitol Streets, Yankton.  
 Jake's Nursery (dealer), 2404 South West Avenue, Sioux Falls.

**SOUTH DAKOTA—Continued**

Johnson Nursery (dealer), 3013 East 10th, SlouxFalls.  
Purlington Nursery (dealer), 503 Lacrosse, Rapid City.

**TENNESSEE**

Adcock Nursery, Route 3, McMinnville.  
Barker Bros. (dealer), Route 2, McMinnville.  
Vernon Barnes Nursery (dealer), Post Office Box 250, McMinnville.  
Boyd Nursery Co., Inc., Box 71, McMinnville.  
John D. Boyd, Bone Cave.  
Braswell Nursery, Smithville.  
Cartwright Nurseries, 10650 Poplar Street, Collierville.  
Arnold C. Clark Nursery, Route 2, McMinnville.  
Commerical Nursery, Dechard.  
Crimson Dale Nursery, Winchester.  
Easterly-Varnell Nurseries, Route 6, Box 543, Cleveland.  
Evergreen Nurseries, 7433 Poplar Pike, Germantown.  
Faulkner Springs Nursery, Post Office Box 242, McMinnville.  
Fairview Nursery (dealer), Route 2, McMinnville.  
Flower City Nurseries, Route 3, McMinnville.  
Forest Nursery Co., Inc., Box 311, McMinnville.  
Globe Wholesale Nursery, Post Office Box 249, McMinnville.  
Groves Nursery, Winchester.  
H. G. Hallum Nursery (dealer), Route 3, McMinnville.  
Hawkersmith & Sons Nursery, Route 2, Tullahoma.  
Haynesfield Nurseries, Route 4, Bristol.  
Howell Nurseries, Inc., 2407 Brooks Road, Knoxville.  
C. A. Jones Nursery (dealer), Route 2, McMinnville.  
H. R. Judkins Nursery, Route 1, Smithville.  
Morning Star Nursery, Hwy. 45 West, Rives.  
Morse Bros. Nursery, Route 8, Chattanooga.  
Mountain Wholesale Nursery, Bone Cave.  
Murphy Nursery Co., Smithville.  
Osban Scott Nursery (dealer), Box 123, McMinnville.  
Parsley Bros. Nursery, Route 5, Smithville.  
Phytotaktor Inc., Winchester.  
The H. R. Potter Nursery, Route 1, Joelton.  
John Richardson Nursery (dealer), Route 2, McMinnville.  
The Rigney Nursery, Route 4, Manchester.  
Ernest Rubley, Route 2, McMinnville.  
Sanders Nursery, Winchester.  
Savage Farm Nursery (dealer), Box 125, McMinnville.  
Scott Bros. Nursery Co. (dealer), Route 2, McMinnville.  
Scruggs Nursery, Route 2, McMinnville.  
Smith Bros. Nursery, Box 221, McMinnville.  
Southern Nursery & Landscape Co., Winchester.  
Stewart's Nursery Co., Route 4, McMinnville.  
J. P. & Claude Stubblefield, Route 6, McMinnville.  
Tate & Dykes Nursery (dealer), Route 2, McMinnville.  
Tate Nursery, Route 2, McMinnville.  
Tennessee Valley Nursery, Winchester.  
The Triangle Nursery (dealer), Route 2, McMinnville.  
Warren County Nursery, Route 6, McMinnville.

**TEXAS**

Aldrige Nursery, Von Ormy.  
Baker Bros. Co., Box 828, Forth Worth.  
Grace Nursery (dealer), Route 2, Box 58, Willis.  
Lambert Landscape Co. (dealer), Valleyview Road, Dallas.  
Magnolia Plant Farm (dealer), Route 3, Box 449, Conroe.  
Pope Nursery, 4020 Race Street, Forth Worth.  
Twitty Nursery, Box 777, Tezakana.

**TEXAS—Continued**

Verhalen Nursery Co., Scottsville.  
Walton Nursery & Greenhouse, Route 3, Box 77, Conroe.  
Wise Adkinson & Sons, 1605 Walnut Street, Greenville.  
Wolfe Nursery, Inc., Box 811, Stephenville.  
Glover's Nursery & Floral, 7195 South State Street, Midvale.  
Pehrson Floral & Nursery, 1180 Canyon Road, Logan.  
Pineae Greenhouses, Inc., 675 North Main, Centerville.  
Porter-Walton Co., Post Office Box 1619, Salt Lake City.  
Wuthrick Nursery, 1115 North Main, Logan.

**VIRGINIA**

Blue Ridge Gardens, Inc., 1830 Apperson Drive, Salem.  
Blue Ridge Nurseries, Elliston.  
Capper's Nursery, McLean.  
Cole Nurseries, Inc., Post Office Box 443, Bluefield, W. Va. (nursery in Tazewell County, Va.).  
Cole Nurseries, Inc., Route 1, Box 332, Bristol.  
Cox's Nursery, R.F.D. 2, Box 386A, Christiansburg.  
Davis Bros. Nursery, R.F.D. 2, Rose Hill.  
Eastern Shore Nursery of Virginia, Post Office Box 48, Keller.  
Enterprise Nursery, Hilltons.  
Gladsgay Garden Nursery, 6311 Three Chopt Road, Richmond.  
Greenbrier Farms, Inc., 2145 Thrasher Road, Chesapeake.  
Gresham's Nursery, Inc., 6601 Midlothian Pike, Richmond.  
Gulf Stream Nursery, Wachapreague.  
Hecht Co. Arcadian Gardens (Goldfarb) (dealer), 620 North Randolph Street, Arlington.  
Holly Creek Nursery, Route 1, Melfa.  
Ingleside Plantation Nurseries, Oak Grove.  
John Kluis Nurseries, Post Office Box 428, Onancock.  
Laird's Nurseries, 8900 Broad Street Road, Richmond.  
J. Lewis & Sons Nursery, Cascade.  
Phillipswood Garden Center, 1845 Abingdon Highway, Bristol.  
South Side Nurseries, Inc., Route 15, Box 471, Richmond.  
Tankard Nurseries, Exmore.  
Watkins Nurseries, Inc., R.F.D. 2, Midlothian.  
Waynesboro Nurseries, Inc., Waynesboro.  
Williams & Harvey Nursery, 3608 West Cary Street, Post Office Box 7037, Richmond.  
Wlwn Nursery, Inc., 6926 Granby Street, Norfolk.  
Wood-Howell Nurseries, Inc., 4461 Lee Highway, Bristol.  
Yeatts Nursery Inc., Martinsville.

**WASHINGTON**

Norman Anderson Nursery, Route 1, Box 212, Orchards.  
Briggs Nursery, 4407 Gleason Road, Olympia.  
Chenoweth's Mount Vernon Nursery, Second and Taylor, Mount Vernon.  
Columbia & Okanogan Nursery, Box 116, 1700 Wenatchee Avenue, Wenatchee.  
Gothman Nursery, 2000 Inland Empire Way, Spokane.  
A. H. Hembree Nursery, East 7809 Indiana, Spokane.  
Inland Empire Nursery, East 17213 Sprague, Greenacres.  
Kent Nursery, 8812 South 218th Street, Kent.  
Krause Nursery, Inc., East 3900 Sprague Avenue, Spokane.  
May Nursery Co., 212 North Third Avenue, Yakima.  
Mayhan Nursery, East 15723 Sprague Avenue, Veradale.  
Mayhan Nursery (seed grower), East 15723 Sprague Avenue, Veradale.  
Pioneer Nursery, Route 1, Box 665, Ridgefield.

**WASHINGTON—Continued**

Stanek's Nursery, East 2929 29th Avenue, Spokane.  
Vibert's Nursery, 15025 124th Avenue NE, Woodinville.  
Viewcrest Nursery, 9617 Northeast Borton Road, Vancouver.  
Walter's Nursery, 7405 Stewart Avenue, Puyallup.  
Wells Nursery, 424 East Section Street, Mount Vernon.

**WEST VIRGINIA**

Conner and Amos Garden Center, 129 Old Dutch Road, Charleston.  
Conner and Amos Nursery Co., Route 2, Elizabethtown.  
Gold Chestnut Nursery, Cowen.  
Home Nursery Co., Box 126, Fort Gay.  
Kenova Gardens, 1601 Sycamore Street, Kenova.  
Lavalette Landscape Nursery, Fifth Street Hill, Lavalette.  
Myer's Nursery, Route 2, Huntington.  
Pike Vue Nursery (dealer), 1691 Washington Pike, Wellsburg.  
White Sulphur Springs Nursery, Box D-540, White Sulphur Springs.

**WISCONSIN**

Dunne's Nursery, Stateline Road, Beloit.  
Dunne's Nursery & Greenhouse (dealer), Highway 15 West, Delavan.  
Evergreen Nursery Co., Route 3, Sturgeon Bay; also at Wisconsin 42 and 14th Avenue, Garden Center.  
Fancher's Nursery, Sturtevant.  
Frantal's Nursery & Garden Center, 6627 75th Street, Kenosha.  
Johannsen Garden Centers, 2000 West Beltline Highway, Madison; also outlet at Highway 16 and Sussex Road, Pewaukee.  
J. W. Jung Seed Co., Randolph.  
McKay Nursery Co., Waterloo.  
L. L. Olds Seed Co. (dealer), Madison; also at Beltline and Fish Hatchery Road, Garden Center.  
Pippert Nurseries, Inc., Cleveland.  
Suthers Moundview Nursery, Route 4, Platteville.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This list of specifically approved sources shall become effective October 29, 1966.

The purposes of this document are to list specifically approved sources from which regulated articles may be moved under less stringent provisions of the black stem rust quarantine regulations than would otherwise apply, and to revise the format of the list in accordance with the revised black stem rust quarantine and regulations. The list of specifically approved sources is completely revised each year based on an annual inspection.

Insofar as this list omits certain establishments included on the previous list and thereby imposes additional restrictions with respect to shipments from such establishments, it should be made effective promptly to prevent spread of the black stem rust disease. Insofar as this list relieves restrictions of the black stem rust quarantine regulations, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this list involves a non-substantive change of format, notice and other public procedure would serve no useful purpose. Accordingly, it is found

upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with regard to this regulation are impracticable and unnecessary, and good cause is found for making this regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of October 1966.

E. D. BURGESS,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 66-11802; Filed, Oct. 28, 1966;  
8:47 a.m.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Black Stem Rust

#### ERADICATION AREAS

Under authority conferred by § 301.38-2 of the Black Stem Rust Quarantine regulations (7 CFR 301.38-2, as amended, 31 F.R. 13888), the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2c:

§ 301.38-2c List of eradication areas.

The States and portions of States designated below have adopted and are enforcing specific procedures to eradicate *Berberis*, *Mahoberberis*, and *Mahonia* plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division. Therefore, such States and portions of States are listed as eradication areas:

All counties within the States of:	
Colorado.	Montana.
Illinois.	Nebraska.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	South Dakota.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

All counties within the following States except the counties specified below:

*Pennsylvania.* Except Delaware and Philadelphia counties.

*Virginia.* Except Accomack, Amelia, Brunswick, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Gloucester, Goochland, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Northampton, Northumberland, Norfolk, Nottoway, Patrick, Pittsylvania, Powhatan, Princess Anne, Prince Edward, Prince George, Richmond, Southampton, Sussex, Surry, Warwick, Westmoreland, and York counties.

*Washington.* Except Clallam, Clark, Cowitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Skagit, Skamania, Snohomish, Thurston, Wahklakum, and Whatcom counties.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This regulation implements the black stem rust quarantine and regulations (7 CFR 301.38, 301.38-1 et seq.) as recently amended, by listing eradication areas it omits from listing as eradication areas

certain portions of States, previously classed as "eradication States" under the prior quarantine and regulations, and thereby relieves restrictions of the regulations which would be applicable to interstate shipments of regulated articles into such portions of the States if they were included within the eradication areas. Insofar as the regulation thus relieves restrictions it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved.

This regulation also imposes restrictions with respect to establishments located in, and with respect to interstate shipments of regulated articles from, those portions of the States which are excepted from the listing as eradication areas. These restrictions are necessary to prevent the spread of black stem rust and should be made effective promptly in the public interest.

Accordingly, it is found upon good cause under the administrative procedure provisions in 5 USC 553, that notice and other public procedure with regard to this regulation are impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

This regulation shall become effective October 29, 1966.

Done at Hyattsville, Md., this 25th day of October 1966.

[SEAL] E. D. BURGESS,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 66-11800; Filed, Oct. 28, 1966;  
8:46 a.m.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—White-Pine Blister Rust

#### REVOCATION OF QUARANTINE AND REGULATIONS

The subpart captioned "White-Pine Blister Rust" of Part 301, Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 301.63, 301.63-1 through 301.63-9), is revoked, effective October 29, 1966. However, such subpart shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

(Secs. 103, 106, 71 Stat. 32, 33, sec. 9, 37 Stat. 318; 7 U.S.C. 150bb, 150ee, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended)

All States concerned with or having plants known to be afflicted by white-pine blister rust are presently cooperating with the Department to prevent the spread of such disease. A review of the white-pine blister rust quarantine and supplemental regulations with State regulatory officials, various regional Plant Boards, and the National Plant Board has indicated that it is advisable to revoke such quarantine and regulations and have the States responsible for

measures to prevent the dissemination thereof. Accordingly, it has been decided to revoke said quarantine and regulations.

Inasmuch as this action relieves restrictions presently imposed and it appears that notice and other public procedure would not make additional information available to the Department, it is found upon good cause in accordance with the provisions of 5 U.S.C., section 553, that notice and other public procedure concerning such action are impracticable and contrary to the public interest, and the revocation should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October 1966.

[SEAL] E. P. REAGAN,  
Acting Deputy Administrator,  
Agricultural Research Service.

[F.R. Doc. 66-11799; Filed, Oct. 28, 1966;  
8:46 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

### SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 1]

## PART 855—MAINLAND CANE SUGAR AREA

### Proportionate Shares for Farms; 1967 Crop

Pursuant to section 302 of the Sugar Act of 1948, as amended, §§ 855.25, 855.29, 855.31 and 855.32 (31 F.R. 11967) are amended as follows:

1. Paragraph (a) of § 855.25 is amended to read as follows:

§ 855.25 State acreage allocations.

(a) 197,400 acres for Florida and 316,300 acres for Louisiana.

2. Paragraph (a) of § 855.29 is amended to read as follows:

§ 855.29 Shares for reconstituted farms.

(a) *Subdivisions.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1967-crop share established for the farm pursuant to § 855.27 including any adjustments made in such share pursuant to § 855.31 or § 855.33, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in paragraph (d) of § 892.1 of this chapter. However, if the share as so determined for any subdivision is greater than the acreage growing on the subdivision for the 1967-crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon except that such reduction shall not be made if the county committee determines that acreage on the subdivision has been plowed down in order to obtain

larger proportionate shares on the other subdivision or subdivisions. If such reduction is made the acreage made available shall be used to increase the share of each of the other subdivisions of the parent farm on which the acreage growing for the 1967-crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision and shall not result in the sum of the shares of the subdivisions exceeding the parent farm's share before division.

3. Paragraph (b) of § 855.31 is amended to read as follows:

§ 855.31 Reallotment of unused acres.

(b) *Filing requests for additional acreage.* Requests shall be filed at the ASCS county office in which the farm headquarters is located (in Florida, at the Hendry ASCS Office) not later in Florida than June 30, 1967, and in Louisiana not later than 10 days after the notice of 1967-crop farm share is mailed to the farm operator. However, late requests filed by operators before a distribution of unused acreage may be accepted as timely filed requests if the State Committee determines that such operators delayed filing for reasons beyond their control, and late requests may be accepted prior to harvest if there is acreage still available after filling all requests considered as timely filed under this paragraph.

4. Paragraph (a) of § 855.32 is amended to read as follows:

§ 855.32 Establishment of shares for new-producer farms.

(a) *Filing requests.* A person desiring a share for a new-producer farm shall file a request at the local county office (in Florida, at the Hendry ASCS Office) not later in Florida than November 15, 1966, and in Louisiana not later than November 1, 1966. However, late requests may be accepted if the State committee determines that the persons delayed filing for reasons beyond their control and there is acreage still available after filling all timely filed requests.

STATEMENT OF BASES AND CONSIDERATIONS

The 1967-crop acreage allocations to Florida and Louisiana were established at the same level as the 1966-crop allocation to each State. One of the items comprising the 1966-crop allocation is the sum of the 1965-crop accredited acreage records within the shares established for old and new-producer farms in each State. Inadvertently about 700 acres were not included in the 1965 accredited acreage for Louisiana in computing that State's 1967-crop allocation in the original regulation. This amendment increases the 1967-crop allocation to Louisiana by such an amount. This amendment makes certain that adjustments in proportionate shares deter-

mined for parts of a subdivided farm may be made by the county committee on the basis of sugarcane acreage growing for 1967-crop harvest, only to the extent of the unused portion of the proportionate share determined for any subdivision. This provision is designed to minimize plowing out of excess sugarcane acreage on some parts of a subdivided farm if the proportionate share for another part of the parent farm is not fully used.

The original regulation provided that the State committees (Louisiana and Florida) shall fix the closing dates for filing requests for additional proportionate share acreage and for proportionate shares for new-producer farms. This amendment establishes these closing dates as determined by the respective State committees.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., October 26, 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-11820; Filed, Oct. 28, 1966; 8:48 a.m.]

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

[Grapefruit Reg. 63, Amdt. 1]

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

Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate

the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 31, 1966. Shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 63 (31 F.R. 11971) and, unless sooner terminated, will continue to be so regulated until August 1, 1967, determinations as to the need for, and extent of, continued regulation of Florida grapefruit shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of grapefruit shipments subsequent to October 31, 1966, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on October 25, 1966, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* (1) In § 905.485 (Grapefruit Regulation 63, 31 F.R. 11971) the provisions of paragraph (a)(1) are amended by (1) deleting subdivision (iii) and substituting in lieu thereof new subdivisions (iii) and (iv) as set forth below, and (2) renumbering (iv) as (v):

§ 905.485 Grapefruit Regulation 63.

- (a) *Order.* (1) . . . .
- (iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Russet;
- (iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

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

Dated October 27, 1966, to become effective at 12:01 a.m., e.s.t., October 31, 1966.

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

[F.R. Doc. 66-11851; Filed, Oct. 28, 1966; 8:49 a.m.]

[Valencia Orange Reg. 185]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.485 Valencia Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

## RULES AND REGULATIONS

Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 27, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 6, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 400,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same

meaning as when used in said amended marketing agreement and order.

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

Dated: October 28, 1966.

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

[F.R. Doc. 66-11890; Filed, Oct. 28, 1966; 11:35 a.m.]

[Lemon Reg. 238]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

##### § 910.538 Lemon Regulation 238.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provi-

sions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 12, 1967, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: October 26, 1966.

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

[F.R. Doc. 66-11824; Filed, Oct. 28, 1966; 8:48 a.m.]

[Lemon Reg. 239]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

##### § 910.539 Lemon Regulation 239.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became avail-

able and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 6, 1966, are hereby fixed as follows:

- (i) District 1: 10,230 cartons;
- (ii) District 2: 79,980 cartons;
- (iii) District 3: 109,740 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: October 27, 1966.

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

[F.R. Doc. 66-11852; Filed, Oct. 28, 1966; 8:49 a.m.]

[Grapefruit Reg. 5]

**PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA**

**Limitation of Handling**

**§ 913.305 Grapefruit Regulation 5.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674),

and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period beginning at 12:01 a.m., e.s.t., October 31, 1966, and ending at 12:01 a.m., e.s.t., November 7, 1966, is hereby fixed at 350,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: October 28, 1966.

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

[F.R. Doc. 66-11889; Filed, Oct. 28, 1966; 11:35 a.m.]

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

[Milk Order No. 5]

**PART 1005—MILK IN TRI-STATE MARKETING AREA**

**Order Amending Order**

**§ 1005.0 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 Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator was issued September 27, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued October 20, 1966. The changes effected by this order will not

require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

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

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

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

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

#### ORDER RELATIVE TO HANDLING

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

1. Section 1005.11(b) is revised to read as follows:

#### § 1005.11 Pool plant.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a

nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

#### § 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

#### § 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted; *Provided,* That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

#### § 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

#### § 1005.32 Other reports.

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

#### § 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is appli-

cable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

#### § 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

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

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 27, 1966.

JOHN A. SCHNITTKER,  
Acting Secretary.

[F.R. Doc. 66-11844; Filed, Oct. 28, 1966; 8:49 a.m.]



[Milk Order 13]

**PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA**  
**Order Amending Order**

<p>1013.1 1013.2 1013.3 1013.4 1013.5 1013.6 1013.7 1013.8 1013.9 1013.10 1013.11 1013.12 1013.13 1013.14 1013.15 1013.16 1013.17 1013.18 1013.19 1013.20 1013.25 1013.26 1013.27 1013.30 1013.31 1013.32 1013.33 1013.40 1013.41 1013.42 1013.43 1013.44 1013.45 1013.46 1013.50 1013.51 1013.52 1013.53 1013.54</p>	<p>Act. Secretary. Department. Person. Cooperative association. Southeastern Florida marketing area. Fluid milk product. Distributing plant. Supply plant. Pool plant. Nonpool plant. Route. Handler. Producer-handler. Producer. Producer milk. Chicago butter price. Class II product. Cream.  MARKET ADMINISTRATOR Designation. Powers. Duties.  REPORTS, RECORDS AND FACILITIES Report of sources and utilization. Other reports. Records and facilities. Retention of records.  CLASSIFICATION OF MILK Skim milk and butterfat to be classified. Classes of utilization. Shrinkage. Responsibility of handlers and reclassification of milk. Transfers. Computation of skim milk and butterfat in each class. Allocation of skim milk and butterfat classified.  MINIMUM PRICES Basic formula price. Class prices. Butterfat differentials to handlers. Location adjustments to handlers. Use of equivalent prices.</p>	<p>Sec. 1013.60 1013.61 1013.62 1013.63 1013.70 1013.71 1013.72 1013.73 1013.74 1013.80 1013.81 1013.82 1013.83 1013.84 1013.85 1013.86 1013.87 1013.100 1013.101 1013.102 1013.103 1013.110 1013.111 1013.112 1013.113 1013.114 1013.115 1013.116 1013.117 1013.118 1013.119 1013.120 1013.121 1013.122 1013.123 1013.124 1013.125 1013.126 1013.127 1013.128 1013.129 1013.130 1013.131 1013.132 1013.133 1013.134 1013.135 1013.136 1013.137 1013.138 1013.139 1013.140 1013.141 1013.142 1013.143 1013.144 1013.145 1013.146 1013.147 1013.148 1013.149 1013.150 1013.151 1013.152 1013.153 1013.154 1013.155 1013.156 1013.157 1013.158 1013.159 1013.160 1013.161 1013.162 1013.163 1013.164 1013.165 1013.166 1013.167 1013.168 1013.169 1013.170 1013.171 1013.172 1013.173 1013.174 1013.175 1013.176 1013.177 1013.178 1013.179 1013.180 1013.181 1013.182 1013.183 1013.184 1013.185 1013.186 1013.187 1013.188 1013.189 1013.190 1013.191 1013.192 1013.193 1013.194 1013.195 1013.196 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1013.863 1013.864 1013.865 1013.866 1013.867 1013.868 1013.869 1013.870 1013.871 1013.872 1013.873 1013.874 1013.875 1013.876 1013.877 1013.878 1013.879 1013.880 1013.881 1013.882 1013.883 1013.884 1013.885 1013.886 1013.887 1013.888 1013.889 1013.890 1013.891 1013.892 1013.893 1013.894 1013.895 1013.896 1013.897 1013.898 1013.899 1013.900 1013.901 1013.902 1013.903 1013.904 1013.905 1013.906 1013.907 1013.908 1013.909 1013.910 1013.911 1013.912 1013.913 1013.914 1013.915 1013.916 1013.917 1013.918 1013.919 1013.920 1013.921 1013.922 1013.923 1013.924 1013.925 1013.926 1013.927 1013.928 1013.929 1013.930 1013.931 1013.932 1013.933 1013.934 1013.935 1013.936 1013.937 1013.938 1013.939 1013.940 1013.941 1013.942 1013.943 1013.944 1013.945 1013.946 1013.947 1013.948 1013.949 1013.950 1013.951 1013.952 1013.953 1013.954 1013.955 1013.956 1013.957 1013.958 1013.959 1013.960 1013.961 1013.962 1013.963 1013.964 1013.965 1013.966 1013.967 1013.968 1013.969 1013.970 1013.971 1013.972 1013.973 1013.974 1013.975 1013.976 1013.977 1013.978 1013.979 1013.980 1013.981 1013.982 1013.983 1013.984 1013.985 1013.986 1013.987 1013.988 1013.989 1013.990 1013.991 1013.992 1013.993 1013.994 1013.995 1013.996 1013.997 1013.998 1013.999 1014.000</p>	<p><b>APPLICATION OF PROVISIONS</b> Producer-handler. Plants where other Federal orders may apply. Obligations of handler operating a partially regulated distributing plant. Person producing milk.  <b>DETERMINATION OF UNIFORM PRICES TO PRODUCERS</b> Computation of the net pool obligation of each pool handler. Computation of uniform price. Butterfat differential to producers. Location differentials to producers and on nonpool milk. Notification of handlers.  <b>PAYMENTS</b> Time and method of payment for producer milk. Producer-settlement fund. Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Marketing services. Expense of administration. Termination of obligations.  <b>EFFECTIVE TIME, SUSPENSION OR TERMINATION</b> Effective time. Suspension or termination. Continuing obligations. Liquidation.  <b>MISCELLANEOUS PROVISIONS</b> Agent. Separability of provisions.  <b>ATTORNEY:</b> The provisions of this Part 1013 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.  § 1013.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.</p>	<p>(4), and (10) and the corresponding steps of § 1013.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants. (b) <i>Additional findings.</i> It is necessary in the public interest to make this order amending the order effective not later than November 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area. The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 30, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued October 19, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.) (c) <i>Determinations.</i> It is hereby determined that: (1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act; (2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and (3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.</p>
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*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

#### DEFINITIONS

##### § 1013.1 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.).

##### § 1013.2 Secretary.

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

##### § 1013.3 Department.

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

##### § 1013.4 Person.

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

##### § 1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (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; and (c) to have its entire activities under the control of its members.

##### § 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing

area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward. Martin.  
Dade. Monroe.  
Glades. Okeechobee.  
Henry. Palm Beach.  
Indian River. St. Lucie.

##### § 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

##### § 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

##### § 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

##### § 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any

building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

##### § 1013.11 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 skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

##### § 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

##### § 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

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

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

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

##### § 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

##### § 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

##### § 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d); *Provided*, That if the

milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

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

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, scalded milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

MARKET ADMINISTRATOR

§ 1013.25 Designation.

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

§ 1013.26 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.

§ 1013.27 Duties.

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

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

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

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

(d) Pay out of the funds received pursuant to § 1013.86:

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

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, 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, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required

to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

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

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

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

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to

the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose:

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was 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

##### § 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

- (a) The quantities of skim milk and butterfat contained in or represented by receipts of:
  - (1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);
  - (2) Fluid milk products and Class II products received from pool plants;
  - (3) Other source milk;
  - (4) Milk diverted to nonpool plants pursuant to § 1013.16; and
  - (5) Inventories of fluid milk products and Class II products at the beginning

and end of the month or accounting period:

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

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

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

##### § 1013.31 Other reports.

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

(b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

- (1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day after source milk as defined pursuant to § 1013.17(a) is received at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

(c) Each handler making payments pursuant to § 1013.62(a) shall report the information required pursuant to para-

graph (b) of this section. In such reports receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

##### § 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

- (a) The receipts and utilization of all skim milk and butterfat handled in any form;

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

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

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

##### § 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator

notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further 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

§ 1013.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

##### § 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

- (a) *Class I milk.* Class I milk shall be all skim milk and butterfat:
  - (1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2), (c) (2), (3), and (4), and (d) of this section; and
  - (2) Not accounted for as Class II, Class III or Class IV milk.

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

- (1) Disposed of in the form of a Class II product, except as provided in paragraphs (c) (2), (3), and (4), and (d) of this section; and
- (2) In inventory of fluid milk products and Class II products at the end of the month.

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

- (1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;
- (2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;
- (3) Except as provided in paragraph (d) of this section, skim milk and butter-

fat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the non-fat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d); *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

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

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

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b) (2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

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

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

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

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c) (5); and

(2) Other source milk exclusive of that specified in § 1013.41(c) (5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

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

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

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a) (11) and the corresponding step of § 1013.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a) (3) and (4), 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 § 1013.46(a) (10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of

such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, 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 in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(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:

(1) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from

dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

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

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

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product 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 under the other order; and

(2) If transferred in bulk form, classification shall be in the classes to which allocated 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

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 or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, 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 in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(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:

(1) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from

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

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

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

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

(e) As Class II (to the extent of utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

#### § 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

#### § 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

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

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c) (5);

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

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

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

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17(b);

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

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

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

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph);

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

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

(10) 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 in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7) (i) of this paragraph;

(11) 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 other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7) (ii) of this paragraph:

(i) In series beginning with Class IV and thereafter from Class III and Class

II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(i) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

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

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

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

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

#### MINIMUM PRICES

##### § 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order

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

**§ 1013.51 Class prices.**

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundred-weight for the month shall be as follows:  
 (a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus \$3.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus \$1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

(d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

**§ 1013.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I and Class II prices, 7.5 cents; and

(b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

**§ 1013.53 Location adjustments to handlers.**

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and

unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

**§ 1013.54 Use of equivalent prices.**

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

**APPLICATION OF PROVISIONS**

**§ 1013.60 Producer-handler.**

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

**§ 1013.61 Plants where other Federal orders may apply.**

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10 (a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order (e) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the

plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

**§ 1013.62 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 §§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1013.70 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 or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82

(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.

(i) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar re-

ports 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 § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, there will be deducted the sum of: (1) 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 an other order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

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

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

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

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

**§ 1013.63 Person producing milk.**

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) 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 § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(13) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(8) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and (4) and the corresponding steps of § 1013.46(b); and

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

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

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 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 at the rates set forth in § 1013.53; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his

last known address, a statement showing:

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

(b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;

(c) The amount and value of his producer milk at the uniform price; and

(d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

PAYMENTS

§ 1013.80 Time and method of payment for producer milk.

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

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed \$6, 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 this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed \$6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from

such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.85;

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

(iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for 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 the month; and



(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

**§ 1013.81 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.62, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84. *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

**§ 1013.82 Payments to the producer-settlement fund.**

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

- (a) The net pool obligation computed pursuant to § 1013.70 for such handler; and
- (b) The sum of:
  - (1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and
  - (2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

**§ 1013.83 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 § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(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 funds are available.

**§ 1013.84 Adjustment of accounts.**

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

**§ 1013.85 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduc-

tion specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer. **§ 1013.86 Expense of administration.**

(a) 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, four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a)(3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

**§ 1013.87 Termination of obligations.**

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's

utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The months 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 names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant

to section 8c(15)(A) of the Act, a petition claiming such money.

**EFFECTIVE TIME, SUSPENSION OR TERMINATION**

§ 1013.100 Effective time.

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

§ 1013.101 Suspension or termination.

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

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

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

**MISCELLANEOUS PROVISIONS**

§ 1013.110 Agent.

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.

§ 1013.111 Separability of provisions.

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

Effective date: November 1, 1966.

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

JOHN A. SCHNITKER,

Acting Secretary.

[F.R. Doc. 66-11826; Filed, Oct. 28, 1966; 8:48 a.m.]

[Milk Order 103]

**PART 1103—MILK IN MISSISSIPPI MARKETING AREA**

**Order Suspending Certain Provisions**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi marketing area (7 CFR Part 1103), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of November 1966.

(1) That part of the text in § 1103.51 in which the order is effective, . . . .

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

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

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

(3) Class I price provisions of the order would otherwise expire at the end of October 1966.

(4) A public hearing was held at Jackson, Miss., on September 13, 1966. On the basis of the evidence adduced at the hearing a recommended decision was issued October 14, 1966, containing findings and conclusions as to appropriate Class I milk price provisions after October 31, 1966 (31 F.R. 13476), and parties were allowed through October 24, 1966, to submit exceptions. The decision contained a conclusion which would provide in November 1966 a continuation of the existing price formula.

(5) The procedure for amending the order cannot be completed before the October 31, 1966, expiration of the present Class I price provisions; and this suspension order is necessary to insure the continuation of Class I milk pricing after October 31, 1966.

Therefore, good cause exists for making this order effective for the month of November 1966.

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

(905. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: November 1, 1966.

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

JOHN A. SCHNITKER,

Acting Secretary.

[F.R. Doc. 66-11825; Filed, Oct. 28, 1966; 8:48 a.m.]

**Chapter XIV—Commodity Credit Corporation, Department of Agriculture**

**SUSCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

**PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES**

**Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed**

This subpart (30 F.R. 11315) is revised as follows:

Sec. 1421.5551 General statement and administration.  
1421.5552 Basic standards.  
1421.5553 Bonding requirements.  
1421.5554 Inspection of warehouses.  
1421.5555 Basis for approval.  
1421.5556 List of approved warehouses.  
1421.5557 Waiver of requirements.  
1421.5558

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

§ 1421.5551 General statement and administration.

(a) This subpart prescribes the requirements of Commodity Credit Corporation (hereinafter referred to as "CCC"), and the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by CCC, for the storage and handling of (1) wheat, corn, oats, rye, barley, grain sorghums, flaxseed, and soybeans under a Uniform Grain Storage Agreement, (2) rough rice under a Uniform Rice Storage Agreement, (3) milled rice under a Milled Rice Storage Agreement, (4) dry edible beans under a Bean Storage Agreement, and (5) seed under an Agreement for Cleaning and Storage of Seed (such commodities are referred to collectively in this subpart as "grain"), owned by CCC or held by CCC as security for price support loans. This subpart does not apply to the storage and handling of grain outside of the limits of the several States of the United States and the District of Columbia or to grain handling of a temporary nature.

(b) Warehousemen desiring to secure approval of their warehouses under this subpart may obtain information and application and other prescribed forms from the Kansas City Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141 (hereinafter referred to as the "Kansas City Office"). A warehouse must be approved by the Kansas City Office before such warehouse will be used by CCC for the storage and handling of grain. The approval of a warehouse or the execution of an agreement with the warehouseman does not constitute a commitment that the warehouse will be used by CCC and

no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

**§ 1421.5552 Basic standards.**

Initial approval of a warehouse, and the continued approval of an approved warehouse, are conditioned upon conformance with the following standards. The standards specified in paragraph (a) (8) and (9) of this section are not applicable to a warehouseman licensed under the U.S. Warehouse Act.

(a) The warehouseman shall:

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

(2) If State or local law requires a license to operate a public warehousing business, furnish CCC evidence that the warehouse is so licensed by the appropriate licensing authority.

(3) Have sufficient experience, in and knowledge of, the warehousing business to assure that proper protection and adequate service will be rendered in the storage and handling of the commodity involved.

(4) Have satisfactorily complied with all previous CGC or USDA agreements and instructions issued thereunder: *Provided, however,* That this subparagraph shall apply only in circumstances excepted from CCC regulations governing suspension and debarment (31 F.R. 4950) unless suspension or debarment action has been taken as provided in such regulations.

(5) Have a net worth equal to at least 4 percent of the total value of the principal commodity which may be stored (computed as provided in this subparagraph), with a minimum net worth of \$10,000. A deficiency in net worth above the \$10,000 minimum requirement may be compensated for by additional bond coverage. The total value of the principal commodity which may be stored in a warehouse shall be computed by multiplying the unit price of such commodity, as determined annually by the Executive Vice President, CCC, by the total capacity of the warehouse which can be used to store such commodity. The unit price used for such purpose may be obtained from the Kansas City Office.

(6) Have sufficient funds available to meet ordinary operating expenses.

(7) Submit a completed Form CCC-24, "Application for Approval of Warehouse Grain, Rice, Dry Edible Beans, and Seed", for each type of agreement and for each location; a completed Form CCC-24-1, "Supplement to Application for Approval of Warehouse Grain, Rice, Dry Edible Beans, and Seed", for each section of the warehouse; and such other documents or information as CCC may require.

(8) Furnish a financial statement, Form TW-51 "Financial Statement", supported by such supplemental schedules as may be requested. Subsequent financial statements shall be furnished annually and at such other times as may

be required by CCC. The financial statement shall show the financial condition of the warehouseman as of a date not earlier than 90 days prior to the date of the statement. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. In the case of a chain of warehouses owned or operated, or both, by a single business entity, only one financial statement is required for all such warehouses.

(9) Furnish CCC such surety bonds as may be required under § 1421.5553.

(10) Use only prenumbered warehouse receipts and scale tickets.

(11) Maintain adequate inventory and operating records.

(b) Supervisory employees of the warehouse shall meet the requirements of: (1) Paragraph (a) (3) of this section, and (2) paragraph (a) (4) of this section.

(c) Directors, responsible officers and employees of the warehouse shall meet requirements of paragraph (a) (4) of this section.

(d) The warehouse shall:

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

(2) Be under the control at all times of the warehouseman who executes the agreement.

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

(4) Have adequate fire-fighting equipment.

(5) Be located on a railroad or waterway or have a suitable rail loadout point under the complete control of the warehouseman.

(6) Have adequate equipment to assure that, within approximately thirty (30) working days, the quantity of grain for which the warehouse is or may be approved can be loaded out except that the maximum load-out capacity of any warehouse need not be more than 200 cars per day.

(e) Notwithstanding any other provision of this section, a Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance with the standards prescribed in paragraphs (a) (1), (3), (5), and (6); (b) (1); and (d) (1), (2), (3), and (4) of this section and such warehouseman will not be required to furnish bond coverage for deficiency in net worth.

**§ 1421.5553 Bonding requirements.**

(a) CCC has a Blanket Insurance Policy which covers a warehouseman operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement during the effective period of such policy. (The blanket policy protects CCC against losses up to \$2 million for each warehouse having a separate CCC warehouse code number, with a maxi-

mum aggregate annual liability to the insurance company of \$50 million. The coverage, however, does not relieve any warehouseman from his obligation to insure the grain against loss or damage as specified in the applicable CCC storage agreement.) A warehouseman seeking approval under such agreements, who otherwise meets the requirements of this subpart, will not be required to furnish bonds to CCC. Approval of a warehouse whose coverage under the CCC Blanket Insurance Policy has been terminated by the underwriter may be continued if

(1) it is determined that such warehouse is essential in carrying out the functions and responsibilities of CCC and is in the public interest and (2) the warehouseman furnishes a performance bond on CCC Form 33, "Warehouseman's Bond—Storage Agreement", or acceptable substitute security in lieu of such bond in accordance with paragraph (c) of this section. CCC Form 33 shall be executed by a surety company which has been approved by the U.S. Treasury Department (Circular No. 570) and which maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) Except as provided in paragraph (c) of this section, an applicant for a Milled Rice Storage Agreement, an Agreement for Cleaning and Storage of Seed, or both, shall furnish a performance bond on CCC Form 33. Such bond shall be executed by a surety specified in paragraph (a) of this section. Bond coverage for an applicant for such agreement(s) who fully conforms with all of the standards and requirements prescribed in this subpart, shall be in the amount of 6 percent of the total value of the principal commodity which may be stored computed as provided in § 1421.5552(a) (5). Such bond coverage shall not be less than \$5,000 and need not be more than \$200,000.

(c) Warehouse bonds furnished under State law (statutory bonds) or under operational rules of nongovernmental supervisory agencies, cash, negotiable securities, or legal liability insurance policies may be substituted for bonds on CCC Form 33 under the following conditions:

(1) A bond offered in lieu of a CCC Form 33 bond must provide protection equivalent to that afforded by a CCC Form 33 bond and must be executed by a surety specified in paragraph (a) of this section or have a blanket rider and endorsement executed by such a surety. The liability of the surety under a blanket rider and endorsement shall be the same as that of the surety under the original bond. Such substitute bonds also must be noncancelable for not less than 90 days and include a rider providing for not less than 90 days' notice to CCC before cancellation. If the warehouseman has more than one warehouse in the same State and has State warehouse bonds covering such warehouses which are determined to be acceptable to CCC, the excess coverage on one warehouse may not be applied against insufficient bond coverage on another warehouse.

(2) CCC will determine the amount of cash and the acceptability of and valuation to be placed on negotiable securities offered in substitution for bond coverage. When the period for which the bond was required has ended and it is determined that all liability under the agreement has terminated, such cash or securities held by CCC will be returned to the warehouseman.

(3) Legal liability insurance policies must show CCC as the insured and be approved for legal sufficiency by the Regional Attorney or the Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture for the region or area in which the warehouse for which approval is requested is located.

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

(e) Notwithstanding any other provisions of this subpart, CCC may, after considering all the circumstances relating to the operation of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require additional bond coverage.

#### § 1421.5554 Inspection of warehouses.

Unless a warehouse is licensed under the U.S. Warehouse Act, the warehouse will be examined by a person designated by CCC before it is approved for the storage and handling of grain. The warehouse examiner will make recommendations regarding the approval or disapproval of the warehouse. Such other action as considered necessary will be taken to determine whether the requirements of § 1421.5552 have been met.

#### § 1421.5555 Basis for approval.

A review and analysis will be made of the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information. If it is determined that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. The applicant also may be approved, if one or more of the standards of § 1421.5552 are not met, if it is determined that the warehouse storage and handling conditions provide satisfactory protection for grain, that the services of the warehouseman are required by CCC in fulfilling its responsibilities under the grain price support program, and additional bond coverage or acceptable substitute security (including coverage for any deficiency in net worth) is furnished in an amount determined to be sufficient to protect the interests of CCC.

#### § 1421.5556 Basis for disapproval.

A warehouse will not be approved (or its present approval will be terminated) if:

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

(b) The warehouseman or any of the directors, responsible officers, and employees of the warehouse are suspended or debarred under regulations issued by CCC.

#### § 1421.5557 List of approved warehouses.

(a) After a warehouse has been approved and the applicable storage agreement has been signed by CCC, a notice of approval will be forwarded to the warehouseman by the Kansas City Office. The warehouse will then be eligible to store and handle CCC-owned grain and grain under CCC's price support programs. A list of approved warehouses will be maintained by the Kansas City Office.

(b) The financial condition and the amount of bond or substitute security furnished by an approved warehouseman will be reviewed from time to time to determine that the requirements of CCC are being met. If a net worth deficiency is determined to exist, the warehouseman shall furnish any additional bond coverage or substitute security required under the provisions of this subpart. The warehouse will be reexamined from time-to-time to determine its continued compliance with the standards and requirements of this subpart. If at any time it is determined that a warehouseman or a warehouse does not conform with the standards and other requirements set out in this subpart, CCC shall remove the warehouse from the list of approved warehouses and take such other appropriate action as may be necessary to protect the interests of CCC. If a warehouse is removed from the list of approved warehouses under this section, the Kansas City Office will inform the warehouseman of the reasons therefor and the warehouseman may obtain reinstatement on presentation of information satisfactory to CCC that the warehouseman or warehouse or both again comply with the standards and requirements of this subpart.

(c) Approval of the warehouse will remain in effect until the warehouse is removed from the list of approved warehouses, or the storage agreement is terminated, or the warehouseman is suspended or debarred from contracting with CCC under applicable regulations.

#### § 1421.5558 Waiver of requirements.

If the warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reason-

able and economical alternative is available, CCC may exempt the applicant from one or more of the provisions of this subpart and may establish such other requirements in lieu thereof as determined necessary to safeguard the interests of CCC. Such action shall be authorized only by the Executive Vice President, CCC.

Effective date: Date of publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 66-11821; Filed, Oct. 28, 1966;  
8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT

[Docket No. 7305; Amdt. 39-296]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Grumman Model G-164 and G-164A Airplanes

Amendment 39-225 (31 F.R. 6200), AD 66-11-1, requires repetitive inspection for cracks of the torque tube and repair as necessary until modification on certain Grumman Model G-164 and G-164A airplanes. Subsequent to the issuance of Amendment 39-225, the Agency has determined that no cracks have occurred in airplanes with less than 500 hours' time in service, and that the present AD does not permit modification in accordance with FAA-approved revisions of the applicable Service Bulletin. Therefore, Amendment 39-225 is being superseded by a new AD that relaxes the initial inspection requirement on low-time airplanes, and that permits modification in accordance with later FAA-approved revisions of the applicable Service Bulletin.

Since this amendment relieves a restriction, provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**GRUMMAN.** Applies to Model G-164 and G-164A airplanes that have elevators with S/N 461 and below.

Compliance required as indicated. To prevent failure of the elevator torque tube due to cracks, accomplish the following:

(a) For airplanes with 1,000 or more hours' time in service on April 22, 1966, comply with paragraph (d) within the next 25 hours' time in service after April 22, 1966, and at intervals not to exceed 100 hours' time in service

from the last inspection until modified in accordance with paragraph (e).

(b) For airplanes with 500 or more but less than 1,000 hours' time in service on April 22, 1966, comply with paragraph (d) within the next 100 hours' time in service after April 22, 1966, or before the accumulation of 1,025 hours' time in service, whichever occurs first, and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(c) For airplanes with less than 500 hours' time in service on April 22, 1966, comply with paragraph (d) before the accumulation of 600 hours' time in service and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(d) Remove two inboard blind rivets that attach the elevator leading edge skin cover, P/N A1205-49, to the right-hand elevator torque tube, P/N A1205-11. Visually inspect the torque tube for cracks where inboard elevator rib, P/N A1205-17, is welded to the torque tube and between the two inboard blind rivets. If no cracks are found, install new rivets before further flight. If cracks are found, comply with paragraph (e) before further flight.

(e) Modify torque tube in accordance with Grumman Model G-164 Alert Service Bulletin No. 33, dated March 8, 1966, or later FAA-approved revision, or an equivalent approved by an FAA Aircraft Engineering Division or Engineering and Manufacturing Branch.

This supersedes Amendment 39-225 (31 F.R. 6200), AD 66-11-1.

This amendment becomes effective October 29, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 21, 1966.

W. E. ROGERS,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-11774; Filed, Oct. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-2]

SUBCHAPTER E—AIRSPACE

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On November 2, 1965, Airspace Docket No. 65-WA-60, which designated the Nashua, N.H., Temporary Restricted Area R-4902, from November 4, 1965, through February 4, 1966, was published in the FEDERAL REGISTER (30 F.R. 13864). On January 25, 1966, Airspace Docket No. 65-WA-2, which extended the time of designation of R-4902 through April 30, 1966, was published in the FEDERAL REGISTER (31 F.R. 958). The time of designation of R-4902 was further extended, to October 31, 1966, by Airspace Docket No. 66-WA-2 which was published in the FEDERAL REGISTER (31 F.R. 6355) on April 27, 1966. The area was designated to accommodate a classified operation involving unusual maneuvers by jet aircraft that would be hazardous to non-participating aircraft.

The Department of the Navy on October 25, 1966, advised the Federal Aviation Agency that it has a continuing urgent military requirement for R-4902.

Although the Navy in April 1966, informed the Agency that action was being taken to transfer the operation conducted within R-4902 to another restricted area, it now states that because of unforeseeable technical difficulties, a new test site in preparation cannot become operational until November 1967. Accordingly, the Navy requests that the designation of R-4902 as presently configured and controlled be extended to November 1967.

Since the Department of the Navy has stated that the continued designation of the area is of urgent military necessity, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act. Therefore, this amendment may become effective in less than thirty days.

In consideration of the foregoing, effective immediately, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 73.49 (31 F.R. 2322, 958, 6355), R-4902 Nashua, N.H. (Temporary) is amended as follows: "Time of designation. 0900 local time to sunset, November 4, 1965, through October 31, 1966," is deleted, and "Time of designation. 0900 local time to sunset, November 4, 1965, through October 31, 1967," is substituted therefor.

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

Issued in Washington, D.C., on October 26, 1966.

WILLIAM E. MORGAN,  
Acting Director, Air Traffic Service.  
[F.R. Doc. 66-11833; Filed, Oct. 28, 1966; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7649; Amdt. 505]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 66-10766 appearing in the issue for Friday, October 14, 1966, at page 13316, make the following change: On page 13322, in the fourth line following the last table, the reference to "R 311" should read "R 321".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Removal of Foreign Origin Disclosure and Use of Word "Manufacturing"

§ 15.98 Removal of foreign origin disclosure and use of word "manufacturing."

(a) The Commission advised a distributor of imported time clocks that the "re-

moval or obliteration of foreign origin disclosures on imported products is under certain circumstances a violation of the Tariff Act which is administered by the Bureau of Customs" and invited the distributor to contact that Bureau on this particular point. The distributor wanted permission to remove the foreign origin label prior to reselling the time clocks in the United States. "Regardless of the position of that Bureau," the Commission added, "such removal or obliteration in the circumstances you describe may result in a deception of the purchasing public as to the country of origin" and might be found to be in violation of the FTC Act.

(b) Permission was also requested to use the word "manufacturing" in the trade name of the company and in advertising, even though the time clocks are imported in their finished state. The Commission was of the opinion that the use of such word "would have the tendency to lead consumers and others into the belief, contrary to fact, that they are dealing directly with the manufacturer and so to mislead or deceive them. In these circumstances, it would not be proper to use the word 'manufacturing' or any other word of similar import in your trade name or in your advertising or to otherwise represent your company as a manufacturer."

(c) Finally, the distributor wanted to know if it would be proper to represent his company as a manufacturer if it performed a "small part" of the manufacturing process on the time clocks. In regard to this question, the Commission reached the following conclusion:

(d) "The amount of manufacturing which a concern must engage in to justify representing itself as a manufacturer will vary from case to case, depending on the specific circumstances. Your question, however, indicates you intend to operate as a manufacturer only in the technical sense and not in a substantive way, in an attempt to justify the use of a term not otherwise a correct description of your business. We likewise do not believe, in these circumstances, that it would be proper to represent your company as a manufacturer."

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

Issued: October 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-11812; Filed, Oct. 28, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Retailer's Advertising of "Reward" Approved

§ 15.99 Retailer's advertising of "reward" approved.

(a) The Commission advised a retailer of mobile homes and house trailers that he might properly advertise a \$100 "reward" to be paid to anyone referring a purchasing prospective customer pro-

vided such offer was a bona fide offer implemented in good faith. In the Commission's view, such advertisement would amount to the offering of a finder's fee or, perhaps, a commission on a sale.

(b) The Commission pointed out that the prospective purchaser might himself claim the "reward." In such case, the purchaser must realistically benefit in the amount of \$100.

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

Issued: October 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 66-11813; Filed, Oct. 28, 1966;  
8:47 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter V—Office of Foreign Assets Control, Department of the Treasury

#### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

##### Importation of and Dealings in Certain Merchandise

###### BEADED ARTICLES

The terms cotton manufactures, linen manufactures, and silk manufactures in § 500.204(a)(3) are interpreted to include beaded articles, such as beaded bags, if the backing to which the beads are attached is cotton, linen, or silk. Accordingly, an additional item is being added to the interpretations under § 500.204 which reads as follows:

(29) *Beaded articles.* Beaded articles, such as beaded bags, are regarded as cotton, linen, or silk manufactures subject to § 500.204(a)(3) if the fabric to which the beads are attached is cotton, linen, or silk.

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-11817; Filed, Oct. 28, 1966;  
8:48 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2216]

#### PART 1720—PROGRAMS AND OBJECTIVES

##### Subpart 1727—Designation of Areas and Sites

On May 12, 1966, there was published in the FEDERAL REGISTER a notice of proposed rule making defining the circumstances and procedures under which specific areas of public or other Federal

land exclusively administered by the Secretary of the Interior through the Bureau of Land Management may be designated. Only one comment relating to the definition of "recreation lands" was received. After study of this comment, it was determined that no change should be made in this definition. Accordingly, the regulations are adopted without change and are set forth below.

Effective date: These regulations shall be effective on publication in the FEDERAL REGISTER.

CHARLES F. LUCE,  
Acting Secretary of the Interior.  
OCTOBER 25, 1966.

Part 1720 is amended to add a new Subpart 1727 to read as follows:

#### Subpart 1727—Designation of Areas and Sites

##### § 1727.0-1 Purpose.

This subpart defines the circumstances and procedures under which specific areas of public and other Federal lands exclusively administered by the Secretary of the Interior through the Bureau of Land Management may be designated and identified.

##### § 1727.0-2 Objective.

The objective is to provide guidelines for the designation and identification of such areas, and to specify the nature and effect of such designations.

##### § 1727.0-3 Authority.

(a) Section 1(b)(1) of the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411) provides that none of the public or other Federal lands exclusively administered by the Secretary of the Interior through the Bureau of Land Management shall be given a designation or classification unless such designation or classification is authorized by statute or defined in regulations promulgated by the Secretary of the Interior. Classifications are described in Part 2410 of this chapter.

(b) Section 2478 of the Revised Statutes, as amended (43 U.S.C. 1201), authorizes the Secretary of the Interior to enforce and carry into execution, by appropriate regulation, every part of the provisions of the public land laws not otherwise specially provided for.

##### § 1727.0-5 Definitions.

(a) "Designation" refers to the official identification and naming of a general area or site on public land or other Federal land exclusively administered by the Secretary through the Bureau of Land Management.

##### § 1727.1 Areas or sites that may be designated.

(a) No lands may be designated under the regulations in this subpart unless they are either (1) classified for retention for multiple use management under the regulations and criteria in Part 2410 of this chapter, or (2) withdrawn or reserved under the regulations in Subpart 2311 of this chapter or other appropriate authority, or (3) given special

status by act of Congress such as the re-vested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands or lands acquired under the Bankhead-Jones Act and transferred to the Bureau of Land Management for administration.

(b) The following types of areas and sites may be designated under the regulations in this subpart:

(1) *Recreation lands.* A tract of land usually several thousand acres in size where recreation is or is expected to be a major use, and designation will assist the public by making the areas known to them. Some examples of areas which may be designated as recreation lands follow: Scenic areas of natural beauty such as waterfalls; habitat of interesting, rare or unusual plants or animals; gorges; natural lakes; geological areas of outstanding structural or historical features of the earth's development such as caves, glaciers and other phenomena; roadless areas in which the primitive environment is preserved, sometimes referred to as wilderness, wild, primitive, roadless or virgin areas. Recreation lands will contain one or more of the six classes adopted by the Bureau of Outdoor Recreation. These classes will be identified and described at the time an area is designated. These lands may be defined briefly as follows:

(i) Class I—High-density recreation areas: Areas intensively developed and managed for mass use.

(ii) Class II—General outdoor recreation areas: Areas subject to substantial development for a wide variety of specific recreation uses.

(iii) Class III—Natural environment areas: Varied and interesting land forms, lakes, streams, flora, and fauna within attractive natural settings suitable for recreation in a natural environment and usually in combination with other uses.

(iv) Class IV—Outstanding natural areas: Areas of outstanding scenic splendor, natural wonder, or scientific importance that merit special attention and care in management to insure their preservation in their natural condition. These usually are relatively undisturbed, representative of rare botanical, geological, or zoological characteristics of principal interest for scientific and research purposes.

(v) Class V—Primitive areas: Extensive natural, wild, and undeveloped areas and settings essentially removed from the effects of civilization. Essential characteristics are that the natural environment has not been disturbed by commercial utilization and that the areas are without mechanized transportation.

(vi) Class VI—Historic and cultural sites: Sites of major historical or cultural significance, either national, regional, or local. These are usually small tracts of lands containing significant evidence of American history, such as battlegrounds, mining camps, cemeteries, pioneer trails, and trading posts; or lands which contain significant evidence of prehistoric life such as pictographs,

petroglyphs, burial grounds, prehistoric structures, middens, fossils, paleontological remains, and any other evidences of prehistoric life forms.

(2) *Recreation sites.* These are relatively small tracts of land which have value for concentrated and intensive recreation use that usually requires construction and maintenance of public facilities. Recreation sites will contain Class I, II, III, or VI recreation lands under the Bureau of Outdoor Recreation classification system described in subparagraph (1) of this paragraph.

(3) *Resource conservation areas.* These are relatively small areas of land which include a variety of resource management activities demonstrating multiple use and sustained yield conservation in action.

§ 1727.2 Standards for names.

(a) To the fullest extent possible, standards established by the Board on Geographic Names will be followed in naming special management areas.

(b) First preference will generally be given to a geographic feature within the site or area if the feature significantly

affects the utilization of the natural resources of the area.

(c) No site or area will be named after a living person. An area may be named after a deceased person if that person made a personal contribution to the utilization or management of the natural resources in the area.

(d) For public identification purposes, names of sites and areas designated in accordance with the regulations in this subpart shall be brief and descriptive.

§ 1727.3 Standards for identification.

Lands designated in accordance with the regulations in this subpart may be—

(a) Posted by means of entrance and boundary signs sufficient to make the lands and the reason for posting known on the ground.

(b) Identified on maps or diagrams sufficient to make the existence and locations known to the general public.

§ 1727.4 Procedure for designating areas and sites.

The sites and areas defined under § 1727.1 may be designated, named, and posted by the authorized officer, after consultation and coordination with the

authorized users and any other parties, organizations, and units of government which may have an interest in such action.

§ 1727.5 Effect of designations.

(a) Designation under this section will have no effect upon established use or management of the areas or sites involved.

(b) If changes in the status of the land or use arrangements are desired, such changes must be accomplished by—

(1) Segregation under the Classification and Multiple Use Act regulations in Part 2410 of this chapter;

(2) Withdrawal or reservation under regulations in Subpart 2311 of this chapter or other appropriate authority;

(3) Modification of existing use arrangements, to the extent authorized by existing authority and regulations, such as Subchapter D—Range Management (4000) of this chapter for livestock grazing.

[F.R. Doc. 66-11792; Filed, Oct. 28, 1966; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Coast Guard

[ 46 CFR Parts 10, 11, 12 ]

[CGFR 66-62]

### APPRENTICE ENGINEERS

#### Licensing and Certifying of Merchant Marine Personnel

1. In the FEDERAL REGISTER of September 3, 1966 (31 F.R. 11665; vol. 31, No. 172), a notice of proposed rule making was published regarding the establishment of a seaman's entry rating as apprentice engineer and recognition of training programs for prospective third assistant engineers, as well as acceptance of the completion of an approved training program as qualifying experience for a license as a third assistant engineer. This announcement requested submission of written comments prior to October 1, 1966. Many requests were received asking for an extension of time for submission of comments and for consideration of the proposals at a public hearing.

2. The Merchant Marine Council will hold a public hearing on Tuesday, November 22, 1966, 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed rules and regulations regarding engineers which were published in the FEDERAL REGISTER of September 3, 1966 (31 F.R. 11665) as proposed changes to 46 CFR 10.10-21(a) (8), 11.10-50(a), and 12.25-35. Copies of these proposals have been mailed to persons and organizations who have expressed an active interest in this subject. Copies of the proposals may be obtained upon request from the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4211, Coast Guard Headquarters or at the offices of the various Coast Guard District Commanders. The written comments and requests to submit oral comments should be submitted in triplicate to the Commandant (CMC), prior to November 18, 1966, in order to assure consideration or scheduling of witnesses before the Merchant Marine Council.

3. The public hearing held by the Merchant Marine Council is informal and intended to obtain views and information from those who will be directly affected by the proposals under consideration. Each oral or written comment received is considered and evaluated. If it is believed the comment, view or suggestion clarifies or improves the wording of a proposed regulation, such proposal is changed accordingly, and after adoption

by the Commandant, the regulations, as revised, are published in the FEDERAL REGISTER. If the proposals are not accepted by the Commandant, the proposals are rejected or withdrawn.

Dated: October 26, 1966.

[SEAL] P. E. TRIMBLE,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 66-11819; Filed, Oct. 28, 1966;  
8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Part 1068 ]

[Docket No. AO-178-A18]

#### MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

#### Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and 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), notice was issued October 25, 1966, giving notice of a public hearing to be held in the East Room of the Curtis Hotel, Third Avenue and 10th Street South, Minneapolis, Minn., beginning at 10 a.m., local time, on November 3, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

Notice is hereby given that the said public hearing is rescheduled to be held on November 9, 1966. Also, the hearing will begin at 10 a.m., local time, at a new location in the President Lincoln Room of the Leamington Hotel, 10th and 11th Streets and Third Avenue South, Minneapolis, Minn.

Signed at Washington, D.C., on October 27, 1966.

S. R. SMITH,  
Administrator.

[F.R. Doc. 66-11885; Filed, Oct. 28, 1966;  
9:16 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-66]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the

Federal Aviation Regulations which would alter the Montrose, Colo., transition area.

The Frontier Airlines ADF-1 (Special) approach procedure for Montrose County Airport, in addition to the holding and departure procedures, have recently been revised to utilize the 315° M (329° T) bearing from the Montrose RBN. Therefore, the FAA proposes the following airspace action:

Redesignate the Montrose, Colo., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.); within 8 miles SW and 5 miles NE of a 329° bearing from the Montrose RBN (latitude 38°30'00" N., longitude 107°54'00" W.), extending from the RBN to 13 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9 miles SW and 6 miles NE of the 329° and 149° bearings from the Montrose RBN, extending from 19 miles NW to 8 miles SE of the RBN.

The proposed 700-foot and 1,200-foot floor transition areas will provide controlled airspace protection for aircraft executing the Special approach, departure, and holding procedure established on the Montrose RBN.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. 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 proposals contained in this notice may be changed in the light of comments received.

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

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



Issued in Los Angeles, Calif., on October 20, 1966.

JOSEPH H. TIPPETS,  
Director, Western Region.

[F.R. Doc. 66-11783; Filed, Oct. 28, 1966;  
8:45 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 66-CE-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Faribault-Owatonna, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Faribault-Owatonna terminal area, as a result of the planned installation by the State of Minnesota of a VOR facility to serve the Faribault and Owatonna Municipal Airports, and the development of public-use instrument approach procedures at both airports utilizing this facility, proposes the following airspace action:

Designate the Faribault-Owatonna, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles S of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 200° bearing from Faribault Municipal Airport extending from 9 miles to 21 miles S of the airport; within 5 miles NE and 8 miles SW of the 315° bearing from Owatonna Municipal Airport extending from the airport to 21 miles NW of the airport; within 5 miles each side of the 015° bearing from Faribault Municipal Airport, extending from the airport to the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.); and within 5 miles each side of the 140° bearing from Owatonna Municipal Airport, extending from the airport to 12 miles SE of the airport, excluding the portion which overlies the Hope, Minn., transition area.

The proposed 700-foot floor transition area would provide controlled airspace protection for aircraft executing prescribed instrument approach and/or departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above

the surface. The proposed 1,200-foot floor transition area would provide controlled airspace protection for the procedure turn and missed approach areas of the prescribed instrument approach procedures and for aircraft holding at the Halfway VOR.

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

Since new approach procedures are to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning the new approach procedures may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

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 October 13, 1966.

DANIEL E. BARROW,  
Acting Director, Central Region.

[F.R. Doc. 66-11782; Filed, Oct. 28, 1966;  
8:45 a.m.]

- SECURITIES AND EXCHANGE  
COMMISSION

[ 17 CFR Part 240 ]

[Release No. 34-7984]

BROKERS AND DEALERS NOT MEMBERS OF NATIONAL SECURITIES ASSOCIATIONS

Conduct, Supervision and Records

Notice is hereby given that the Securities and Exchange Commission has un-

der consideration a proposal to adopt Rules 15b10-1 (17 CFR 240.15b10-1, Definitions), 15b10-2 (17 CFR 240.15b10-2, General Business Conduct), 15b10-3 (17 CFR 240.15b10-3, Suitability of Recommendations), 15b10-4 (17 CFR 240.15b10-4, Supervision of Associated Persons), 15b10-5 (17 CFR 240.15b10-5, Discretionary Authority), and 15b10-6 (17 CFR 240.15b10-6, Record Keeping), under the Securities Exchange Act of 1934 as amended and more particularly sections 15(b)(10), 17(a), and 23(a) thereof.

These proposed rules would establish standards of supervision, general business conduct, and suitability of recommendations; regulate discretionary accounts; and impose record keeping requirements upon brokers and dealers who are registered with the Commission and not members of a registered national securities association.<sup>1</sup> Section 15(b)(10) of the Exchange Act authorizes the Commission to regulate certain activities including the selling practices of nonmember brokers and dealers. That section provides:

No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

Proposed Rule 15b10-1 (17 CFR 240.15b10-1). *Definitions.* Proposed Rule 15b10-1 (17 CFR 240.15b10-1) defines the terms "nonmember broker or dealer," "associated person," and "complaint" as they are used in rules promulgated pursuant to section 15(b)(10) of the Act. It is contemplated that, as new terms are introduced in future rules, new definitions will be added to Rule 15b10-1 (17 CFR 240.15b10-1).

Proposed Rule 15b10-2 (17 CFR 240.15b10-2). *General business conduct.* Proposed Rule 15b10-2 (17 CFR 240.15b10-2) requires that nonmember brokers and dealers and their associated persons adhere to high standards of commercial honor and just and equitable principles of trade in the conduct of their business. The proposed rule is intended to impose a general ethical standard of fair dealing on such persons.

Proposed Rule 15b10-3 (17 CFR 240.15b10-3). *Suitability of recommendations.* Proposed Rule 15b10-3 (17 CFR 240.15b10-3) is intended to require a nonmember broker-dealer, or an associated person, to concern himself with securing the facts and circumstances pertaining to the transaction and the customer to permit him to make a reasonable judgment as to the suitability of the recommended transaction for the customer. Under this proposed rule the broker or dealer, and his associated per-

<sup>1</sup> At present, the National Association of Securities Dealers, Inc. ("NASD"), is the only such association.

sons, when recommending a transaction to a customer, would be expected to make reasonable inquiry concerning the customer's investment objectives, and his financial situation and needs. Information concerning financial situations and needs would ordinarily include information concerning the customer's marital status, the number and age of his dependents, his occupation, his earnings, the amount of his savings and life insurance, and his security holdings and other assets. The broker-dealer and his associated persons may rely on the information furnished by the customer.

The proposed suitability rule would supplement existing rules under the Exchange Act<sup>2</sup> which prohibit or prevent fraudulent conduct.

Proposed Rule 15b10-3 (17 CFR 240.15b10-3) is not an attempt to second-guess the exercise of the reasonable business judgment of a broker-dealer or to make him an insurer of favorable investment performance. The suitability of his recommendations must be judged in the light of the information available to him after reasonable inquiry as to the customer's situation at the time of the recommendation and not by reference to subsequent events. The proposed rule would not affect legitimate sales efforts in the securities industry.

The proposed rule is responsive to the recommendation by the Special Study of Securities Markets ("Special Study") that, "Greater emphasis should be given by the Commission and the self-regulatory bodies to the concept of 'suitability' of particular securities for particular customers."<sup>3</sup>

Proposed Rule 15b10-4 (17 CFR 240.15b10-4). *Supervision of associated persons.* Proposed Rule 15b10-4 (17 CFR 240.15b10-4) would impose a general duty on nonmember brokers and dealers to supervise diligently the securities activities of their associated persons.<sup>4</sup> As part of this general duty each nonmember broker-dealer would be required to maintain and enforce written procedures which would set forth the measures adopted by the broker-dealer to comply with the duties imposed by the rule. Each nonmember broker-dealer must keep a copy of these procedures in each business office. Furthermore, each such broker-dealer would be required to designate certain of his associated per-

sons as supervisors. Every associated person of the broker-dealer would be subject to the supervision of one such supervisor and there would be at least one such supervisor in each business office of the broker-dealer.

With regard to the activities of the associated persons subject to his supervision, the rule would require each supervisor to review and approve by signature the opening of new customer accounts; provide frequent examination of these accounts; and review and endorse promptly by signature all securities transactions and correspondence pertaining thereto. Endorsements may be made on copies of order tickets or confirmations, the daily blotter, or by any other method which would indicate a proper review of the transactions by the designated supervisor.

The proposed rule would require special supervisory treatment of discretionary accounts. The supervisor would be required to approve by signature the delegation by any customer of discretionary authority with respect to his account to a stated associated person of the broker-dealer and would be required to approve by signature on the day the order is entered every discretionary transaction effected on behalf of such customer.

The supervisor would also be required to review and approve the handling of all customer complaints which are handled by or pertain to the associated persons subject to his supervision. A complaint shall be considered to be any statement pertaining to a customer's grievance involving the securities activities of the broker-dealer or of any associated person.

The proposed rule contemplates that every customer account and all transactions, correspondence and complaints pertaining to that account shall be subject to the supervision of at least one such supervisor. In selecting the individuals to carry out the required supervisory procedures, the broker-dealer should take into consideration the need for qualified individuals in such positions.<sup>5</sup> Furthermore, the Commission has recognized the need for special qualifications for supervisors by imposing higher passing grade requirements for principals and supervisors who must take the Commission's examination. Full compliance with the proposed rule, therefore, will involve careful selection of only the most qualified individuals to perform the required supervisory functions.

In addition to requiring the direct supervision over the securities activities of the broker-dealer's associated persons by the supervisor, the proposed rule would also require that broker-dealers with more than one business office maintain a secondary level of overall supervision in order to review and supplement the supervision effected by the supervisors. In particular, an individual or group of individuals chosen from among the

partners, officers or other qualified associated persons of the broker-dealer would have to supervise and review periodically the activities of the aforementioned supervisors; review and approve by signature the opening of each new customer account; review and approve promptly by signature the opening of each new discretionary account; and review and approve promptly each discretionary order entered. The overall supervisor or supervisors would be required to inspect each business office of the broker or dealer periodically. This office inspection would include but not be limited to the examination of the customer accounts and complaints handled in such office. This inspection should be undertaken on no less than a quarterly basis.

Proposed Rule 15b10-5 (17 CFR 240.15b10-5). *Discretionary authority.* Proposed Rule 15b10-5 (17 CFR 240.15b10-5), which governs discretionary accounts, is intended to safeguard against malpractices and abuses that occur in the creation and handling of such accounts. It would require the person who is to exercise discretionary authority in any account to be specifically so authorized in writing by the customer. The proposed rule would also require that the broker-dealer's records state the reasons given by the customer for granting discretionary authority in his account. Every transaction effected in a discretionary account would have to be approved, on the day the order is entered, by a person with supervisory responsibility.

Excessive trading or "churning" in discretionary accounts is prohibited by applicable antifraud provisions of the Exchange Act including Rule 15c1-7 (17 CFR 240.15c1-7).

Proposed Rule 15b10-6 (17 CFR 240.15b10-6). *Record keeping.* Proposed Rule 15b10-6 (17 CFR 240.15b10-6) would impose record keeping requirements on nonmember brokers and dealers designed to complement certain provisions of the proposed rules on suitability (Rule 15b10-3; 17 CFR 240.15b10-3), personnel supervision (Rule 15b10-4; 17 CFR 240.15b10-4), and discretionary accounts (Rule 15b10-5; 17 CFR 240.15b10-5). It would not duplicate any of the record keeping requirements to which nonmember brokers and dealers are already subject under Rule 17a-3 (17 CFR 240.17a-3) of the Exchange Act.

The proposed rule would require that a record be kept for each customer maintaining an account with the firm which would contain the customers' name, age, address, nationality or citizenship, and social security number. Where the broker-dealer, or any associated person, has made any recommendation to the customer to purchase or sell any security, the record would also have to indicate the customers' occupation, marital status, investment objectives, and information concerning the customers' financial situation and needs which the broker-dealer or associated persons considered in making recommendations; but there would be no obligation to record any such information which the broker-

<sup>2</sup> Rule 10b-5 (17 CFR § 240.10b-5) and Rule 15c1-2 (17 CFR § 240.15c1-2).

<sup>3</sup> Report of the Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st sess., pt. I, p. 329 (hereinafter cited as "Special Study").

<sup>4</sup> The Commission in its decisions has continually recognized the need for greater broker-dealer supervision and the Special Study emphasized the need for such supervision:

The supervision by the broker-dealers of the selling activities of their personnel, particularly in branch offices, should be generally strengthened by the adoption of appropriate procedures. The Commission should adopt rules to facilitate and reinforce controls by firms, the self-regulatory bodies and the Commission over selling practices. (Special Study, pt. I, pp. 328, 329.)

<sup>5</sup> The Special Study urged that those persons who are branch office managers should be relieved of ordinary selling responsibilities. See Special Study, pt. I, p. 328.

dealer does not have because the customer declines to furnish it if the record contains a statement to that effect. Further, where the customer has delegated discretionary authority to the broker-dealer or any associated person, the proposed rule would also require, that in addition to the information mentioned above, broker-dealer records must also contain the customers' written delegation of discretionary authority, a statement of the reasons given by the customer for granting such authority, and the signature of the persons with supervisory responsibility over that account.

The proposed rule would also require that, for each new customer acquired after the effective date of the rule, the customer account record would have to include the signature of the customer, the signature of the associated person who introduced the new account, and the signature of the person with primary supervisory responsibility over that particular account.

The proposed rule would also require a separate complaint file, to be kept alphabetically by customers' names, and to include copies of all material relating to complaints, and a record of what action, if any, has been taken by the broker or dealer.

All of the records to be maintained under this proposed rule would be required to be preserved for a period of not less than six years, the first two years in an easily accessible place.

The text of the proposed rules would be substantially as follows:

#### § 240.15b10-1 Definitions.

(a) For the purposes of all rules issued pursuant to section 15(b)(10) of the Act:

(1) The term "nonmember broker or dealer" shall mean any person registered as a broker or dealer under section 15 of the Act who is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial).

(3) The term "complaint" shall mean any statement pertaining to a customer's grievance involving the securities activities of the nonmember broker or dealer or any of his associated persons.

#### § 240.15b10-2 General business conduct.

Every nonmember broker or dealer and associated person shall observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business.

#### § 240.15b10-3 Suitability of recommendations.

Every nonmember broker or dealer and every associated person who recommends to a customer the purchase, sale or exchange of any security shall have reasonable grounds to believe that the recommendation is suitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such broker or dealer or associated person.

#### § 240.15b10-4 Supervision of associated persons.

Every nonmember broker or dealer shall exercise diligent supervision over the securities activities of all of his associated persons. As part of his responsibility under this section:

(a) Every such broker or dealer shall establish, maintain and enforce written procedures, a copy of which shall be kept in each business office, which shall set forth the procedures adopted by the broker or dealer to comply with the duties imposed by this section.

(b) Every associated person of the nonmember broker or dealer shall be subject to the supervision of a supervisor designated by such broker or dealer. There shall be at least one such supervisor in each business office of the nonmember broker or dealer. The supervisor may be the broker or dealer in the case of a sole proprietor, or a partner, officer, office manager, or any other qualified associated person.

(1) Every such supervisor shall:

(i) Review and approve by signature the opening of each new customer account handled by the associated persons whom he supervises;

(ii) Examine frequently all such customer accounts to detect and prevent irregularities or abuses;

(iii) Review and endorse promptly by signature, all securities transactions and correspondence pertaining to the solicitation and execution of all securities transactions by associated persons subject to his supervision;

(iv) Review and approve by signature the delegation by any customer of discretionary authority with respect to his account to a stated associated person or persons of the broker or dealer and approve by signature each discretionary order on the day entered on behalf of that account as required by § 240.15b10-5; and

(v) Review and approve the handling of all customer complaints relating to the associated persons subject to his supervision.

(c) Every nonmember broker or dealer with more than one business office shall designate from among his partners, officers or other qualified associated persons, a person or group of persons who shall:

(1) Supervise and periodically review the activities of the supervisors designated pursuant to paragraph (b) of this section in order to insure that they are discharging their supervisory duties;

(2) Review and approve by signature the opening of each new customer account;

(3) Review and approve promptly by signature the delegation by any customer of discretionary authority with respect to his account to any associated person of that broker or dealer; promptly review and approve each discretionary order entered on behalf of that account as required by § 240.15b10-5; and review all discretionary accounts at frequent intervals, but not less than once a month; and

(4) Periodically inspect each business office of the broker or dealer. Such inspection shall include but not be limited to the examination of the customer accounts and customer complaints handled through each such office.

#### § 240.15b10-5 Discretionary authority.

(a) No nonmember broker or dealer, or any associated person, shall exercise any discretionary power or authority for any customer unless such customer has given prior written authorization to exercise such power or authority to a stated associated person or persons, and has indicated the reasons for such authorization.

(b) This section shall not apply to transactions in which the broker-dealer's discretion is limited to the price at which or the time when an order given by a customer for the purchase or sale of a definite amount of a specified security shall be executed.

#### § 240.15b10-6 Record keeping.

(a) Every nonmember broker or dealer shall make and keep current in the office through which the customer account is handled:

(1) (i) A record for each customer which shall state the customer's name, age, address, nationality or citizenship and social security number; and in the case of a person who becomes a customer after the effective date of this section, the record shall also contain the signature of the customer, the signature of the associated person introducing the account, the signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10-4, and, if appropriate, the signature of the person or persons exercising supervisory authority as designated pursuant to paragraph (c) of § 240.15b10-4,

(ii) If the broker or dealer, or any associated person, has made any recommendation to the customer to purchase or sell any security, the record shall also state the customer's age, occupation, marital status, investment objectives and other information concerning the customer's financial situation and needs which the broker-dealer or the associated person considered in making recommendations;

(2) A record or records with respect of each discretionary account which shall include:

(i) The customer's written authorization to exercise discretionary power or authority with respect to such account,

## PROPOSED RULE MAKING

(ii) The reasons given by the customer for granting discretionary authority in his account.

(iii) The signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10-4, and if appropriate, the signature or signatures of the person or persons designated pursuant to paragraph (c) of § 240.15b10-4, approving the delegation of discretionary authority.

(iv) The approval by signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10-4 of each transaction in said account indicating the exact time and date of such approval;

(3) A separate file for all complaints by customers and persons acting on behalf of customers, which shall be filed alphabetically by customer's name and shall include copies of all material relating to the complaint, and a record of what action, if any, has been taken by the broker or dealer;

(4) Every nonmember broker or dealer shall preserve all records to be required by this section for a period of not less than 6 years, the first 2 years in an easily accessible place.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, sec. 203(a), 49 Stat. 704, secs. 4, 8, 49 Stat. 1379, sec. 5, 52 Stat. 1076, sec. 6, 78 Stat. 570, 15 U.S.C. 78o, 78q, 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before December 5, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

OCTOBER 25, 1966.

[F.R. Doc. 66-11793; Filed, Oct. 28, 1966;  
8:46 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

### AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

#### Determination of Producers' Approval on Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), a referendum was held among producers of sheep and wool in the United States to determine whether they approved a proposed agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the act for the marketing years 1966, 1967, 1968, and 1969. Notice of the referendum (31 F.R. 10202), published July 28, 1966, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 79.9 percent of the voting producers who were engaged in the United States in the production for market of sheep or wool (i.e., anyone who owned sheep or lambs, 6 months of age or older, located in the United States, continuously during a single period of at least 30 days between January 1, 1966, and the date his ballot was cast) voted in favor of the agreement, and those voting in favor owned 79.5 percent of the sheep owned by all the voting producers. The period from January 1, 1966, to the time the ballots were cast is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the requisite number of producers as required by said act since in said referendum more than two-thirds of the total number of producers voting and producers of more than two-thirds of the total volume of production represented in the referendum indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 706, 68 Stat. 912; 7 U.S.C. 1787)

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

JOHN A. SCHNITTKER,  
Acting Secretary.

[F.R. Doc. 66-11803; Filed, Oct. 28, 1966; 8:47 a.m.]

### Consumer and Marketing Service

#### PAYNES LIVESTOCK AUCTION, TUCSON, ARIZ., ET AL.

##### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
<b>ARIZONA</b>	
Paynes Livestock Auction, Tucson, Oct. 15, 1957--	Nelson Livestock Auctions, Inc., July 30, 1966.
Willcox Livestock Commission Company, Willcox, Oct. 15, 1957.	Nelson Livestock Auctions, Inc., July 30, 1966.
<b>IDAHO</b>	
Tink's Livestock Commission, Inc., Jerome, Mar. 29, 1950.	Jerome Producers Livestock Marketing Association, Sept. 6, 1966.
<b>ILLINOIS</b>	
Stoutenborough Sale Pavilion, Springfield, Nov. 18, 1959.	Stoutenborough Sales, Inc., Oct. 10, 1966.
<b>IOWA</b>	
Leon Livestock Market, Leon, May 18, 1959-----	Leon Sale, Sept. 1, 1966.
Low Moor Sales Company, Low Moor, Apr. 3, 1957--	Low Moor Sales Company, Inc., Aug. 3, 1966.
<b>MASSACHUSETTS</b>	
Michelson's Cattle, South Easton, Apr. 26, 1960---	Michelson's Livestock Commission Auctions, Inc., Jan. 1, 1966.
<b>MINNESOTA</b>	
Terminal Auction Market, Thief River Falls, Sept. 21, 1959.	Joppru Sales Barn, Aug. 31, 1966.
<b>MONTANA</b>	
Miles City Stockyards Company, Miles City, Nov. 9, 1951.	Miles City Salesyards Company, June 23, 1966.
<b>NEW MEXICO</b>	
Albuquerque Livestock Auction, Inc., Albuquerque, N. Mex., Jan. 24, 1957.	Albuquerque Livestock Commission Company, Inc., Jan. 11, 1966.
<b>OKLAHOMA</b>	
Oklahoma Stockyards, Inc., Comanche, Sept. 2, 1964.	Cattlemen's Stockyards, Sept. 1, 1966.
Madill Horse Auction, Madill, Nov. 6, 1964-----	Marshall County Livestock Auction, Aug. 1, 1966.
<b>PENNSYLVANIA</b>	
Greenville Livestock Market, Inc., Greenville, Jan. 15, 1960.	Greenville Livestock Auction, May 1, 1966.
<b>SOUTH DAKOTA</b>	
Hub City Livestock Sales Pavilion, Inq., Aberdeen, Nov. 29, 1949.	Hub City Livestock Sales, Inc., May 2, 1966.

Done at Washington, D.C., this 24th day of October, 1966.

CHARLES G. CLEVELAND,  
Chief, Registrations, Bonds, and Reports Branch, Packers and  
Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11822; Filed, Oct. 28, 1966; 8:48 a.m.]

### Office of the Secretary

#### NEBRASKA

##### Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-

named county in the State of Nebraska natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska, Sheridan; original designation, 29 F.R. 11934; first extension, 30 F.R. 7616; present extension, 31 F.R. 5642-5643.

Pursuant to the authority set forth above, emergency loans will not be made

in the above-named county after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of October 1966.

JOHN A. SCHNITTKER,  
*Acting Secretary.*

[F.R. Doc. 66-11804; Filed, Oct. 28, 1966;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management  
SACRAMENTO, CALIF., DISTRICT  
OFFICE

### Change of Location

Notice is hereby given that the Sacramento District Office, Bureau of Land Management, 4516 U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814, will be moved to Folsom, Calif., and the name will be changed to the Folsom District. No change in administrative responsibilities is involved.

The Sacramento District Office will close at 4:30 p.m., P.s.t., November 4, 1966. The Folsom District Office, 63 Natoma Street, Folsom, Calif. 95630, will open at 7:45 a.m., P.s.t., November 7, 1966. The Folsom District Office will be open to the public between the hours of 7:45 a.m. and 4:30 p.m., daily, Monday through Friday, excepting Federal holidays.

JOHN O. CROW,  
*Associate Director.*

OCTOBER 27, 1966.

[F.R. Doc. 66-11875; Filed, Oct. 28, 1966;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 16187]

COMPANIA DE AVIACION  
"FAUCETT," S.A.

### Notice of Hearing

Application for a renewal of foreign air carrier permit to engage in foreign air transportation with respect to persons, property, and mail between a point or points in Peru, the intermediate point Panama City, Panama, and the terminal point Miami, Fla.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 4, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are

referred to the Report of Prehearing Conference, served June 6, 1966, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1966.

[SEAL] LESLIE G. DONAHUE,  
*Hearing Examiner.*

[F.R. Doc. 66-11814; Filed, Oct. 28, 1966;  
8:47 a.m.]

[Docket No. 17728]

## OZARK-CENTRAL MERGER CASE

### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will commence on Monday, November 21, 1966, at 10 a.m., l.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report and all other documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1966.

[SEAL] MERRITT RUHLEN,  
*Hearing Examiner.*

[F.R. Doc. 66-11815; Filed, Oct. 28, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP67-98]

MIDWESTERN GAS TRANSMISSION  
CO.

### Notice of Application

OCTOBER 20, 1966.

Take notice that on October 17, 1966, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP67-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of increased volumes of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase peak day sales authorization on its northern system by 75 Mcf per day, commencing November 1, 1966, and by a subsequent increase of 3,246 Mcf, commencing November 1, 1967, amounting to a total increase of 3,321 Mcf. Applicant is presently authorized to make sales from its northern system of 213,796 Mcf.

Applicant states that no new facilities are needed to meet the proposed increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, 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 November 18, 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. 66-11785; Filed, Oct. 28, 1966;  
8:45 a.m.]

[Docket No. CP67-101]

TRUNKLINE GAS CO.

### Notice of Application

OCTOBER 20, 1966.

Take notice that on October 17, 1966, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission for the abandonment of sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon sale of natural gas to Transco from Luby Field Area, Nueces County, Tex., which sale was authorized in Docket No. CP62-281. Applicant states that it is no longer economically feasible to continue delivery of natural gas from this area.

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 November 18, 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 permission and approval for the proposed abandonment 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. 66-11786; Filed, Oct. 28, 1966;  
8:45 a.m.]

[Docket No. CP67-100]

**WISCONSIN POWER AND LIGHT CO.  
AND MICHIGAN WISCONSIN PIPE  
LINE CO.**

**Notice of Application**

OCTOBER 21, 1966.

Take notice that on October 17, 1966, Wisconsin Power and Light Co. (Applicant), 122 West Washington Avenue, Madison, Wis., filed in Docket No. CP67-100 an application pursuant to section 7(a) of the Natural Gas Act requesting the Commission to order Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection with facilities to be built by Applicant and to sell and deliver to Applicant volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent extend its gas transporta-

tion facilities by constructing 7.8 miles of 4-inch line and a gate station to and at a point near the villages of Cambria and Randolph, Wis., establish physical connection of such facilities with facilities to be constructed by Applicant in and about the villages of Cambria and Randolph, and sell and deliver natural gas to Applicant for distribution and sale in Cambria and Randolph and the towns of Springvale, Courtland, and Randolph, Columbia County, and the towns of Fox Lake and Westford, Dodge County, Wis.

The estimated third year peak-day and annual requirements of the new service is 878 Mcf and 234,320 Mcf, respectively.

The estimated cost of Respondent's construction is \$156,213.

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 November 18, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11787; Filed, Oct. 28, 1966;  
8:45 a.m.]

[Docket Nos. R167-110 etc.]

**L. E. SMITH, ET AL.**

**Order Providing for Hearings on and  
Suspension of Proposed Changes  
in Rates <sup>1</sup>**

OCTOBER 21, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate sched-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

ules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 7, 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	
R167-110..	L. E. Smith, et al., Commercial National Bank Bldg., Shreveport, La. 71101.	1	4	Southern Natural Gas Co. (Bear Creek Field, Bienville Parish, La.) (Northern Louisiana).	\$24,150	9-22-66	10-23-66	3-23-67	\$ 11.85	\$ 18.75	
R167-111..	David Crow (Trustee) et al., 200 Beck Bldg., Shreveport, La. 71101.	2	6	.....do.....	214,314	9-22-66	10-23-66	3-23-67	\$ 11.85	\$ 18.75	
R167-112..	H. T. Shalett and David Crow, et al., 200 Beck Bldg., Shreveport, La. 71101.	1	5	.....do.....	64,101	9-22-66	10-23-66	3-23-67	\$ 11.85	\$ 18.75	

<sup>1</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>2</sup> Unilateral rate increase.

<sup>3</sup> Pressure base is 15.025 p.s.i.a.

<sup>4</sup> Includes 2.0 cents deductible by buyer for dehydration (not provided by contract) (also includes 1.75 cents tax reimbursement).

<sup>5</sup> Includes 1.5 cents tax reimbursement, which portion of rate was collected subject to refund in Docket Nos. G-17679 and R160-356 (Smith), G-17714 and R160-355 (Crow), and R160-398 (Shalett).

The Respondents herein request that their proposed rate increases be permitted to become effective on October 22, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for these producers' rate filings and such requests are denied.

The producers herein, claiming that their gas sales contracts are either invalid or have

terminated, propose unilateral rate increases from 10.35 cents (at 15.025 p.s.i.a.), plus 1.5 cents tax reimbursement, to 17 cents per Mcf, plus 1.75 cents tax reimbursement, totalling \$302,565 annually, for sales to Southern Natural Gas Co. (Southern) in Northern Louisiana.

Southern, by letters filed October 13, 1966, urges rejection or, in the alternative, suspension of each of the instant filings, stating

that it denies that the contracts have terminated.

All of the producers' proposed increased rates and charges exceed the applicable area price level for increased rates in Northern Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

Under the circumstances, we shall provide that the hearings ordered above shall in-

volve not only the justness and reasonable-ness of the producers' proposed rate increases, but also the question of the right of each producer to make the unilateral filings involved here.

[F.R. Doc. 66-11789; Filed, Oct. 28, 1966; 8:45 a.m.]

[Docket Nos. G-6352, etc.]

### CONTINENTAL OIL CO. ET AL.

#### Findings and Order; Correction

OCTOBER 12, 1966.

Continental Oil Co., et al., Docket Nos. G-6352, etc.; Houston Natural Gas Production Co. (Operator), et al., Docket No. G-10181; Herman Geo. Kaiser (Operator), et al., Docket No. G-12663.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, reinstating certificate, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successor co-respondent, redesigning proceedings, requiring filing of agreements and undertakings, accepting offer of settlement and accepting related rate schedules and supplements for filing, issued August 30, 1966 and published in the FEDERAL REGISTER September 8, 1966 (F.R. Doc. 66-9749; 31 F.R. 11774-11780); in paragraph 4 change Emerald Oil & Carbolic Co. (Operator), et al., FPC Gas Rate Schedule No. 5 to read "FPC Gas Rate Schedule No. 2".

In the chart FPC Gas Rate Schedule No. "1" to read No. "5" after Herman Geo. Kaiser, Docket No. G-12663.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-11784; Filed, Oct. 28, 1966; 8:45 a.m.]

## FEDERAL RESERVE SYSTEM

### DEPOSITORS TRUST CO.

#### Order Approving Merger of Banks

In the matter of the application of Depositors Trust Co., for approval of merger with First Maine Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c), as amended by Public Law 89-356), an application by Depositors Trust Co., Augusta, Maine, for the Board's prior approval of the merger of that bank and First Maine Trust Co., Augusta, Maine, a newly organized bank, under the charter and title of Depositors Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

*It is hereby ordered,* For the reasons set forth in the Board's statement<sup>1</sup> accompanying its order of this date concerning the application of Depositors Corp., Augusta, Maine, to become a bank holding company, that said application for merger be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of October 1966.

By order of the Board of Governors:<sup>2</sup>

[SEAL] KENNETH A. KENYON,  
Assistant Secretary.

[F.R. Doc. 66-11790; Filed, Oct. 28, 1966; 8:45 a.m.]

### DEPOSITORS CORP.

#### Order Approving Application Under Bank Holding Company Act

In the matter of the application of Depositors Corp., Augusta, Maine, for approval of action to become a bank holding company through the acquisition of 100 percent of the outstanding voting shares of Depositors Trust Co., Augusta, Maine, and at least 80 percent of the outstanding voting shares of the Liberty National Bank in Ellsworth, Ellsworth, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), as amended by Public Law 89-485, and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Depositors Corp., Augusta, Maine, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the outstanding voting shares of Depositors Trust Co., Augusta, Maine, and at least 80 percent of the outstanding voting shares of the Liberty National Bank in Ellsworth, Ellsworth, Maine.

As required by section 3(b) of the Act, the Board notified the Bank Commissioner of the State of Maine and the Comptroller of the Currency of receipt of the application and requested their views and recommendations. The Commissioner expressed no objection to approval of the application; the Comptroller recommended its approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 11, 1966 (31 F.R. 10704), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Time for filing such views and comments

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

<sup>2</sup> Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

has expired and all those received have been considered by the Board.

*It is hereby ordered,* For the reasons set forth in the Board's statement<sup>1</sup> of this date, that said application be and hereby is approved, provided that the transaction so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of October 1966.

By order of the Board of Governors:<sup>2</sup>

[SEAL] KENNETH A. KENYON,  
Assistant Secretary.

[F.R. Doc. 66-11791; Filed, Oct. 28, 1966; 8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-3]

### SECRETARY OF HEALTH, EDUCATION, AND WELFARE

#### Delegation of Authority

1. *Purpose.* To delegate to the Secretary of Health, Education, and Welfare authority to assist in controlling violations of law.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the National Institutes of Health facilities at Bethesda and Poolesville, Md., over which the Federal Government has exclusive or concurrent jurisdiction.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

3. *Effective date.* This delegation of authority is effective immediately.

Dated: October 25, 1966.

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

[F.R. Doc. 66-11805; Filed, Oct. 28, 1966; 8:47 a.m.]

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

<sup>2</sup> Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.



## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1986]

**BOWSER, INC., ET AL.**

### Notice of and Order for Hearing on Application for Order Exempting Proposed Transaction

OCTOBER 25, 1966.

Notice is hereby given that Bowser, Inc. ("Bowser"), 400 West Madison Street, Chicago, Ill. 60606, an Indiana corporation, the Equity Corp. ("Equity"), 26 Broadway, New York, N.Y. 10004, a registered closed-end nondiversified investment company, Sterling Precision Corp. ("Sterling"), 103 Park Avenue, New York, N.Y. 10017, Mr. J. Russell Duncan, 4 Riverview Terrace, New York, N.Y., chairman of the board of directors of Sterling, and Jardun Corp. ("Jardun"), 4 Riverview Terrace, New York, N.Y., wholly owned by Mr. Duncan, have filed jointly an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the purchase by Bowser of an aggregate of 222,600 shares of its common stock from a group consisting of Equity, Sterling, Duncan, and Jardun at \$13 per share, or an aggregate price of \$2,893,800.

Sections 17(a) and 17(b) of the Act, make it unlawful, with certain exceptions, for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), or any affiliated person of such a person, to sell to or purchase from such registered company, or any company controlled by such registered company, any security or other property, or to borrow any money or other property therefrom, unless the Commission upon application grants an exemption from such prohibitions after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein, which are summarized below.

The purchases by Bowser are proposed to be made pursuant to an agreement dated February 24, 1966, between Bowser and the sellers providing for the purchases by Bowser of its common stock in the following amounts:

Sellers	Shares of common stock of Bowser	Sale price
Equity.....	30,000	\$390,000
Sterling.....	144,200	1,874,600
Duncan.....	3,400	44,200
Jardun.....	45,000	585,000
<b>Total.....</b>	<b>222,600</b>	<b>2,893,800</b>

At the time of the agreement, Equity owned 11.8 percent of Sterling's voting securities, and Sterling, in turn, owned 19.98 percent of Bowser's voting securities. Mr. Duncan at that time was a director of Bowser as well as chairman of the board of Sterling.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

It is ordered, Pursuant to section 40(a) of the Act that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 14th day of November 1966, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, Washington, D.C. 20549, on or before the 9th day of November 1966, his request as provided by Rule 9 of the Commission's rules of practice. 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 addresses noted above, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) shall be filed contemporaneously with such request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Investment Company Act of 1940; and

(3) Whether the proposed transaction is consistent with the general purposes of the Investment Company Act of 1940.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Bowser, Equity, Sterling, Mr. J. Rus-

sell Duncan, and Jardun and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 66-11794; Filed, Oct. 28, 1966;  
8:46 a.m.]

[812-1996]

### CONTINENTAL ASSURANCE CO. SEPARATE ACCOUNT (B)

#### Notice of Application for Order of Exemption

OCTOBER 25, 1966.

Notice is hereby given that Continental Assurance Co. Separate Account (B) ("Applicant"), 310 South Michigan Avenue, Chicago, Ill. 60604, an open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting it from the provisions of sections 14(a), 15(a), 16(a), 22(d), 22(e), 27(c), and 32(a)(2) of the Act. 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 was established on June 1, 1966, under the provisions of Article XIV-½ of the Illinois Insurance Code by Continental Assurance Co. ("Company"), a stock life insurance company organized under the Illinois Insurance Code and licensed as a life insurance company in all states of the United States. Section 857.51 of Article XIV-½ of the Illinois Code authorizes a domestic life insurance company to establish a separate account to fund group variable annuity contracts. Applicant proposes to engage in the sale of group variable annuity contracts in connection with annuity purchase plans adopted by public school systems and tax exempt organizations which satisfy the requirements of sections 403(b) and 501(c) of the Internal Revenue Code ("Code").

Section 14(a) of the Act provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. Applicant represents that since the Company and its employees are not entitled to tax deferred treatment under section 403(b) of the Code, the Company cannot advance funds to meet the requirements of section 14(a) of the Act. Applicant further states that under the Illinois Insurance Code, the Company, which has capital and surplus in excess of \$100 million is liable for all the expenses and liabilities of the separate account.

Sections 15(a), 16(a), and 32(a) of the Act, respectively, provide for the owners of the outstanding voting securities of a registered investment company to: (1)

Approve its investment advisory contract, (2) elect its directors and (3) ratify the selection of its independent public accountant. Applicant will not, initially, have any voting securities and Applicant therefore requests a temporary exemption from these sections. Applicant represents that the first annual meeting of participants in the group variable annuity contracts in the Separate Account will take place on the first Wednesday in April 1967. Applicant further represents that by that time it expects to have sold some group variable annuity contracts so that the participants therein can then vote on such matters. In the interim the Company has chosen a Committee for the management of the separate account, 60 percent of the members of which are persons not affiliated with the Company. The Committee has entered into an investment advisory and management contract with the Company and has appointed independent public accountants.

Section 22(d) of the Act provides that no registered investment company shall sell any redeemable securities except at a current offering price described in its prospectus which is required to state separately the sales charges on the sale of its securities. Applicant represents that the only charge which will be made against contributions by participants is a 6-percent combined sales and administrative fee payable to the Company as principal underwriter, which fee cannot be increased by virtue of the Company's guarantee that no further deductions will be made for sales or administrative expenses. Applicant further represents that it is not possible to set forth in advance a single rate of sales charge applicable to all group variable annuity contracts it may sell. Applicant intends to employ full-time salaried salesmen compensated by Continental Assurance Co. for sale of its group variable annuity contracts to large school systems in the Midwest. In other areas Applicant intends to enter into brokerage contracts under which commissions will be paid at varying rates, depending in part upon the expenses incurred by individual brokers for printing and other items, and no salaried salesmen will be used. Applicant further represents that mortality guarantees will be made under group contracts which might adversely affect the reserves for the separate account and necessitate holding subsequent expenses to a minimum, including further commissions payable.

Section 22(e) of the Act prohibits a registered investment company issuing redeemable securities from suspending or postponing the right of redemption for more than 7 days after the tender of such security to the investment company for redemption. Applicant states that annuity benefits under the proposed contracts will be freely redeemable for cash prior to retirement. However, once annuity payments guaranteed for the life of the annuitant have commenced, cash surrender of such annuities would interfere with the actuarial computations upon which the lifetime guarantee is based and might exhaust the actuarial

reserves set aside for the purpose before the death of the last member of the retired group. Accordingly, Applicant requests exemption from section 22(e) with respect to the right of redemption of retired persons who have commenced to receive annuity payments.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) places certain restrictions on charges which may be made against the trust income and corpus and prohibits the trustee from charging as an expense to the fund any payment to the depositor or principal underwriter of the trust except for bookkeeping and other administrative services in such reasonable amount as the Commission may prescribe. Section 26(a)(3) requires certain arrangements to assure the continuity of the trustee or custodian.

Applicant represents that the Company, as a life insurance company, is subject to extensive regulation by the Insurance Department of the State of Illinois and by all the other 49 States in which it is licensed to do business and that such control furnishes ample protection to the participants against embezzlement and misfeasance. Applicant also represents that it has no expenses other than the investment advisory fee since all other expenses are paid by the Company, for which the Company receives a maximum fee (including sales charges) of 6 percent from each contribution made by participants. Moreover, Applicant states that, for the purposes of the Illinois Insurance Code, applicant is a part of the Company and therefore all of the Company's assets are available to meet applicant's obligations. Applicant further represents that the Company is contractually obligated to the participants and cannot resign or otherwise avoid its contractual obligation.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 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 (air-mail 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 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.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 66-11795; Filed, Oct. 28, 1966;  
8:46 a.m.]

#### PINAL COUNTY DEVELOPMENT ASSOCIATION

##### Order Suspending Trading

OCTOBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinall County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period October 26, 1966, through November 4, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 66-11796; Filed, Oct. 28, 1966;  
8:46 a.m.]

#### UNDERWATER STORAGE, INC.

##### Order Suspending Trading

OCTOBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period Octo-

ber 26, 1966, through November 4, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-11797; Filed, Oct. 28, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 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. 40763—*Tea or tea dust to Peoria, Ill.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2868), for interested rail carriers. Rates on tea or tea dust, in carloads, from North Atlantic ports and points grouped therewith, to Peoria, Ill. Grounds for relief—Market competition and port equalization.

Tariffs—Supplement 129 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-236 and 2 other schedules named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-11809; Filed, Oct. 28, 1966;  
8:47 a.m.]

[Notice 277]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 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 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 31389 (Sub-No. 82 TA), filed October 24, 1966. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, 617 Waightown Street, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boone, N.C., and Mountain City, Tenn., from Boone, over U.S. Highway 321 to Vilas, N.C., thence over U.S. Highway 421 to Mountain City, and return over the same routes, serving no intermediate points. Note: Applicant states tacking will take place at Boone, N.C., for points throughout the McLean system to points in numerous eastern, southeastern, Middle Atlantic, New England and central territory States, for 180 days. Supporting shipper: Southern Glove Manufacturing Co., Inc., Post Office Box 397, Conover, N.C. 28613. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 111057 (Sub-No. 4 TA), filed October 24, 1966. Applicant: EAST EXPRESS, INCORPORATED, Post Office Box 923, Thomasville, N.C. 27360. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated in mixed loads with uncrated new furniture, from High Point and Thomasville, N.C., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland (except Baltimore and Annapolis), Virginia (except Richmond) and the District of Columbia. Note: Applicant states it holds authority under its certificate No. MC-111057 covering the transportation of *new furniture*, uncrated, from High Point and Thomasville, N.C., to all of the destinations here involved. The sole purpose of the authority sought is to enable handling crated new furniture in mixed loads with the already authorized uncrated new furniture. Supporting shippers: B & H Manufacturing Co., Inc., 1430 Trinity Avenue, High Point, N.C. 27260, Burton Upholstery Co., Inc., Post Office Drawer 1150, High Point, N.C. 27261, Carsons of High Point, Post Office Box 150, High Point, N.C. 27261, Crestwood Furniture Co., Post Office Box 590, High Point, N.C. 27260, Erwin-Lambeth, Inc., Thomasville, N.C. 27360, Lincoln Lounge Co., Post Office Box 975, High Point, N.C. 27261, Pilgrim Furniture Co., Post Office Box 246, High Point, N.C. 27261, Security Upholstering Co., Post

Office Box 246, High Point, N.C. 27261. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 115654 (Sub-No. 8 TA), filed October 24, 1966. Applicant: TENNESSEE CARTAGE COMPANY, INC., 815 Ewing Avenue, Nashville, Tenn. 37201. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, (1) from Nashville, Tenn., over U.S. Highway 41 to Springfield, Tenn., thence via U.S. Highway 431 to Drakesboro, Ky., thence over Kentucky Highway 176 to Greenville, Ky., thence over U.S. Highway 62 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Madisonville, Ky., and return over same route, serving no intermediate points, (2) between Springfield, Tenn., and Hopkinsville, Ky., over U.S. Highway 41, serving no points on said route, but to be used for joinder only, (3) between Princeton, Ky., and Hopkinsville, Ky., over U.S. Highway 62 from Princeton to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, serving Princeton, Ky., except the site of the Princeton Co., at or near Princeton; and serving Hopkinsville for joinder only, (4) between Princeton, Ky., and Nashville, Tenn., over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 41A to Nashville, Tenn., serving Nashville, Tenn., and Princeton, Ky., except the site of the Princeton Co., at or near Princeton, and serving Hopkinsville for joinder only. Note: Applicant states that by this application the applicant seeks authority only between Nashville, Tenn., on the one hand, and, on the other hand, Madisonville, Ky., and Princeton, Ky., except the site of the Princeton Co., at or near Princeton, Ky., but it does seek the right to operate over any and all routes set out above in providing service to the points to be served, for 180 days. Supporting shippers: Hart Equipment Co., Inc., Bearings Service Co., J. C. Penney Co., Inc., Austin Powder Co., Madisonville, Ky., Princeton Hosiery Mills, Inc., and Cumberland Manufacturing Co., Inc., Princeton, Ky. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn.

No. MC 116949 (Sub-No. 6 TA), filed October 24, 1966. Applicant: BURNS TRUCKING, INC., Route No. 1, South Sioux City, Nebr. 68776. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used and/or wrecked semitrailers, parts and equipment therefor*, between the plantsites of Jason Manufacturing, Inc., at or near

Hampton, Iowa, on the one hand, and, on the other, points in the United States including the District of Columbia, for 180 days. Supporting shipper: Jason Manufacturing, Inc., Hampton, Iowa 50441. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124983 (Sub-No. 7 TA), filed October 24, 1966. Applicant: CLARENCE NEWLUN, doing business as NEWLUN TRANSPORT SERVICE, 119 Lincoln Street, North Pekin, Ill. Applicant's representative: Donald S. Manion, 53 West Jackson Boulevard, Chicago, Ill. 60604. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:

*Dairy products and supplies*, between Indianapolis, Ind., and Pekin, Ill., for 150 days. Supporting shipper: The Borden Co., 231 Elizabeth Street, Pekin, Ill. 61555. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128656 TA, filed October 24, 1966. Applicant: CASKET TRANSPORT COMPANY, INC., 1610 Southwest Evans, Des Moines, Iowa. Applicant's representative: Russell H. Wilson, Suite 200, 3839 Merle Hay Road, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Caskets, casket parts, and burial vaults* (1) from Arthur, Ill., to Little Rock, Ark., Ot-

tumwa, Iowa, and Omaha, Nebr., (2) between Arthur, Ill., Little Rock, Ark., Ottumwa, Iowa, and Omaha, Nebr., (3) from Omaha, Nebr., to points in that part of Iowa West of U.S. Highway 73 and on South of Interstate Highway 80, except Des Moines, Iowa, for 180 days. Supporting shipper: Progress Industries, Inc., 400 East Progress Street, Arthur, Ill. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa. 50309.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 66-11810; Filed, Oct. 28, 1966; 8:47 a.m.]

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