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Volume 83

UNITED STATES STATUTES AT LARGE

91st Congress, 1st Session
1969

Contains laws and concurrent resolutions enacted by the Congress during 1969, reorganization plan, recommendations of the President, and Presidential proclamations. Also included are: numerical listings of bills enacted into public and private law, a guide to the legislative history of bills enacted into public law, tables of prior laws affected, and a subject index.

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PART 2412—NATIONAL CONSULTATION RIGHTS AND TERMINATION OF FORMAL RECOGNITION

On September 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15161) a notice of the proposed adoption of rules governing national consultation rights and the termination of formal recognition by the Council. Interested persons were invited to submit their views and suggestions in writing within 20 days after publication of the notice of proposed rule making. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed rules, with changes as set forth below.

Accordingly, the Council hereby amends Title 5 of the Code of Federal Regulations by adding to Chapter XIV, a new Part 2412 to read as follows:

Subpart A—National Consultation Rights and Termination of Formal Recognition at the National Level

Sec.

Subpart B—Termination of Formal Recognition Other Than Formal Recognition at the National Level

AUTHORITY: The provisions of this Part 2412 issued under 5 U.S.C. 552; E.O. 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

Subpart A—National Consultation Rights and Termination of Formal Recognition at the National Level

§ 2412.1 Definitions.

In this part:

The terms agency, employee, labor organization and Assistant Secretary have the meanings set forth in section 2 of Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service."

Employment means the total number of civilian personnel employed by an agency or the nonappropriated fund Federal instrumentalities under its jurisdiction but does not include foreign nationals.

Primary national subdivision of an agency means a first-level organizational segment which has functions national in scope that are implemented in field activities.

Substantive personnel policy means a standard or rule which (a) creates and defines rights of employees or labor organizations, including conditions relating to such rights; (b) sets a definite course or method of action to guide and determine procedures and decisions of subordinate organizational units on a personnel or labor relations matter; and (c) is formulated within the discretionary authority of the issuing organization and is not merely a restatement of a course or method of action prescribed by higher authority.

Substantive change in personnel policy means a change in the established rights of employees or labor organizations or the conditions relating to such rights.

§ 2412.2 Requesting; granting; criteria.

(a) An agency shall accord national consultation rights, as provided in section 9 of Executive Order 11491, to a labor organization that:

(1) Requests national consultation rights at the agency level; and

(2) Holds exclusive recognition for either:

(i) 10 percent or more of the employment of the agency; or

(ii) 5,000 or more employees of the agency.

(b) An agency's primary national subdivision which has authority to formulate substantive personnel policy shall accord national consultation rights, as provided in section 9 of Executive Order 11491, to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for either:

(i) 10 percent or more of the employment of the primary national subdivision; or

(ii) 5,000 or more employees of the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the agency level, employees represented by the labor organization under exclusive recognition granted at the agency level.

(2) At the primary national subdivision level, employees represented by the labor organization under exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An agency or a primary national subdivision of an agency shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b), and (c) of this section; however, this does not preclude an agency or a primary national subdivision of an agency from appropriate dealings with other organizations, including labor organizations that do not qualify for national consultation rights, on matters affecting their members.

§ 2412.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the agency or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of proposed new substantive personnel policies and of proposed substantive changes in personnel policies which affect the employees it represents under exclusive recognition;

(2) Opportunity to comment on such proposals;

(3) Opportunity to suggest changes in personnel policies that are of interest to employees it represents under exclusive recognition and to have its suggestions receive careful consideration;

(4) Opportunity to confer in person upon request, at reasonable times, on personnel policy matters; and

(5) Opportunity to submit its views in writing on personnel policy matters at any time.

(b) An agency or a primary national subdivision of an agency is not required to consult with a labor organization on any matter on which it would not be required to meet and confer if the organization were entitled to exclusive recognition.

(c) National consultation rights do not include the right to negotiate.

(d) A labor organization which holds national consultation rights may exercise those rights in behalf of all the employees it represents under exclusive recognition in the agency or in the primary national subdivision which has granted those rights except:

(1) At the agency level, the labor organization may not exercise those rights in behalf of employees represented under exclusive recognition granted at the agency level.

(2) At the primary national subdivision level, the labor organization may not exercise those rights in behalf of employees represented under exclusive recognition granted at the agency level or at the primary national subdivision level.

§ 2412.4 Review; termination of national consultation rights.

An agency or a primary national subdivision which has granted national consultation rights shall make a periodic

review to determine if the labor organization continues to qualify for those rights. The agency or the primary national subdivision shall terminate national consultation rights when the labor organization ceases to meet the requirements in § 2412.2.

§ 2412.5 Requests; questions.

Requests of labor organizations for national consultation rights shall be submitted to the headquarters of the agency or the agency's primary national subdivision, as appropriate. Questions concerning the eligibility of labor organizations for national consultation rights may be referred to the Assistant Secretary for decision as set forth in 29 CFR 202.2(d).

§ 2412.6 Appeals.

Appeals from decisions of the Assistant Secretary concerning the eligibility of labor organizations for national consultation rights may be taken to the Council as provided for in Part 2411 of this chapter.

§ 2412.7 Termination of formal recognition at the national level.

(a) In accordance with the provisions of section 8(b)(3) of Executive Order 11491, a grant of formal recognition to a labor organization at the national level shall terminate:

(1) In an agency:

(i) When that labor organization which holds national formal recognition is granted national consultation rights by that agency; or

(ii) On July 1, 1971, whichever is sooner.

(2) In a primary national subdivision:

(i) When that labor organization which holds national formal recognition in the primary national subdivision is granted national consultation rights by that primary national subdivision; or

(ii) On July 1, 1971, whichever is sooner.

(b) When an agency and labor organization have an established dues withholding agreement on the basis of formal recognition at the national level, and the agreement would be terminated automatically as a result of the termination of formal recognition under this section, the national dues withholding agreement shall be maintained in effect insofar as it applies to members of the labor organization in units for which the organization holds exclusive recognition for the duration of existing negotiated agreements in such exclusive units unless representatives of the agency and the labor organization have negotiated dues withholding arrangements for members in the exclusive units.

Subpart B—Termination of Formal Recognition Other Than Formal Recognition at the National Level

§ 2412.8 Termination date.

Agencies shall terminate on July 1, 1971, all existing grants of formal recognition under Executive Order 10988.

For the Council.

ROBERT E. HAMPTON,
Chairman.

[FR Doc.71-1986 Filed 2-11-71;8:48 am]

Title 7—AGRICULTURE

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

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

FEES FOR INSPECTION, GRADING AND SAMPLING

The Agricultural Marketing Act of 1946 authorizes official inspection and grading service of dairy products. Such inspection and grading service is voluntary and is made available only upon request of financially interested parties upon payment of a fee. The Act requires such fees to be reasonable and, nearly as possible, to cover the cost of performing the services. Recent salary increases for Federal employees and other rising costs of maintaining the inspection and grading service have made it necessary to reevaluate and increase fees charged for inspection and grading services in order to more nearly recover costs of rendering the service.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–27) the provisions of "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products" 7 CFR 58.43, are hereby amended to read as follows:

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.39, 58.44, 58.45, and 58.46, charges shall be made for inspection, grading and sampling service at the hourly rate of $10 for service performed between 6 a.m. and 6 p.m., and $11 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

The need for the increase in fees and the amount thereof are dependent upon the facts within the knowledge of the Consumer and Marketing Service. Therefore, pursuant to the Administrative Procedure Act (5 U.S.C. 553) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1971, with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 9th day of February, 1970.

JOHN C. BLUM,
Acting Deputy Administrator, Marketing Services.

[FR Doc.71-1979 Filed 2-11-71;8:47 am]

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

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for the 1970–71 Crop Year

Pursuant to §§ 989.54(b) and 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, the preliminary free tonnage percentage and reserve tonnage percentage applicable to standard natural Thompson Seedless raisins acquired by handlers during the 1970–71 crop year were designated 65 percent and 35 percent, respectively (§ 989.228; 35 F.R. 16240). Such preliminary free tonnage percentage was recommended by the Raisin Administrative Committee, established pursuant to the amended marketing agreement and order, as tending to release 109,850 tons, or about 89 percent of the desirable free tonnage (§ 989.222; 35 F.R. 15631) of 122,750 tons for such raisins. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The Committee is required by § 989.54 (b) to recommend, no later than February 15, a free tonnage percentage which will tend to release the full desirable free tonnage of 122,750 tons of standard natural Thompson Seedless raisins. The 1970–71 crop year production of standard raisins of such varietal type was estimated by the Committee to be approximately 176,000 tons, and the Committee, on that basis, recommended at its meeting on February 2, 1971, a final free tonnage percentage of 70 percent and a reserve tonnage percentage of 30 percent. The designation, pursuant to § 989.55, of 70 percent as the final free tonnage percentage would tend to release the full desirable free tonnage of 122,750 tons. As provided in § 989.54(b), the difference between the free tonnage percentage and 100 percent is the reserve percentage.

After consideration of the recommendation and supporting information submitted by the Committee, and other available information, it is hereby found that the designation of the final free tonnage percentage and the reserve tonnage percentage, as hereinafter set forth,

would tend to effectuate the declared policy of the act.

Therefore, § 989.228 is revised to read as follows:

§ 989.228 Free and reserve percentages for the 1970–71 crop year.

The percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1970, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Free tonnage percentage, 70 percent; and reserve tonnage percentage, 30 percent.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice of this action and engage in public rule making procedure, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions as to the amount of standard raisins available immediately to handlers for use in free tonnage outlets; (2) under this part the respective free tonnage and reserve tonnage percentages, designated for a particular varietal type and crop year, apply to all standard raisins of such varietal type acquired by handlers from the beginning of the crop year; (3) the current crop year began September 1, 1970, and the percentages designated herein will automatically apply to such raisins acquired by handlers on or after that date; and (4) handlers are aware of this action as recommended by the Committee and require no additional time to comply therewith.

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

Dated: February 8, 1971.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.71-2000 Filed 2-11-71;8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-127]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Amendments Relating to Loans by Federal Savings and Loan Associations

FEBRUARY 4, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 18924) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the following purposes: (1) Reducing the required term of a leasehold as security for a loan in all cases to 10 years beyond the maturity of the loan, (2) increasing the maximum term of construction loans on the security of "other dwelling units" and "other improved real estate" from 24 to 36 months, (3) increasing the loan-to-value ratio for loans on "other improved real estate" from 70 to 75 percent and increasing the maturity on such loans from 20 to 25 years; and (4) permitting the combining into a single loan of a construction loan and a permanent loan to avoid the necessity of making separate loans in order to achieve the maximum loan term permissible for "other dwelling units" and "other improved real estate." Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 541 and 545 to read as follows, effective February 12, 1971:

1. Amend Part 541 by revising paragraph (a) of § 541.9 thereof to read as follows:

§ 541.9 Loans on the security of first liens.

(a) The term "loans on the security of first liens" means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold or subleasehold extending or renewable automatically or at the option of the holder (or at the option of the Federal association) for a period of at least 10 years beyond the maturity of the loan) specific security for the payment of the obligation secured by such instrument: *Provided*, The instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjected to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

* * * * *

2. Amend Part 545 by revoking § 545.6–19 thereof and by revising subparagraphs (1) and (3) of paragraph (b) and subparagraphs (1), (2), and (5) of paragraph (c) of § 545.6–1 to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use*—(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 75 percent) of the value thereof, repayable monthly within 25 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency. Such installment loan may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (3) (ii) of this paragraph, and the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction.

* * * * *

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years; and

(ii) If such loan is made for the purpose of construction, 75 percent of the value and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

* * * * *

(c) *Other improved real estate.* Subject to the limitations of § 545.6–7, a Federal association may, if permitted by the term of its charter, make loans on other improved real estate, as defined in paragraph (a) of § 541.12 of this chapter, to the extent authorized by this paragraph (c):

(1) Any monthly installment loan may be made in an amount not exceeding 75 percent, and any loan repayable on any other plan may be made in an amount not exceeding 60 percent, of the value of such real estate, except that the maximum loan-to-value ratios for loans made under §§ 545.6–16 and 545.6–18 shall be the ratios provided in those sections;

(2) Any monthly installment loan shall be repayable in not more than 25 years and any loan repayable on any other plan shall be repayable in not more than 5 years but with interest payable at least semiannually, except that the maximum loan terms for monthly installment loans made under §§ 545.6–16 and 545.6–18, shall be the terms provided in those sections, and such a monthly installment loan, other than a loan made under §§ 545.6–16 and 545.6–18, may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (5) of this paragraph, and the term of the

monthly installment loan shall be considered to begin at the end of the term allowed for construction;

* * * * *

(5) A loan made for the purpose of construction may be made in an amount not exceeding 75 percent of the value of such real estate and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term but with interest payable at least semiannually.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-2002 Filed 2-11-71;8:49 am]

[No. 71-118]

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Investment in Insured Loans by Federal Associations, Regular Lending Area of Such Associations, and Location of Branch Offices of Such Associations

FEBRUARY 4, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 17360) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 545 and 556 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545, 556) for the following purposes:

(1) Permit a Federal savings and loan association to invest in "insured loans" on a statewide basis within the State in which such association's home office is located;

(2) Enlarge the "regular lending area" of certain Federal savings and loan associations; and

(3) Liberalize the Board's statement of policy regarding applications for permission to maintain, as a branch office, an existing office of an institution to be acquired by merger or other approved acquisition.

Accordingly, said Parts 545 and 556 are hereby amended as follows, effective February 12, 1971:

1. Part 545 is amended by revising paragraph (a) of § 545.6–5 thereof to read as follows:

§ 545.6–5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located at an investment not exceeding the sum of (1) $45,000 for each single-family dwelling, (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. No loan may be purchased by a Federal association from an affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney at law. If a Federal association increases its savings accounts as a part of the purchase of any loan, it shall obtain such approval as is required by the Rules and Regulations for Insurance of Accounts.

* * * * *

2. Part 545 is amended by revising § 545.6–6 thereof to read as follows:

§ 545.6–6 Lending area.

The regular lending area of a Federal association consists of the area: (a) Within a radius of 100 miles from such association's home office; (b) within a radius of 100 miles from each branch office of such association or other place of business approved by the Board as an agency of such association, to the extent that such area is also within the State in which such association's home office is located; and (c) in the case of a Federal association which is converted from a State-chartered institution, beyond 100 miles from its home office but within which area such association made loans while operating under State charter. Any Federal association may (1) make loans in its regular lending area, (2) made insured loans secured by improved real estate located within the State in which such association's home office is located, and (3) within the 20-percent-of-assets limitation as defined in § 545.6–7, make loans in areas outside its regular lending area; but it shall comply with the provisions of the Rules and Regulations for Insurance of Accounts with respect to loans on the security of real estate located more than 50 miles from the association's home office. Each converted association that desires to continue to make loans beyond 100 miles from its home office in the areas in which it made loans while operating under State charter shall file with the Board a map showing the areas within which such association made loans while operating under State charter. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "area" in which a converted association made loans beyond a radius of 100 miles from its home office while operating under State charter.

3. Part 545 is amended by revising paragraph (d) of § 545.6–7 thereof to read as follows:

§ 545.6–7 Real estate loans and investments subject to 20-percent-of-assets limitation.

No Federal association may make or invest its funds in any loan of any of the types enumerated in paragraphs (a) through (d) of this section, except a guaranteed loan at least 20 percent of which is guaranteed and except a loan which is subject to the 5-percent-of-assets limitation of § 545.6–18, if the resulting aggregate amount of such loan and of the following investments would exceed 20 percent of the association's assets:

* * * * *

(d) Loans on improved real estate located beyond the association's regular lending area, except insured loans secured by improved real estate located within the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located and insured loans purchased pursuant to § 545.6–5;

* * * * *

4. Part 556 is amended by revising subparagraph (3) of paragraph (b) of § 556.5 thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch offices and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.*

* * * * *

(3) It is the Board's policy to consider applications by such an association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, or Puerto Rico or (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the

amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-2001 Filed 2-11-71;8:49 am]

[No. 71-119]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

PART 563—OPERATIONS

Investment in Insured Loans by Insured Institutions and Normal Lending Territory of Such Institutions

FEBRUARY 4, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 17361) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563) for the following purposes:

(1) To enlarge the "normal lending territory" of certain "insured institutions"; and

(2) To permit an "insured institution" to invest in "insured loans" on a statewide basis within the State in which such institution's principal office is located.

Accordingly, said Parts 561 and 563 are hereby amended as follows, effective February 12, 1971:

1. Part 561 is amended by revising § 561.22 thereof to read as follows:

§ 561.22 Normal lending territory.

The term "normal lending territory" means the territory: (a) Within a radius of 50 miles from the institution's principal office; (b) within a radius of 50 miles from each place of business which has been approved in writing by the institution's appropriate supervisory authority as a branch office, agency office, or similar place of business for such institution, to the extent that such territory is also within the State in which such institution's principal office is located; and (c) beyond 50 miles from the institution's principal office but within which territory the institution was operating on June 27, 1934. In the case of an insured institution which, at the close of its most recent semiannual period, had scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not in excess of 4 percent of its specified assets, the figure "100" shall be substituted for the figure "50" the first two times it appears in the preceding sentence. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of territory in which the institution was operating on June 27, 1934.

2. Part 563 is amended by revising the portion of paragraph (a) of § 563.9 thereof which precedes subparagraph (4) of said paragraph (a) to read as follows:

§ 563.9 Loans and investments.

(a) *General provisions.* Except as provided herein, no insured institution may make, or invest its funds in, loans on the security of real estate located outside its normal lending territory without the prior approval of the Corporation. For the purpose of this paragraph, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(1) Any insured institution may, to the extent that it has legal power to do so, make, or invest its funds in, loans in an aggregate amount not exceeding 20 percent of such institution's assets on the security of real estate located outside its normal lending territory but within (i) 100 miles from such institution's principal office or (ii) 100 miles from each place of business which has been approved in writing by the institution's appropriate supervisory authority as a branch office, agency office, or similar place of business for such institution to the extent that such territory is also within the State in which such institution's principal office is located.

(2) Any insured institution may, to the extent it has legal power to do so, make, or invest its funds in, any guaranteed loan at least 20 percent of which is guaranteed.

(3) Any insured institution may, to the extent it has legal power to do so, (i) make, or invest its funds in, any insured loan secured by a first lien on improved real estate located within the State in which such institution's principal office is located or (ii) purchase any insured loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for residence purposes for not more than four families located outside such State.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-2003 Filed 2-11-71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

General Counsel

In § 2.6, paragraphs (d) and (e) are amended and paragraph (f) is added so that the added and amended material reads as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(d) *Department and staff office heads.* Authority is delegated to the head of each department and staff office, and to any officer or board designated by them, to take appropriate action (other than provided for in paragraph (e)(4) of this section) in connection with the collection of civil claims by the Veterans Administration for money or property, as authorized in § 1.900, et seq. of this chapter.

(e) *General Counsel.* (1) Under the Federal Tort Claims Act, pursuant to the provisions of 28 U.S.C. 2672, authority is delegated to the General Counsel, Associate General Counsel and Assistant General Counsel, or those authorized to act for them, to:

(i) Consider, ascertain, adjust, determine, compromise, and settle any claim accruing on and after January 18, 1967, and asserted under the Federal Tort Claims Act, as amended by Public Law 89-506 (80 Stat. 306): *Provided,* That any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

(ii) Execute an appropriate voucher and other necessary instruments in connection with final disposition of claims within their settlement authority, and to execute an appropriate voucher in connection with claims compromised by the Attorney General pursuant to 28 U.S.C. 2677, and to determine whether such claims meet the criteria, "potentially subject to the offset provisions of 38 U.S.C. 351," for the purpose of the last clause under the heading, Veterans Administration "Compensation and Pensions," in the Independent Offices Appropriation Act.

(2) Under the provisions of 38 U.S.C. 236, the General Counsel, Associate General Counsel and Assistant General Counsel, or those authorized to act for them, are authorized to consider, ascertain, adjust, determine, and settle tort claims cognizable thereunder and to execute an appropriate voucher and other necessary instruments in connection with the final disposition of such claims.

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651, et seq. (as implemented by

Part 43, Title 28, Code of Federal Regulations), authority is delegated to the General Counsel, Associate General Counsel, Assistant General Counsel, and Deputy Assistant General Counsel, or those authorized to act for them, to collect in full, compromise, settle, or waive any claim and execute the release thereof; however, claims in excess of $20,000 may be compromised, settled, or waived only with the prior approval of the Department of Justice.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951, et seq., authority is delegated to the General Counsel, Associate General Counsel, Assistant General Counsel, and Deputy Assistant General Counsel, or those authorized to act for them, to:

(i) Make appropriate determinations with respect to the litigative probabilities of a claim (§ 1.932 of this chapter), the legal merits of a claim (§ 1.942(e) of this chapter), and any other legal considerations of a claim.

(ii) Collect in full a claim involving damage to or loss of Government property under the jurisdiction of the Veterans Administration resulting from negligence or other legal wrong of a person (other than an employee of the Government while acting within the scope of his employment) and to compromise, suspend or terminate any such claim not exceeding $20,000.

(iii) Collect a claim in full from a third party or legal entity who is liable for the cost of hospital, medical, surgical, or dental care and treatment of a person, and to compromise, suspend, or terminate any such claim not exceeding $20,000.

(iv) The delegations of authority set forth in subdivisions (ii) and (iii) of this subparagraph do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Such cases will be considered by the General Counsel, who will make the determination in all instances as to whether the case warrants referral to the Department of Justice. The delegations of authority are applicable to those claims where the Department of Justice determines that action based upon the alleged fraud, false claim, or misrepresentation is not warranted.

(5) Pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, the General Counsel, Associate General Counsel, Assistant General Counsel and Deputy Assistant General Counsel, or those authorized to act for them, are authorized to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his service occurring subsequent to August 31, 1964.

(6) Authority is delegated to the General Counsel or his designee to make the final decision on complaints of discrimination on grounds of race, color, religion, sex, or national origin brought by an aggrieved employee or qualified applicant for employment in the Veterans Administration.

(f) *Chief Attorneys.* The Chief Attorney, or those authorized to act for him, shall exercise the following delegations under the professional guidance of the General Counsel and communication with the General Counsel shall be direct.

(1) Under the Federal Tort Claims Act, authority similar to that delegated to the General Counsel in paragraph (e)(1)(i) of this section is delegated to the Chief Attorney, or those authorized to act for him, in any and all claims not exceeding $2,500 and he is authorized to execute an appropriate voucher and other necessary instruments in connection with the final disposition thereof.

(2) [Reserved]

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651 et seq. (as implemented by Part 43, Title 28, Code of Federal Regulations), authority similar to that delegated to the General Counsel in paragraph (e)(3) of this section is delegated to the Chief Attorney, or those authorized to act for him: *Provided*, That any claim in excess of $2,500 will be compromised, settled or waived only with the prior approval of the office of the General Counsel.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951 et seq., authority similar to that delegated to the General Counsel is delegated to the Chief Attorney, or those authorized to act for him, in any and all claims not exceeding $2,500, except in cases coming within the exceptions of paragraph (e)(4)(iv) of this section which will be referred to the General Counsel.

(5) Under the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, authority is delegated to the Chief Attorney, or those authorized to act for him, to act on any and all claims not exceeding $100, in accordance with instructions issued by the General Counsel.

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

This VA regulation is effective upon publication in the FEDERAL REGISTER (February 12, 1971).

Approved: February 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-1995 Filed 2-11-71;8:48 am]

PART 17—MEDICAL

Board on Collections and Compromises

1. In § 17.300, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 17.300 Establishment and jurisdiction.

There is established in the Department of Medicine and Surgery, under the supervision and administrative control of the Director, Management Control Staff, a Board on Collections and Compromises. The Board shall consider and determine, except for determinations as to litigative probabilities and other legal considerations for which authority has been delegated to the General Counsel under § 2.6(e)(4)(i) of this chapter, questions involving any offer to settle for less than liquidated value, and proposals to terminate collection action or to suspend collection action for 1 year or more, which are properly referred to the Board under §§ 17.64 and 17.65, in any claim asserted by the Veterans Administration on a debt or obligation owed the Veterans Administration, if:

* * * * *

2. Section 17.302 is revised to read as follows:

§ 17.302 Selection of members.

The members of the Board on Collections and Compromises, and their alternates, shall be selected so that each organizational element headed by an Assistant Chief Medical Director and the Office of Administration is represented on the Board. The Chairman and his alternate shall be selected from the staff of the Director, Management Control Staff.

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

These VA regulations are effective the date of approval.

Approved: February 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-1993 Filed 2-11-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5021]

[Oregon 3896]

OREGON

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UMATILLA NATIONAL FOREST

WILLAMETTE MERIDIAN

Desolation Meadows Guard Station

T. 9 S., R. 34 E.,
Sec. 5, lots 2 and 3.

The area described aggregates 81.70 acres in Grant County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 8, 1971.

[FR Doc.71-1983 Filed 2-11-71;8:47 am]

[Public Land Order 5022]

[Colorado 11433]

COLORADO

Withdrawal for Test Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for a high speed ground test site and wheel rail laboratory for research and development by the Department of Transportation of fixed guideway vehicles of advance design:

SIXTH PRINCIPAL MERIDIAN

T. 19 S., R. 62 W.,
Sec. 2, W½SW¼.

The area described aggregates 80 acres in Pueblo County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of Transportation finds that the proposed use of the lands will not interfere with the proper operation of its research facilities on the lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 8, 1971.

[FR Doc.71-1984 Filed 2-11-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation: for the individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public access, during daylight hours, for the purpose of nature study, wildlife observation, photography, picnicking, hiking, swimming, and sunbathing is permitted. Access on foot is permitted except in areas posted as closed, and by motor vehicle on designated travel routes. Pets are allowed if on a leash not exceeding 10 feet in length. Hunting and fishing are permitted under special regulations.

Refuge public use areas, comprising more than 19,385 acres, and respective permissible activities, are designated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 5, 1971.

[FR Doc.71-1962 Filed 2-11-71;8:45 am]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing: for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the sand beach on Holgate Peninsula and Little Beach Island on the Brigantine National Wildlife Refuge through December 31, 1971, except from those areas posted as closed.

Freshwater sport fishing from the South Dike of the West Pool is permitted during daylight hours from July 20 through September 21, 1971. The possession of fish or minnows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and South Tower parking areas.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing, comprising 7.5 miles of tidal shoreline and 1 mile of freshwater shoreline, are delineated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 5, 1971.

[FR Doc.71-1961 Filed 2-11-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Revision 5)]

QUANTITIES OF IMPORTS UNDER LICENSES

Notice of Proposed Rule Making

In the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), notice was given by the Oil Import Administration of a proposal to promote an orderly method of importation of overseas crude and unfinished oils into Districts I–IV and V. Comments were received, were reviewed, and are part of the public record. The comments received have not been conclusive with respect to licenses for 1971.

Interim measures comparable to the measures proposed in that FEDERAL REGISTER notice of November 28, 1970, have heretofore been instituted with respect to licenses issued under allocations for 1971. (Amendment 26, 36 F.R. 52) (36 F.R. 320); (Amendment 29, 36 F.R. 1476) (36 F.R. 1898).

It has been suggested that there be added to section 7 of Oil Import Regulation 1 (Revision 5) a new paragraph (c), reading as follows:

(c) (1) If an allocation made pursuant to section 9, 10, or 11, of this regulation for the allocation period January 1, 1971, through December 31, 1971, is in excess of 1,300,000 barrels of imports, the Administrator shall first issue a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is greater. If the allocation is 1,300,000 barrels of imports or less, the Administrator shall issue a license for the full amount of the allocation. Licenses issued under this subparagraph (1) will be valid from January 1, 1971, to December 31, 1971.

(2) The Administrator shall, not later than March 1, 1971, issue a license, effective the same date, for the remaining balance of any allocation. Licenses issued under this subparagraph (2) will expire on August 31, 1971.

Final action on this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness. Interested persons are invited to submit written comments on the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240 not later than February 24, 1971.

Each person who submits comments is asked to provide fifteen (15) copies.

T. C. SNEDEKER,
Acting Administrator,
Oil Import Administration.

FEBRUARY 10, 1971.

[FR Doc.71-2023 Filed 2-11-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130]

[Docket No. AO-364-A3, etc.]

MILK IN THE SOUTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Market	Docket No.
1120	Lubbock-Plainview	AO-328-A11.
1121	South Texas	AO-364-A3.
1126	North Texas	AO-231-A35.
1127	San Antonio	AO-232-A21.
1128	Central West Texas	AO-238-A24.
1129	Austin-Waco	AO-256-A17.
1130	Corpus Christi	AO-259-A21.

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in six copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Dallas, Tex., June 23, 24, and 25, 1970, pursuant to notice thereof which was issued June 12, 1970 (35 F.R. 10022).

An earlier partial recommended decision (35 F.R. 16000) on the record of this hearing dealt with issues No. 1 and No. 2 relating to Class I prices and location adjustments, respectively, in both the North Texas and South Texas orders; issue No. 5, relating to a request for emergency action to change a location differential pursuant to the South Texas order; and issue No. 16 relating to the location at which diverted milk should be priced pursuant to the North Texas order. This recommended decision deals with the remaining issues. Issue No. 9 concerning the limitation on location adjustments applied to the value of Class I milk in the obligation for receipts of unregulated milk at a pool plant and in the computation of the obligation of a partially regulated plant, was reserved as an issue separate from the consideration of rates of location adjustments in issue No. 2.

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

ISSUES AFFECTING NORTH TEXAS AND SOUTH TEXAS ORDERS

1. Class I price levels.
2. Location adjustments.
3. Method of paying producers through the market administrator.
4. Interest on overdue obligations.
5. Request for emergency action with respect to issue No. 2.
6. Applicable order to regulate a plant qualified as a fully regulated plant under more than one order.

ISSUES AFFECTING SEVERAL ORDERS

7. Class I prices and basic formula price (Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco and Corpus Christi orders).
8. Cheese price to be used in establishing certain class prices (Central West Texas, North Texas, Austin-Waco and San Antonio).
9. An appropriate limit on location adjustments applied to the Class I price in computing the obligation of a pool plant for receipts of unregulated milk, and in computing the obligation of a partially regulated plant (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).
10. Appropriate application of the order to milk received at a pool plant from an unregulated supply plant which in turn receives milk from a fully regulated plant where such milk has been priced and pooled (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).
11. Criteria for excluding a handler's milk from computation of the uniform price (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).

OTHER ISSUES AFFECTING ONLY NORTH TEXAS ORDER

12. Definitions of "producer" and "producer milk."
13. Definition of pool plant.

14. Classification of transfers from pool plants to other plants.

15. Shrinkage, including that occurring in the fortification of fluid milk products.

16. Location at which diverted milk should be priced.

ISSUE AFFECTING THE SAN ANTONIO ORDER ONLY

17. Classification of dumped milk.

NORTH TEXAS AND SOUTH TEXAS ORDERS

3. *Method of paying producers.* The proposal that in the North Texas and South Texas markets the respective market administrator make all payments to producers and cooperative associations should not be adopted.

The proposal made by a cooperative would require handlers to pay the market administrator all money for producer milk received. The market administrator would then pay to producers, or to any cooperative association which receives payment for milk of producer members, the uniform price for milk delivered. The partial payment now made for producer milk received during the first 15 days of the month would also be paid through the market administrator.

Proponent cooperative supported its proposal on the claim of greater efficiency and better compliance with the order, and better understanding of the procedures, than is provided by the present plan under which payments are made into and out of the producer-settlement fund. The cooperative witness stated also that the proposal would tend to relieve pressure on cooperatives from handlers to grant them credit by agreeing to delayed payments.

Several handlers in these markets objected to the proposal on ground that the established method of payment is of considerable value to them as a method of maintaining favorable relationships with producers. These handlers also questioned that cost reduction and better compliance would result under the proposed method.

With respect to comparison of costs under the proposed method and the present method of payment, the necessary information is not available to judge which method is more economical. Within the market administrators' functions there would be both increases and decreases in cost. It is possible that more equipment and personnel would be required for handling the greater number of payments. While some reduction in cost might be achieved in payroll auditing, there would still be the need for the market administrator to verify quantities, butterfat tests and authorized deductions by examining original records of handlers.

Claimed reductions in cost for handlers because they would write one check to the market administrator instead of individual checks to many producers would tend to be offset by some increase in cost to the market administrator. There is therefore a question of whether there would be any net saving in cost to them.

Handlers in these markets are generally purchasing milk from producers at prices above the minimum order prices. Payments in excess of the order price may not be handled through the market administrator and in such circumstance there would be no significant cost reduction for handlers. To the contrary the fact that both the market administrator and handlers would be making payments to producers could increase the cost of paying producers.

Further, the proposal would not provide for significant saving in the cost of handling payments for the milk received by handlers from cooperatives where the handler is now paying with a single check for all member milk delivered by the cooperative.

In the absence of specific data of prospective changes in cost to handlers and the market administrator, no real judgement can be made as to whether the proposed method is more economical than the present method.

With respect to the possibility of better enforcement of payments under the proposed payment plan, the cooperative stressed that the market administrator would know immediately of any default of a payment owed him by a handler, while failure of a handler to pay a cooperative or producer might not come to the market administrator's knowledge until sometime later.

This does not appear to be an important element in the enforcement of payments in these markets since relatively few instances of failure to pay individual producers have occurred, and in the case of any delinquency of payment to a cooperative, the latter is in a position to inform the market administrator at once of such delinquency. Also, in the case of a cooperative granting credit to a handler, certainly the option not to do this rests with the cooperative.

There was no showing of a significant problem in these markets which the new plan would remedy. Delays in payment were not shown to be a general problem. In a particular instance cited failure to pay could not be attributed to the existing system of payment. The established system which has been in effect in this area for 19 years is functioning satisfactorily and unquestionably is well understood by handlers and producers. Any change from an established system which is working satisfactorily should be supported with substantial reasons that it is a necessary provision to effectuate the main aspects of regulation. The testimony on this record does not support such a conclusion.

4. *Interest on overdue accounts.* The interest charges on overdue accounts under the North Texas and South Texas orders should be changed to three-quarters of 1 percent per month. Such interest charge should apply beginning on the day following the date on which the payment is due.

The order provision for interest charges on overdue obligations was established for the purpose of discouraging delinquency by handlers in their payments. The charge made on unpaid obligations is not a substitute for prompt payment as required by the Act and the order.

A producer cooperative association proposed that under these orders the rate of interest charged on overdue obligations be increased to reflect the current relatively high level of interest rates on commercial loans.

The rate in these orders is now one-half of 1 percent per month. The proposal noticed in the hearing call would increase the charge on overdue obligations to 1 percent per month. The present rate, proponent stated, is only about half the going interest rate on secured commercial loans in this area and therefore is insufficient to insure prompt payment since it, in effect, permits borrowing money from producers at a rate much less than the interest the handler would have to pay for money borrowed from a bank.

The reasoning of proponent was based mainly on the apparent opportunity of handlers to take advantage of the current disparity between the interest rate under the order as compared to the rate at which borrowed money may be obtained from conventional sources. It was not claimed by proponent in testimony that delays of payments by handlers in these markets is a general problem.

The cooperative witness requested that the interest charge apply not later than the third day following the date the money is due. It was pointed out that the money owed by the handler is for milk delivered in a preceding period beginning more than a month earlier. Thus, the handler has had the use of the farmer's product for a considerable time even before the specified date for payment.

Several handlers also supported an increase in the interest charged on overdue accounts to a rate more nearly commensurate with the cost of borrowed money under current conditions. They considered a rate of 1 percent per month to be representative of commercial interest cost at the time of the hearing. Their desire was that no handler should gain advantage by delaying payment of his obligations to the market administrator.

The purpose of encouraging prompt settlement of accounts will be served by a reasonable interest charge in line with the rates at which money may be borrowed from conventional sources. This rate need not be as high as that requested by proponent. Testimony at the hearing was based on experience during an extended period of generally rising interest rates applicable to all types of credit. This trend has not continued, and it is a matter of common knowledge that, more recently, interest rates on short-term credit have receded from the highest levels reached in 1970. Accordingly, the interest rate on overdue obligations should be increased to three-quarters of 1 percent per month (annual rate, 9 percent).

The interest charges should continue to apply to the same types of obligations of handlers to the market administrator as now in each of these two orders. Interest charges apply to payments due to the producer-settlement fund, marketing service payments and payments for administrative expense. Also, unpaid interest accrued under this provision would be an additional obligation to which the interest charge would apply. Obligations due the market administrator include also audit adjustments arising out of verification by the market administrator of receipts and utilization of a handler. Payment of obligations discovered by such verification are due on the next date for making payments applying to the provision under which the error occurred. In the case of delay in determination of a handler's obligation due to the handler's failure to submit a report when due, the interest charge would begin to apply on the day following the date on which the obligation would have been due if the report had been submitted on time.

Partially regulated handlers should also be subject to interest charges on money due the producer-settlement fund if not received by the date on which due.

In each of these two orders interest charges also apply to overdue money owed by the market administrator to handlers. Such interest charges serve no useful purpose. There is no reason for the market administrator to withhold money which he has on hand and which is due from him to a handler except for offset against a charge owed by the handler. It is true that at times it may be necessary that the market administrator reduce payments to handlers if the money in the producer-settlement fund is insufficient for such payments. Such circumstances are specifically provided for in the orders which state that the market administrator shall reduce uniformly the required payments and shall complete the payments as soon as the necessary funds are available. In such circumstance, the order permits the handler, in turn, to reduce his payments to producers by an equivalent amount until he receives full payment from the market administrator.

The initial interest charge should apply to any overdue obligation on the first day following due date. Prompt application of the interest is necessary to discourage further delay. In this respect the present provision lacks effectiveness in failing to apply interest until the first day of the next month following due date. This allows the handler to retain the money free of charge for the interim period.

6. *Plants subject to other Federal orders.* The South Texas order should be modified to specify the applicable order of regulation in the case of a plant which has route distribution in both the South Texas and another marketing area, while at the same time acting as a supply plant for a pool plant under the South Texas order.

A handler operates a plant which has route disposition in both the North Texas and South Texas marketing areas and which also ships bulk milk to a South Texas pool plant. The plant has been continuously qualified under the North Texas order as a fully regulated fluid milk distributing plant. At times, however, the quantity of bulk milk shipped from the plant to a South Texas pool plant has approached the 50 percent of receipts which would qualify it as a pool supply plant under the South Texas order.

To avoid a conflict as to which order should regulate the plant, the handler proposed that the applicable order be that governing the marketing area where the plant has its greatest route disposition.

The plant in question has greater route disposition in the North Texas marketing area than in the South Texas marketing area. At the same time it regularly ships milk to a South Texas pool plant. It could ship enough milk to the South Texas market to qualify there as a pool supply plant and still qualify as a North Texas pool plant under the "system" pooling provision of that order.

The North Texas order allows a handler to pool several distributing plants as a unit if each plant has Class I route disposition in the marketing area amounting to 10 percent or more of its Grade A receipts and the entire system has combined Class I route disposition of at least 50 percent of the combined Grade A milk receipts of all the plants.

To prevent a conflict in regulations the South Texas order should provide that such a plant will be regulated as a pool distributing plant under the order governing the marketing area where the plant has the greatest route disposition if the plant qualifies as a pool plant under such order. Provisions now in the two orders determine the applicable order for a distributing plant based on the relative quantities of Class I milk disposed of on routes in the two marketing areas.

This new provision would be an exception to the present provision with respect to supply plants which specifies that a supply plant shall be regulated under the order applicable where it makes the greatest qualifying shipments.

The proposal was presented on the record without objection or any suggested modification by other parties.

ISSUES AFFECTING SEVERAL ORDERS

7. *Class I and basic formula prices.* The Class I price formula should be stated individually in the Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco, and Corpus Christi orders.

In each of these orders the Class I price is determined by adding a differential to the North Texas order Class I price. In the Lubbock-Plainview order, for instance, the Class I price is the North Texas order Class I price plus 10 cents per hundredweight.

The Class I price for the Lubbock-Plainview order could be stated, however, in the same manner as the North Texas Class I price, by adding a certain dollar and cents figure (per hundredweight) to the basic formula price. The North Texas order price is the sum of the basic formula price of the preceding month plus $2.12, plus 20 cents. Thus, in effect, the Lubbock-Plainview price is in each month, $2.22, plus 20 cents, over the basic formula price of the preceding month. Such basic formula price is the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota adjusted to a 3.5 percent butterfat content.

Each of these five orders which now have Class I prices based on the North Texas order should have its own price formula in which the Class I prices are determined by adding the following stated differentials to the basic formula price of the preceding month:

Market	*Differential over basic formula*
Lubbock-Plainview	$2.22 plus 20 cents
Central West Texas	2.37 plus 20 cents
San Antonio	2.54 plus 20 cents
Austin-Waco	2.50 plus 20 cents
Corpus Christi	2.87 plus 20 cents

The resulting pricing formulas would preserve the same price levels and uniformity of price changes as now exist among these markets and with North Texas, since each order would use the same basic formula price as used in the North Texas order.

If in any case, however, on the basis of a public hearing it was found that the relationship among these markets should be changed, change could be made in the individual market where conditions require such action.

8. *Cheese price quotation.* The price for "barrel" Cheddar cheese, f.o.b. Wisconsin assembling points as reported by Dairy and Poultry Market News, Consumer and Marketing Service, USDA, should be used instead of the "Cheddars" price described in the present price formulas of the North Texas, San Antonio, Central West Texas, and Austin-Waco orders.

Because the price reported for the "Cheddars" style of cheese at Wisconsin assembling points is being discontinued by the Dairy and Poultry Market News, it is necessary to consider a substitute price to be used in these four milk orders.

Of the several styles in which Cheddar cheese is manufactured and sold, the largest volumes are put up in 40-pound blocks, 60-pound blocks and barrels. The style which is known simply as "Cheddars" has become less important volumewise, and now constitutes a very minor part of cheese production. While Dairy and Poultry Market News currently reports prices for all of these styles, that agency has indicated that the price quotation for "Cheddars" will be discontinued in the near future. Price quotations will be furnished for barrels, 40-pound blocks and 60-pound blocks.

A producer cooperative proposed that the barrel price for cheese be substituted in the order pricing formulas where the "Cheddars" price is now used. All cheese production under these Texas orders, it

was stated, is sold in barrels. The price for barrel cheese would be that published by Dairy and Poultry Market News, f.o.b. Wisconsin assembling points, carlot and trucklots.

The purpose of the proponent in this matter was to provide an available price quotation related to the main type of cheese made in Texas plants. Proponent stated no change was intended, however, in the returns for milk under these orders as a result of substituting the barrel price for the "Cheddars" price.

In the San Antonio and Central West Texas orders, a cheese price formula based on the price per pound of cheese at Wisconsin primary markets ("Cheddars" f.o.b. Wisconsin assembly points, cars or truckloads) establishes the price for producer milk under these orders used to produce Cheddar cheese. For other manufacturing milk uses there is a pricing formula based on butter and nonfat dry milk prices reported by the Department. In the San Antonio order, however, if the cheese price formula is higher, it applies to the other milk product uses as well as to cheese use.

In the North Texas and Austin-Waco orders, there is no separate cheese class, but the Class II price in each order depends on alternative computations, one based on the Cheddar cheese price and the other based on prices for butter and nonfat dry milk.

A comparison of the prices for "Cheddars" and for barrel cheese since May 1968 (the earliest month in which a barrel price was published) shows that the latter price has been consistently lower than the "Cheddars" price. A mere substitution of the barrel price therefore would reduce the returns for milk priced by the cheese formulas.

Accordingly an adjustment must be added to the barrel price to maintain the same level of returns for producers' milk under the formulas now using the "Cheddar" price. A recent representative difference is the most appropriate basis for the adjustment. During the 12 months of 1970 the "Cheddar" price averaged about 2 cents higher than the barrel price.[1] An adjustment of 2 cents per pound therefore should be added to the barrel price for use in the pricing formulas in these orders to replace the "Cheddar" price.

9. *Limitation on location adjustment in obligation for unregulated milk.* In the case of handler obligations for receipts of unregulated milk, location adjustments should not reduce either the Class I or uniform price below the specified manufacturing class price of the respective order.

A payment is required by a pool plant operator with respect to unregulated supply plant milk allocated to Class I use in the handler's plant. The handler's payment is determined under the North Texas order, for instance, by charging him at the Class I price pursuant to § 1126.70(e) and crediting him at the uniform price pursuant to § 1126.93(b)(2). These prices are adjusted to the location of the unregulated plant from which the fluid milk products are received, but the order states that the location adjustment to the uniform price may not result in a price less than the Class II price.

The adjustment to the Class I price for location of the nonpool plant should be similarly limited. If the nonpool plant from which the milk is received is at a great distance, the location adjustment could reduce the Class I price to less than the Class II price. In these circumstances the computation would indicate a payment out of the producer-settlement fund to the handler, tending to subsidize the receipt of unregulated milk.

The same problem exists with respect to the obligation of a partially regulated distributing plant pursuant to § 1126.62(b)(5) of the North Texas order. The obligation of the partially regulated distributing plant is based on the Class I price less the uniform price both adjusted to the location of the plant. The order states that the uniform price after adjustment may not be less than the Class II price. The Class I price, similarly, after adjustment for location should not be less than the Class II price. The corresponding changes should be made in the Lubbock-Plainview, South Texas, San Antonio, Central West Texas, and Corpus Christi orders. In the Corpus Christi order the Class III price would be the lower limit to which the Class I price could be adjusted.

In another provision a payment is required from a handler regulated under a handler pool order when disposing of filled milk containing reconstituted skim milk on routes in any of these marketing areas where a market pool applies. The location adjustment applied to the Class I price at the handler's plant should be limited so that it will not reduce the price below the Class II price (Class III price in Corpus Christi).

10. *Receipts of priced milk from an unregulated plant.* The Lubbock-Plainview, North Texas, South Texas, Central West Texas, San Antonio, and Corpus Christi orders should be amended to specify that there will be no obligation required of a pool plant operator for milk received from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such unregulated plant by handlers fully regulated under the same or another order has been priced as Class I milk and is not used as an offset on any other payment obligation under this or another order.

Without such provision a charge at the Class I price less the uniform price would apply as explained in discussion of the preceding issue. It is necessary to prevent a double charge on milk which, having been priced by one order, then passes through an unregulated plant fully regulated under the same or another order.

A similar problem exists in computing the obligation of a partially regulated distributing plant. It should be made clear that no charge applies to Class I transfers to a pool plant if such transfer is assigned to milk received at the partially regulated distributing plant from a fully regulated plant at which it has been priced as Class I. The language revisions in this provision are designed only to clarify that there is not to be any duplication of charges on any of the milk handled by the partially regulated plant. The modifications are not intended to increase or decrease the amount of obligation of a partially regulated handler except insofar as duplication of charges might have been considered to apply under existing language.

In the South Texas order in § 1121.61 *Obligation of handler operating a partially regulated distributing plant,* the reference in paragraph (a)(1)(ii) to § 1121.9 should be changed to § 1121.10(b), since the latter provision describes the requirements for a supply plant as such requirements would apply to a plant shipping milk to a partially regulated distributing plant.

11. *Computation of Uniform Price (Exclusion of a Handler's Report).* In each of these orders with market pooling, the market administrator should not include a handler's report in the uniform price computation if in the preceding month the handler has failed to pay money owed for equalization to the producer-settlement fund.

The uniform price is computed by combining into one total the producer milk values, as classified, based on the reports received from fully regulated handlers. This total is the principal sum used to arrive at the average value per hundredweight of producer milk. The entire computation includes certain adjustments such as additions or subtractions in relation to reserve money in the producer-settlement fund.

The order specifies a date by which the market administrator must announce the uniform price. If a handler's report has not been submitted to the market administrator, the producer milk the handler has received cannot be included in the uniform price computation.

The market administrator notifies each handler of his total obligation for milk received, and the amount, if any, which the handler owes to the producer-settlement fund.

The producer-settlement fund of the order is an equalization account into which some handlers pay and from which other handlers receive money in amounts so that all handlers can pay the uniform price to producers. Handlers who pay into the fund are those whose producer milk utilization under the classification scheme has a higher value per hundredweight than the average of producer milk received by all handlers included in the pool. Conversely, handlers receiving money from the fund are those whose producer milk utilization has a value less than the average.

If in this equalization operation a handler fails to pay his obligation, funds are not available to pay to other handlers who under the plan should receive payments. In effect, the value of some producer milk which has been included in

[1] Official notice is taken of the June through December 1970 monthly average prices published by the Dairy and Poultry Market News.

the price computation is not available for the pooling operation. In these circumstances reserve money in the producer-settlement fund may be used by the market administrator to pay handlers to whom money is due.

To guard against continuation of such withdrawals from the reserve fund the market administrator in the month following should exclude from the uniform price computation the producer milk of the handler who did not make his equalization payment in the prior month. Continuing to include a defaulting handler until the reserve money in the producer-settlement fund is depleted would render the market pool inoperable.

The exclusion of the handler's producer milk from the uniform price computation does not in any sense excuse his obligation to pay to the producer-settlement fund the money owed. The handler's failure to pay makes him subject to the enforcement procedures which apply in such cases.

Some of these orders exclude a handler's report from the uniform price computation if he has not paid money owed to producers. This requirement is impractical since knowledge of actual payment for prior periods may not be available by the date of the uniform price computation. The objective of the pooling operation is to include the value of all producer milk on the market. Thus every handler's producer milk should be included if he has submitted a report of receipts and utilization and is not in default on equalization payment for the prior month.

12. *Definition of "producer" and "producer milk" (North Texas).* In the North Texas order the definition of "producer" should be modified to delete provisions relating to diverted milk which should appear, instead, in the definition of "producer milk." The definition of "producer milk" should be modified, also, in relation to receipts of milk by cooperative associations as handlers. The provisions for diverting producer milk to nonpool plants should be modified with respect to the quantity which may be diverted.

As mentioned previously, in a prior action on this record the point of pricing of diverted producer milk was modified by amending the pertinent order language in the definition of "producer." Such amendment was made effective December 1, 1970 (35 F.R. 18448). In dealing with the remaining proposals on this record, the order provisions relating to the diversion of producer milk, including the point of pricing, are transferred to the definition of "producer milk."

The definition of "producer milk" should be modified to allow more specific description throughout the order of the respective responsibilities of both proprietary handlers and cooperatives acting as handlers. The order now defines "producer milk" to mean "skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 1126.13."

The provision should also define as "producer milk" that milk received from producers by a cooperative association in the role of a handler assembling milk from producers' farms in tank trucks for delivery to pool plants. A cooperative may be a handler performing such function under § 1126.12 (c) or (d). Other producer milk for which a cooperative association would be responsible would include milk of a producer received directly at a pool plant operated by the cooperative and milk of a producer diverted by the cooperative association for its account from a pool plant (whether or not operated by the cooperative) to a nonpool plant, in accordance with the rules for diversion.

The operator of a pool plant would be responsible for producer milk received by him directly from producers at the pool plant and milk of producers diverted by him from the pool plant to a nonpool plant in compliance with the rules of diversion. With respect to milk received by the pool plant operator from a cooperative in its capacity as a handler pursuant to § 1126.12 (c) or (d), such milk would be considered as a transfer from the cooperative and not as a receipt of producer milk by the pool plant operator.

Corresponding changes are necessary in the reporting provisions of the order. These provisions should state separately the reports to be required from a proprietary handler and from a cooperative in its various functions as a handler.

A further conforming change would eliminate superfluous language in § 1126.12 (c) and (d) under which a cooperative is a handler delivering milk to another handler's pool plant. The superfluous language relates to the treatment of such milk under other order provisions dealing with shrinkage, location differentials and expense of administration. The appropriate treatment of such milk delivered by the cooperative is specified in the related provisions throughout the order.

The provision in the order for diverting producer milk to a nonpool plant serves an essential purpose in the efficient handling of reserve milk of the market. When supplies of milk from qualified producers are not needed for use in pool plants, the order allows the diversion of such milk directly from producers' farms to nonpool plants while yet maintaining the "producer" status of the dairy farmers whose milk is so handled. The diversion of producer milk to nonpool plants, primarily to be used in manufactured dairy products, therefore is an essential part of an orderly marketing system designed to maintain an adequate supply at all times for the fluid market.

A very large part of the reserve milk in the North Texas market is handled by cooperative associations, but both proprietary handlers and cooperatives need to use diversion as a method of handling such milk. Although the testimony for modifying the diversion provisions was offered by a proprietary handler, the changes made herein are designed to serve equally for diversion of producer milk by both types of handlers. No objection was made by cooperative association representatives to the type of revisions proposed in this connection.

The milk of a producer may now be diverted to a nonpool plant on any day during the months of January through July and on not more than half of the days of delivery during any other month. The order should specify instead the total quantity of producer milk which a handler or cooperative may divert.

This change will promote the more efficient handling of reserve milk which is diverted to nonpool plants. For instance, in moving reserve milk to manufacturing plants, it is more efficient to divert for a continuous period the milk of producers on the same truck pickup route rather than alternately diverting the milk on two pickup routes to stay within a daily limit for each producer. Also, certain producers may be better located for diversion to a particular plant, and savings in transportation can be achieved if their milk is selected for diversion during the month. The proposed method will also reduce the burden of bookkeeping needed to check the number of days each farmer's milk is diverted.

An appropriate limit for the quantity of milk which may be diverted by a handler may be established in proportion to the quantity of producer milk the handler physically receives at his plant. The handler proposed a diversion allowance equal in quantity to one-third of the milk a handler receives at his pool plants. This would be 25 percent of total producer milk reported by the handler, including both milk diverted and that received at the pool plant. Although such a diversion allowance is a lesser proportion of a handler's milk than the presently possible diversion of a producer's milk (on half of the days of delivery during August through December) the greater flexibility in handling operations made possible when the limit is in terms of total quantity will enhance efficiency. The new diversion limitation here adopted should apply in all months as proposed at the hearing.

The same limitations should apply to diversions by cooperative associations. A cooperative should be permitted to divert a quantity of member producer milk equal to one-third of the quantity of member producer milk physically received at pool plants.

It is possible that a handler (whether proprietary or a cooperative association) will divert during a month more milk than allowed under the proposed limitation. In this case it would be necessary that such handler designate the dairy farmers whose diverted milk is not to be included as producer milk. If the handler fails to designate such producers, the entire quantity of milk diverted by the handler should be excluded from producer milk status.

It should be provided also that a producer's milk will be considered as diverted producer milk only after qualification of the dairy farmer as a producer

by delivery of his milk to a pool plant and in the period following while he maintains continuing status as a producer under this order. Without such requirement milk of dairy farmers could be reported by a handler as producer milk although not in any way associated with the market.

No provision should be made for diverting milk between pool plants. Such interplant diversion was proposed by a handler wishing to divert producers from one of his pool plants to any other of the pool plants he operates.

The reason given was that reporting a producer's deliveries at two plants complicates the handler's bookkeeping for producer payrolls. If diversion between pool plants were allowed, the handler could continue the producer on the payroll at the same plant while his milk deliveries are temporarily shifted to another plant.

There is no essential need for diversion between pool plants in this market. The proponent handler, as an operator of several pool plants, should be able generally to arrange the deliveries from his various producer sources so that any need for shifting deliveries of a producer from one pool plant to another during a month would be minimized. Further, since much of the market supply is from cooperative members, cooperative associations also are in a position to allocate deliveries closely tailored to any handler's needs at each pool plant. In these circumstances the proposed diversion between pool plants is not needed to serve the general purpose of achieving a regular and adequate supply at each pool plant.

Without any essential need shown for such a diversion provision, it is undesirable to add it to the order since it complicates the provisions for pool plant qualification and the application of location differentials.

In this connection it is noted that the introductory text of § 1126.44(a) dealing with interplant transfers contains a reference to diversion between pool plants which should be deleted since such diversion is not provided. Also, there should be deleted from this introductory text the words "other than a producer-handler", since the provision applies only to transfers to pool plants and thus could not apply to transfers to producer-handlers. Transfers to producer-handlers are treated in paragraph (b) of the same section.

13. *Definition of pool plant.* The North Texas order should not provide for pooling a plant as part of a handler's "system" if the plant disposes of less than 10 percent of the receipts of Grade A milk at such plant as route disposition in the marketing area.

The proposal made by a handler would pool as part of his system a plant with only minor disposition of fluid milk products in the marketing area. The products would be disposed of in packaged form in Federal order markets throughout the southwest by delivery to plants regulated under the respective orders.

Under the North Texas order deliveries of packaged fluid milk products to pool plants are within the definition of "route" disposition. The quantity proponent's plant would so dispose of in the North Texas marketing area, however, would be substantially less than 10 percent of the Grade A milk received at the plant. The plant, therefore, could not qualify as a pool distributing plant based on only its shipments to pool plants.

The proponent handler described the alternative situation which would occur if his plant were not pooled. In such case the plant would be supplied with milk pooled under the North Texas order and delivered to his plant as diverted milk. Under these circumstances, however, he feared there would be a double charge on some of its Class I disposition, first as milk priced under the North Texas order and secondly when products of the plant are delivered to pool plants or to plants regulated under other orders. At such regulated plants proponent presumed the respective orders would treat the receipts as being from an unregulated plant subject to a compensatory charge. The handler witness stated that his primary purpose in securing pool status for his plant was to avoid such double charges.

With respect to the question of pooling the plant, it must be observed that the plant would serve only in a minor degree to furnish Class I milk supplies to the North Texas marketing area. Similarly, only small percentages of the milk handled in the plant would be disposed of as Class I items in the marketing areas of other orders. The larger part of the milk received by the plant would be processed into manufactured products such as ice cream mix. The operation, therefore, may not be characterized as that of a plant primarily engaged in supplying the Class I market.

The proposal to pool this type of plant should not be adopted. There are other methods for avoiding a second payment for a Class I product which has already been priced and paid for as producer milk under a Federal order. In this decision it is proposed that the several orders at issue here not require payment on milk received from an unregulated plant if the milk can be allocated to a receipt at the unregulated plant from a Federal order source where the milk has been priced and paid for as Class I milk. Six orders, North Texas, Central West Texas, San Antonio, South Texas, Corpus Christi, and Lubbock-Plainview, which have market pools, would be amended in this manner. Since the Austin-Waco market has individual handler pooling, the problem of payment on unregulated milk does not arise. Official notice is taken also that similar provisions have been adopted effective July 1, 1970, in the New Orleans and Mississippi Federal orders (35 F.R. 10665) and effective October 1, 1970, in the Rio Grande Valley Federal order (35 F.R. 13826).

14. *Classification of milk transferred or diverted from a pool plant to other plants.* In the North Texas order, the specified areas to which milk may be transferred or diverted to a nonpool plant for other than Class I use should be eliminated.

The order now provides that for milk transferred or diverted from a pool plant to a nonpool plant located in the marketing area or in certain counties in Texas, Missouri, Oklahoma, and Arkansas the diverting handler may request classification according to utilization in the nonpool plant. On the other hand, if the milk is moved to a nonpool plant outside of the named areas, the order requires Class I classification.

A North Texas handler requested deletion of such provisions which require Class I classification unless the transfers or diversions are to plants in certain areas. He stated that these provisions are obsolete and unnecessary in view of the verification procedures available to the market administrator.

The establishment of additional Federal orders throughout the several southwest States since the North Texas order was issued in 1951 and the changes in transportation and marketing practices make the aforementioned area restrictions unnecessary. When first issued the order required Class I classification for milk if transferred more than 200 miles from the transferor plant. In the decision (16 F.R. 7029) issued July 17, 1951, it was found as follows:

"Transfers in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant should be Class I milk. Milk and skim milk ordinarily do not move long distances for manufacturing purposes. There are ample manufacturing facilities within 200 miles of each approved plant to dispose of any prospective surplus of producer milk. Accordingly, it is not necessary to provide classification as other than Class I milk for such transfers. To do so would be administratively impracticable in view of the distances at which the market administrator would have to verify any claimed utilization as Class II milk."

Such conditions no longer apply. Milk is at times moved long distances for manufacturing uses if local facilities are not available or are insufficient for handling reserve milk. Also, milk originating from distant sources may be diverted to manufacturing plants close to the farms of origin. The best outlets for such reserve milk often would be outside the areas now designated in this order.

Classification now can be based in all instances on verification of the utilization in the nonpool plant. Such verification can be made by the North Texas market administrator or by the administrator of another Federal order.

The order, consequently, should provide that milk transferred or diverted to a nonpool plant may be classified according to utilization in the nonpool plant if the handler so requests and the operator of the nonpool plant maintains books and records showing the utilization of the milk received and such records are made available to the market administrator. This is the procedure which now applies in the order to milk transferred to a nonpool plant within the designated areas.

Cream transferred to a nonpool plant should be classified in the same manner as transfers of other fluid milk products. In view of the changes described above with respect to classification of transfers to nonpool plants, the special provision in the order for classifying transfers of cream is no longer necesasry.

There was no contention on the record that proper classification of fluid milk products transferred to any nonpool plant could not be established through verification by the market administrator providing satisfactory records are made available by the plant operator.

15. *Shrinkage.* The shrinkage provision of the North Texas order should be restated to conform with the revised definition of "producer milk" and to be made more explicit in application to transfers between handlers. A separate shrinkage allowance should be provided under certain conditions for loss of nonfat milk solids added in the modification of fluid milk products.

The order provides that a pool plant receiving milk directly from producers is accorded a shrinkage allowance of 2 percent with respect to such milk but if the plant transfers milk to another plant the shrinkage allowance is reduced by 1½ percent for the quantity transferred to the second plant. In effect, the allowance thus is one-half of 1 percent for the milk which moved through the handler's plant to another pool plant. The same type of shrinkage calculation should apply when the pool plant transfers milk in bulk to a nonpool plant.

In the case of transfers of cream between handlers, the shrinkage allowance of the transferor handler should not be reduced for such transfer, since the principal processing would have occurred prior to the transfer.

In the case of milk received at a pool plant from a cooperative acting as a handler delivering the milk from the members' farms, the plant shrinkage allowance is 1½ percent. For the handling of such milk performed by the cooperative association an allowance of one half of 1 percent is implicit in the provision. The order should be changed to be explicit with respect to such shrinkage allowances to the cooperative and the transferee handler. The order should provide further that if the pool plant operator notifies the market administrator that he is accounting for such receipts on the basis of farm weights determined by the cooperative association, the applicable allowance to the plant operator shall be 2 percent. In the latter case, no shrinkage allowance would apply to the cooperative association delivering the milk.

In the case of fluid milk products modified by adding nonfat milk solids, a shrinkage allowance (in Class II) equal to 2 percent of the fluid equivalent of the quantity of nonfat milk solids added in this process should apply.

Fluid milk products modified by the addition of nonfat milk solids, commonly called fortified products, represent a significant Class I disposition of handlers. Under the order the modified products are accounted for as Class I in a quantity equal to the weight of an equal volume of unmodified product of the same butterfat content. There is a small increase in the volume due to the addition of the nonfat milk solids which is accounted for when the fortified product is disposed of as Class I. The remainder of the fluid equivalent of nonfat milk solids added but not represented by a volume increase in the fortified product is classified as Class II.

The market administrator in this market, by laboratory testing of milk products reported by a handler to contain added milk solids, determines the nonfat milk solids content of the modified product. This he compares with the nonfat milk solids content of milk received by the handler to determine the quantity of solids added.

Any difference between the quantity of added nonfat solids claimed by a handler and that established by the market administrator as used to fortify fluid milk products is considered to be part of overall plant loss. Plant loss, under order provisions, is classified as Class II if it does not exceed the determined allowance for shrinkage. Total plant loss in excess of the allowance i classified as Class I.

A handler of fluid milk products complained that the order makes no specific allowance for loss of dry nonfat milk solids used in fortification.

In this particular instance where the amount of the loss of nonfat milk solids used for modification of fluid products is determined by product testing, as performed by the market administrator, there is a basis for a shrinkage allowance. A 2 percent shrinkage allowance should apply based on the quantity of nonfat milk solids (fluid equivalent basis) determined by the laboratory tests to be used in the fortification process. This is the same rate of allowance as provided in the case of producer receipts and should be adequate in the circumstances described by proponent handler.

The loss of nonfat dry milk solids here associated with the fortifying process should be treated separately from the shrinkage allowance applied to receipts of fluid milk products. The shrinkage allowance in this case should be part of the classification procedure of the specific modified fluid milk product disposed of. The present classification provisions specify that in the case of a modified fluid milk product, part of the product is classified as Class II milk. The shrinkage allowance should be a quanitity of Class II milk in addition to the quantity now calculated under such provision. The shrinkage allowance to the handler in the case of the added nonfat milk solids should be equal to 2 percent (milk equivalent basis) of the quantity of solids determined by the market administrator's laboratory tests to be added nonfat milk solids. This would be the maximum loss allowed in Class II and any loss in excess of this would be Class I milk.

The shrinkage allowance in the case of nonfat dry milk solids should not be part of the proration of overall plant loss as proposed by the handler because such proration applies to fluid receipts, while the product used in the fortifying process is ordinarily dry solids.

17. *Classification of dumped milk.* The San Antonio order should be modified to classify as Class II milk any fluid milk products dumped after prior notification to the market administrator and opportunity for him to verify the dumping.

A witness for a handler operating a fluid milk plant testified that occasional quantities of fluid products become unsalable if a culturing process fails or, if there is an equipment breakdown. There often is no method of disposing of the product except by dumping. While minor quantities can be disposed of as livestock feed, such disposition cannot be used on an emergency basis for any substantial quantity. Class II classification was requested by the handler for fluid milk products which must be dumped because of such circumstances. There was no objection at the hearing to provision for such classification if subject to proper verification of the dumping by the market administrator.

Class II classification of dumped fluid milk products recognizes that such disposition is of no economic value to the handler. Such dumping should be subject to reasonable requirements allowing verification by the market administrator in order to assure that producers' returns are not adversely affected by any abuse of the provision by a handler. It is apparent that the verification problem in the case of dumped products differs from verification of use of milk in a product for sale, since in the latter case the end product is either in inventory, or sales records as well as production records tend to substantiate the handler's report. It is necessary, therefore, that advance notice be given to the market administrator, allowing him opportunity to verify the dumping.

Rulings on Proposed Findings and Conclusions

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

General Findings

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

conflict with the findings and determinations set forth herein.

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

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

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

RECOMMENDED MARKETING AGREEMENTS AND ORDERS AMENDING THE ORDERS

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the South Texas, North Texas, San Antonio, Austin-Waco, Corpus Christi, Central West Texas, and Lubbock-Plainview marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1120.44 paragraph (d)(3)(iii) is revised as follows:

§ 1120.44 Transfers.

* * * * *

(d) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) 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 all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

2. In § 1120.46(a) subparagraphs (1) and (3)(iv) are revised, in subparagraph (4) subdivision (i) and the introduction language of subdivision (ii) are revised, and subparagraph (6) and (7)(i) are revised.

§ 1120.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

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

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

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1120.41(b)(6)(i) through (iii);

* * * * *

(3) * * *

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

(4) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * *

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

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i), (3)(iv), (4)(i) or (ii) of this paragraph;

* * * * *

3. Section 1120.50(a) is revised as follows:

§ 1120.50 Basic formula and class prices.

(a) Class I price. The Class I price shall be the basic formula price for the preceding month plus $2.22 and plus 20 cents. 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, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

4. Section 1120.61(d)(2) is revised as follows:

§ 1120.61 Plants subject to other Federal orders.

* * * * *

(d) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

5. In § 1120.62 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised.

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1120.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1120.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1120.70(e) and the credit specified in § 1120.82(b)(2), the obligation for such handler shall include a similar obligation

for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1120.12(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1120.30 (b) and 1120.31 similar reports for such nonpool supply plant;

(b) The operator of such nonpool supply 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 verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(ii) of this paragraph applies to such plant.

(b) * * *

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

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

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

* * * * *

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

6. Section 1120.70(c) is revised as follows:

§ 1120.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(7) and the corresponding step of § 1120.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

7. Section 1120.71(a) is revised as follows:

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

* * * * *

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for the month and who have made the payments required pursuant to § 1120.82 for the preceding month;

* * * * *

8. Section 1120.86 is revised as follows:

§ 1120.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1120.17(c)(2); (b) other source milk allocated to Class I pursuant to § 1120.46 (a) (3) and (7) and the corresponding steps of § 1120.46(b), except other source milk on which no handler obligation applies pursuant to § 1120.70(e); and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1120.62(b)(2): *Provided*, That if a handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by 2 or such lesser rates as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

1. In § 1121.44 paragraph (c)(3)(iii) is revised as follows:

§ 1121.44 Transfers.

* * * * *

(c) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) 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 all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

2. In § 1121.46(a) subparagraphs (1) and (4)(iv) are revised, the introductory text of subparagraph (5)(i) is revised, and subparagraphs (7) and (8) are revised as follows:

§ 1121.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

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

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

(ii) From the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1121.41(b)(8);

* * * * *

(4) * * *

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

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (1)(i) or (4)(iv) of this paragraph;

* * * * *

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

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim

milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i), (4)(iv), or (5)(i) of this paragraph;

* * * * *

3. In § 1121.60 paragraphs (c) and (e)(2) are revised as follows:

§ 1121.60 Plants subject to other Federal orders.

* * * * *

(c) A plant meeting the requirements of § 1121.10(b) which also meets the pooling requirements of another Federal order, and either qualifies as a fully regulated distributing plant under such other Federal order subject to paragraphs (a) and (b) of this section, or from such plant greater qualifying shipments are made as a supply plant during the month to plants regulated under such other order than are made to plants regulated under this part, except that this paragraph shall not apply during the months of January through August if such plant retains automatic pooling status under this part pursuant to § 1121.10(b)(2).

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

4. In § 1121.61 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised as follows:

§ 1121.61 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1121.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1121.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1121.70(e) and the credit specified in § 1121.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1121.10(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1121.30 and 1121.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply 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 verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) applies to such plant.

* * * * *

(b) * * *

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

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

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

* * * * *

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

5. Section 1121.70(e) is revised as follows:

§ 1121.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(8) and the corresponding step of § 1121.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

6. Section 1121.71(a) is revised as follows:

§ 1121.71 Computation of aggregate value used to determine uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1121.70 for all handlers who have made the reports prescribed in § 1121.30 for the month and who have made the payments required pursuant to § 1121.84 for the preceding month;

* * * * *

1. Section 1121.86(b) is revised as follows:

§ 1121.86 Adjustment of accounts.

* * * * *

(b) *Overdue accounts.* The unpaid obligation of a handler pursuant to §§ 1121.61, 1121.84, 1121.87, 1121.88, or paragraph (a)(1) of this section shall be increased three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided,* That—

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this section; and

(2) For the purpose of this paragraph any unpaid obligation that was determined at a date later than that previously prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

8. Section 1121.88 is revised as follows:

§ 1121.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b) except other source milk on which no handler obligation applies pursuant to § 1121.70(c); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1121.61 (b)(2).

1. In § 1126.12(c) the last sentence should be revised to read as follows:

§ 1126.12 Handler.

* * * * *

(c) * * * For the purpose of location adjustments such milk shall be considered to have been received by the cooperative association at the location of the pool plant to which it is delivered.

* * * * *

2. In § 1126.12(d), the last sentence should be revised to read as follows:

§ 1126.12 Handler.

* * * * *

(d) * * * The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered for purposes of location adjustments to have been received by such cooperative association at the location of the pool plant to which it is delivered.

* * * * *

2a. In § 1126.13(a) subparagraphs (1) and (2) are revised as follows:

§ 1126.13 Producer.

(a) * * *

(1) Received at a pool plant, including milk of a dairy farmer delivered to the pool plant by a cooperative as a handler pursuant to § 1126.12 (c) or (d).

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1126.14

2b. Section 1126.14 is revised as follows:

§ 1126.14 Producer milk.

"Produced milk" of a handler operating a pool plant means only that skim milk and butterfat contained in milk described in paragraphs (a) and (b) of this section, and producer milk of a cooperative association as a handler pursuant to § 1126.12 (b), (c), and (d) means milk described in subparagraph (c) and (d) of this section:

(a) Milk received from producers at a pool plant except that for which a cooperative association is the handler pursuant to § 1126.12 (c) and (d);

(b) Milk of a produced diverted by the operator of a pool plant to a nonpool plant for his account, subject to the conditions of paragraph (e) of this section;

(c) Milk of a producer diverted by a cooperative association from the pool plant of another handler (or the pool plant of the cooperative) to a nonpool plant for the account of such cooperative association subject to the conditions of paragraph (e) of this section;

(d) Milk received from a producer by a cooperative association as a handler pursuant to § 1126.12 (c) or (d); and

(e) With respect to milk diverted to nonpool plants, milk diverted in excess of the limit specified herein shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the diverting handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler. Milk of a dairy farmer shall be considered as diverted only in that period, following qualification as a producer by delivery of his milk to a pool plant, while status as a producer under this order is maintained continuously:

(1) A cooperative association may divert for its account a total quantity of producer milk equal to not more than one-third of the total producer milk of its members physically received at all pool plants during the month.

(2) A handler, other than a cooperative association, operating a pool plant(s) may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity equal to not more than one-third of the milk physically received at such handler's pool plant(s) during the month from producers who are not members of such a cooperative association.

(3) Diverted milk shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

3. Section 1126.30 Reports of receipts and utilization is revised to read as follows:

§ 1126.30 Reports of receipts and utilization.

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

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants and separately the quantities of skim milk and butterfat contained in receipts of milk from a cooperative association pursuant to § 1126.12 (c) or (d);

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

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

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

(6) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(7) Such other information with respect to receipts and utilization as the marketing administrator may prescribe.

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1126.12 (b), (c), or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all milk delivered to each pool plant and to each nonpool plant; and

(4) Such other information as the market administrator may require.

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

4. In § 1126.41(b) subparagraphs (5) and (7) are revised and new subparagraphs (9) and (10) are added as follows:

§ 1126.41 Classes of utilization.

* * * * *

(b) * * *

(5) In actual shrinkage at each pool plant and on producer milk diverted by the handler operating the pool plant, but not in excess of the following amount;

(i) Two percent of producer milk receipts; plus

(ii) 1.5 percent of receipts from a cooperative association as a handler pursuant to § 1126.12 (c) or (d), except that if the handler operating the pool

plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights determined by the cooperative association, the applicable percentage shall be 2 percent; plus

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

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except that in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent.

* * * * *

(7) That portion of modified fluid milk products excluded from Class I pursuant to paragraph (a)(1) of this section, plus the fluid equivalent of loss of nonfat milk solids occurring in the process of modification in any case where determination of such loss is based upon laboratory analysis by the market administrator of the quantity of added nonfat milk solids disposed of in such products, such loss allowable pursuant to this subparagraph not to exceed 2 percent of the quantity of added nonfat milk solids so determined to be added.

* * * * *

(9) In shrinkage of producer milk received by a cooperative association as a handler pursuant to § 1126.12 (b), (c), or (d), not to exceed 0.5 percent of such receipts, exclusive of receipts for which the plant operator receiving the milk from the cooperative accounts for it on the basis of farm weights determined by the cooperative association.

(10 In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1126.42(b)(2); and

* * * * *

5. In § 1126.42(b) paragraph (1) is revised to read as follows:

§ 1126.42 **Shrinkage.**

* * * * *

(b) * * *

(1) Items specified in § 1126.41(b)(5); and

* * * * *

6. In § 1126.44 the introductory text of paragraph (a) is revised, paragraph (c) is deleted, in paragraph (d) the introductory text is revised and paragraph (3)(iii) is revised, paragraph (e) is revised and paragraph (f) is deleted.

§ 1126.44 **Transfers.**

* * * * *

(a) At the utilization indicated by the operators of both plants (or by the cooperative association and the operator of the transferee plant in the case of transfers from a cooperative association as a handler to a pool plant), otherwise as Class I milk if transferred in the form of fluid milk products from a pool plant or from a cooperative association as a handler pursuant to § 1126.12 (c) or (d) to the pool plant of another handler subject to the following conditions:

* * * * *

(c) [Reserved]

(d) As Class I milk, if transferred or diverted in the form of bulk fluid milk products to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this subparagraph 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:

* * * * *

(3) * * *

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

* * * * *

(e) In the case of bulk fluid milk products transferred from a nonpool plant described in paragraph (d) of this section to a second nonpool plant, that is neither an other order plant nor a producer-handler plant, such fluid milk products shall be classified according to the procedure described in paragraph (d) of this section;

* * * * *

(f) [Reserved]

* * * * *

7. In § 1126.46(a) subparagraph (1) is revised, in subparagraph (3) subdivision (iv) is revised, in subparagraph (4) subdivisions (i) and (ii) are revised, subparagraph (6) is revised and in subparagraph (7) subdivision (i) is revised as follows:

§ 1126.46 **Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

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

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

(ii) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1126.41(b)(5);

* * * * *

(3) * * *

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

* * * * *

(4) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * *

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

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4) (i) and (ii) of this paragraph;

* * * * *

8. In § 1126.51 paragraph (b)(2) is revised as follows:

§ 1126.51 **Class prices.**

* * * * *

(b) * * *

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding 2 cents to the average of the daily prices per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots or trucklots, as reported by the Department during the month and multiplying the result by 8.4.

9. In § 1126.61 paragraph (e)(2) is amended as follows:

§ 1126.61 **Plants subject to other Federal orders.**

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this

marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

10. In § 1126.62 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1126.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1126.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1126.70(e) and the credit specified in § 1126.93(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1126.9 subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1126.30 and 1126.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply 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 verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

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

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

* * * * *

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

11. In § 1126.70 paragraphs (a) and (e) are revised as follows:

§ 1126.70 Computation of the net pool obligation of each handler.

* * * * *

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1126.46(c) by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53), and in the case of a cooperative association as a handler pursuant to § 1126.12 (b), (c), or (d) multiply the quantity of producer milk in each class as classified pursuant to § 1126.44 by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53);

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

12. Section 1126.95(b) is revised as follows:

§ 1126.95 Adjustment of accounts.

* * * * *

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to §§ 1126.62, 1126.90, 1126.93, 1126.96, 1126.97, or paragraph (a)(1) of this section shall be three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That—

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this paragraph; and

(2) For the purpose of this paragraph any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

13. Section 1126.97 is revised as follows:

§ 1126.97 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts from producers (including such handler's own production) except receipts by a cooperative association as a handler pursuant to § 1126.12 (c) and (d);

(b) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(c) Other source milk allocated to Class I pursuant to § 1126.46(a)(3) and (7) and the corresponding steps of § 1126.46(b), except other source milk on

which no handler obligation applies pursuant to § 1126.70(e); and

(d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1126.62 (b)(2).

1. In § 1127.41(b) a new subparagraph (5) is added as follows:

§ 1127.41 Classes of utilization.

* * * * *

(b) * * *

(5) In fluid milk products dumped by a handler after notification to and opportunity for verification by the market administrator.

* * * * *

2. In § 1127.44 paragraph (b)(3)(iii) is revised as follows:

§ 1127.44 Transfers.

* * * * *

(b) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) 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 all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

3. In § 1127.46(a) subparagraphs (2) and (4)(iv) are revised, the introductory text of subparagraph (5)(i) is revised and subparagraphs (6) and (7) are revised as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk remaining in each class:

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

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1127.41(b)(3)(i);

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (2)(i) of this paragraph; and

* * * * *

(5) * * *

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (2)(i) or (4)(iv) of this paragraph;

* * * * *

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (2)(ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (2)(i), (4)(iv), or (5)(i) of this paragraph;

* * * * *

4. Section 1127.50 is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

(a) Subject to the appropriate differentials computed pursuant to §§ 1127.53 and 1127.54 each handler shall pay in the manner set forth in §§ 1127.70 through 1127.86 for milk received at his pool plant from producers at not less than the prices per hundredweight set forth in §§ 1127.51 and 1127.52.

(b) *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, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

5. Section 1127.51 is revised as follows:

§ 1127.51 Class I milk.

The Class I milk price shall be the basic formula price for the preceding month plus $2.54 and plus 20 cents.

6. Section 1127.52(b) is revised as follows:

§ 1127.52 Class II and Class II–A milk.

* * * * *

(b) Class II–A milk. The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by adding 2 cents to the average of the daily prices per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots, or trucklots, as reported by the Department during the month and multiplying the result by 8.4, such result to be further adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

7. Section 1127.60(d)(2) is revised as follows:

§ 1127.60 Handlers subject to other Federal orders.

* * * * *

(d) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

8. In § 1127.61 paragraph (a) and paragraphs (b)(2) and (5) are revised as follows:

§ 1127.61 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1127.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1127.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1127.70(d) and the credit specified in § 1127.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1127.7 subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1127.32 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply 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 verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2). From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant is subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

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

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

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

* * * * *

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

9. Section 1127.70(d) is revised as follows:

§ 1127.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

10. Section 1127.71(a) is revised as follows:

§ 1127.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1127.70 for all handlers who have made the reports prescribed by § 1127.30 for the month and who have made the payment required pursuant to § 1127.84 for the preceding month;

* * * * *

11. Section 1127.88 is revised as follows:

§ 1127.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handled shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) skim milk and butterfat received from producers (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1127.46 (a) (4) and (7) and the corresponding steps of § 1127.46(b), except other source milk on which no handler obligation applies pursuant to § 1127.70 (d), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in §1127.61 (b)(2).

1. In § 1128.7 the introductory text preceding paragraph (a) is revised as follows:

§ 1128.7 Approved plant.

"Approved plant" (or pool plant) means:

* * * * *

2. In § 1128.8 the introductory text preceding paragraph (a) is revised as follows:

§ 1128.8 Unapproved plant.

"Unapproved plant" (or nonpool plant) means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plant (or nonpool plant) are further defined as follows:

* * * * *

3. In § 1128.44 paragraph (d)(3)(iii) is revised as follows:

§ 1128.44 Transfers.

* * * * *

(d) * * *

(3) * * *

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

* * * * *

4. In § 1128.46(a) subparagraph (1) is revised, subparagraph (3)(iv) is revised, in subparagraph (4) the introductory language, subdivision (i) and the introductory text of subdivision (ii) are revised, subparagraph (6) is revised, in subparagraph (7) subdivision (i) is revised as follows:

§ 1128.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

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

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

(ii) From the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1128.41(b)(3) (i) through (iii);

* * * * *

(3) * * *

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

* * * * *

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A) but not in excess of such quantity or quantities;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph, for which the handler requests Class II or Class II–A utilization;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the

pounds of skim milk determined as follows:

* * * * *

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

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i), (3)(iv), (4)(i) or (ii) of this paragraph;

* * * * *

5. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I milk price.

(a) *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, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* Subject to the provisions of §§ 1128.52 and 1128.53 the Class I milk price per hundredweight for the month shall be the basic formula price for the preceding month plus $2.37 and plus 20 cents.

6. Section 1128.51(b) is revised as follows:

§ 1128.51 Class II and Class II–A milk.

* * * * *

(b) *Class II–A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by adding 2 cents to the average of the daily prices paid per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots, or trucklots, as reported by the Department during the month, multiplying the result by 8.4, such result to be further adjusted by subtracting 5 times the butterfat differential computed pursuant to § 1128.52(b).

7. Section 1128.61(e)(2) is revised as follows:

§ 1128.61 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

8. In § 1128.62 paragraph (a) and paragraphs (b)(2) and (5) are revised as follows:

§ 1128.62 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1128.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1128.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1128.70(e) and the credit specified in § 1128.94(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1128.70(a)(2) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1128.32(b) similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply 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 verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation for such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

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

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

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

* * * * *

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

9. Section 1128.70(e) is revised as follows:

§ 1128.70 Computation of each handler's pool obligation.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and

is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest unapproved plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

10. Section 1128.71(a) is revised as follows:

§ 1128.71 Computation of aggregate value used to determine uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1128.70 for all handlers who have made the reports prescribed in § 1128.30 and who have made the payments required pursuant to § 1128.94 for the preceding month;

* * * * *

11. Section 1128.98 is revised as follows:

§ 1128.98 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative in its capacity as a handler pursuant to § 1128.9(c), shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1128.9(c); (b) other source milk allocated to Class I pursuant to § 1128.46(a) (3) and (7) and the corresponding steps of § 1128.46(b), except other source milk on which no handler obligation applies pursuant to § 1128.70(e); and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1128.62(b)(2).

1. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I milk price.

(a) *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, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* Subject to the provisions of §§ 1129.52 and 1129.53 the Class I milk price per hundredweight for the month shall be the basic formula price for the preceding month plus $2.50 and plus 20 cents.

2. In § 1129.51 paragraph (b) is revised as follows:

§ 1129.51 Class II milk.

* * * * *

(b) The price per hundredweight computed by adding 2 cents to the average of the daily prices paid per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese," carlots or trucklots, as reported by the Department during the month and multiplying the result by 8.4, such result to be further adjusted by subtracting 5 times the butterfat differential computed pursuant to § 1129.52(b).

1. In § 1130.44 paragraph (c)(3)(iii) is revised as follows:

§ 1130.44 Transfers.

* * * * *

(c) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants an other order plants) 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 all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool plants and other order plants; and

* * * * *

2. In § 1130.46 paragraph (a) is revised as follows: subparagraph (1) is revised, in subparagraph (4) subdivision (iv) is revised, in subparagraph (5) the introductory text of subdivision (i) is revised and subparagraphs (7) and (8) are revised.

§ 1130.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

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

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

(ii) From the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

* * * * *

(4) * * *

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

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraphs (1)(i) or (4)(iv) of this paragraph;

* * * * *

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

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (1)(i), (4)(iv) or (5)(i) of this paragraph;

* * * * *

3. A new § 1130.50 is added as follows:

§ 1130.50 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, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

4. In § 1130.51 paragraph (a) is revised as follows:

§ 1130.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.87 and plus 20 cents.

* * * * *

5. Section 1130.60(e)(2) is revised as follows:

§ 1130.60 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class III price) and subtract its value at the Class III price.

6. In § 1130.61 paragraphs (a) and (b) (2) and (5) are revised as follows:

§ 1130.61 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1130.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an

other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1130.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1130.70(e) and the credit specified in § 1130.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1130.10(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1130.30 and 1130.31 similar reports for such nonpool supply plant;

(b) The operator of such nonpool supply 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 verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(ii) of this paragraph applies to such plant.

(b) * * *

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

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

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

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) subtract its value at the uniform price applicable at such location or the Class III price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk as the Class III price.

7. Section 1130.70(e) is revised as follows:

§ 1130.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class III price.

* * * * *

8. Section 1130.71(a) is revised as follows:

§ 1130.71 Computation of aggregate value used to determine uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who have made the reports prescribed in § 1130.30 for the month and who have made the payments required pursuant to § 1130.84 for the preceding month;

9. Section 1130.88 is revised as follows:

§ 1130.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including that pursuant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a)(4) and (8) and the corresponding steps of § 1130.46(b) except other source milk on which no handler obligation applies pursuant to § 1130.70(e); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1130.61(b)(2).

Signed at Washington, D.C., on February 8, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1980 Filed 2-11-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 19117]

COMMUNICATIONS ON INTERSTATE OR FOREIGN COMMON CARRIER FACILITIES

Authorization of New or Revised Classifications; Extension of Time for Filing Comments

In the matter of establishment of rules pertaining to the authorization of new or revised classifications of communications on interstate or foreign common carrier facilities, and amendment of §§ 63.60-63.90 of the rules.

Order. Upon consideration of the "Motion for Extension of Time" filed on February 3, 1971, by American Telephone and Telegraph Co.

It is hereby ordered, Pursuant to § 0.303(c) of the Commission's rules and regulations, that the times for filing comments and reply comments in the above-entitled proceeding (36 F.R. 1064) are extended to March 22, 1971, and April 5, 1971, respectively.

Adopted: February 5, 1971.

Released: February 8, 1971.

[SEAL] ASHER H. ENDE,
Acting Chief,
Common Carrier Bureau.

[FR Doc.71-1996 Filed 2-11-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Parts 392, 393]

[Docket No. MC–23; Notice No. 71–1]

STOPPED VEHICLES AND EMERGENCY EQUIPMENT

Extension of Time for Comments

A notice of proposed rule making on Stopped Vehicles and Emergency Equipment was published on November 11, 1970 (35 F.R. 17343). Interested persons were invited to file comments on that proposal by the close of business on February 2, 1971.

The Standard Railway Fusee Corp. has petitioned the Bureau of Motor Carrier Safety for an extension of time in order to file additional data on these proposals. The Director has concluded that extending the comment closing date is warranted. Accordingly, the closing date for comments to this docket is hereby extended to May 6, 1971.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, the delegation of authority by the Secretary of Transportation in 49 CFR 1.48 and the delegation of authority by the Federal Highway Administrator in 49 CFR 389.4.

Issued on February 8, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.71–1976 Filed 2–11–71;8:47 am]

Office of Hazardous Materials

[49 CFR Parts 170–189]

[Docket No. HM–51]

CLASSIFICATION OF CERTAIN HAZARDOUS MATERIALS ON BASIS OF THEIR HEALTH HAZARDS

Second Advanced Notice of Proposed Rule Making

On June 6, 1970, the Hazardous Materials Regulations Board published an Advance Notice of Proposed Rule Making Docket No. HM–51 (35 F.R. 8831), inviting public assistance in developing regulatory principles for the classification of certain hazardous materials on the basis of their health hazards.

The comments received generally related to toxicity test procedures, classification, and degrees of toxicity.

Toxicity test procedures. Most commenters agreed that toxicity test procedures should be uniform among regulatory agencies, noting even minor variations by DOT could be confusing. Apprehension was displayed concerning the use of tests and other criteria which were not developed specifically for the transportation environment.

Classification. Many commenters contended that materials having only minor temporary and reversible irritating effects should not be regulated. The potential safety hazard of these materials during transportation, they claimed, is not considered so severe as to justify regulation. Others suggested that materials causing irreversible destruction of living tissue should be covered under a corrosive classification, such as discussed in Docket No. HM–57. Some commenters suggested that the Poison C category be retained for lachrymatory and respiratory irritation.

Degrees of toxicity. There was no common opinion expressed in this area. One group of commenters suggested retaining only one toxic category as Poison B, leaving the Poison A category for gases only, and possibly placing some quantitative benchmarks on this category. Others agreed in principle with the designation of various degrees but suggested modifications.

A second advance notice is being used to give the public ample opportunity to contribute to the development of the matter before the Board, prior to publication of a notice of proposed rule making. On the basis of comments received on this advance notice, the Board is of the opinion it will be able to prepare a more complete and meaningful notice.

The present definitions of poisonous materials only contain specific testing criteria or guidelines for Class B poisons. There are no criteria or sufficiently descriptive guidelines for Class A or Class C poisons. Consequently, the public may encounter difficulty in relying solely on those definitions to determine the applicability of the regulations. In order to improve this situation, the Board proposes to adopt testing criteria wherever possible and better descriptive guidelines for all toxic materials covered by the Department's regulations.

The National Research Council-National Academy of Sciences assisted the Department in developing these test criteria. In addition, the testing procedures and hazard degrees used by the Departments of Agriculture and Health, Education, and Welfare were considered to insure harmony among the regulatory standards of Federal agencies having jurisdiction with respect to health hazards of chemicals.

The health hazards of materials being transported are proposed to be characterized by their acute effects on human health. The hazards considered are systemic hazards and irritant hazards. Systemic or internal hazards exist when materials, if inhaled, ingested, or absorbed through the skin can have harmful effects on organs and tissues other than at the site of contact. Irritant hazards exist when materials such as gases, vapors, or mist can have local irritating effects on eyes, nose, or throat temporarily impairing the person's ability to function to the degree that he cannot take necessary emergency action.

Materials which otherwise produce reversible injury to the tissues of the skin are not proposed to be regulated. Materials which cause destruction of these tissues by chemical action would be considered under the "Corrosive" classification discussed in Docket No. HM–57, Classification of Corrosive Hazards; advance notice of proposed rule making, published September 4, 1970 (35 F.R. 14090).

Degrees of hazard would be ranked according to the potential severity of the hazard to people. The establishment of hazard degrees is necessary in order to establish packaging criteria reflecting the potential severity of the damage if a product should escape from its packaging during transportation. The major categories and criteria which would be proposed are as follows:

Extremely toxic substances. Materials would be classified as extremely toxic substances if, on short exposure, they could cause death or major residual injury to humans. In the absence of adequate data on human toxicity, a material would be presumed to be extremely toxic to humans if it fell within any one of the following categories when tested on laboratory animals, according to the U.S. Department of Agriculture test procedures described under Title 7, Chapter 3, § 362.8 of the Federal Regulations.

(1) Ingestion (oral): Any material that has a single dose LD_{50}[1] of 5 milligrams or less per kilogram of body weight when administered orally to both male and female rats (young adults).

(2) Inhalation: Any material that has an LC_{50}[1] of 50 parts per million or less by volume of a gas or vapor, or 0.50 milligrams or less of mist or dust per liter of air when administered by continuous inhalation for 1 hour to both male and female white rats (young adults). If the material is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test must have a diameter of 10 microns or less, provided the Department finds it reasonably foreseeable that such concentrations could be encountered by man.

(3) Skin absorption: Any material that has an LD_{50} of 20 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits, according to test procedures described in Title 21, § 191.10 of the Code of Federal Regulations.

Highly toxic materials. Materials would be classified as highly toxic if, on short exposure, they could cause serious temporary or residual injury to humans. In the absence of adequate data on human toxicity, a material would be presumed to be highly toxic to humans if it fell within any one of the following categories when tested on laboratory animals, according to the U.S. Department of Agriculture test procedures described under Title 7, Chapter 3, § 362.8 of the Code of Federal Regulations.

(1) Ingestion (oral): Any material that has a single dose LD_{50} of more than 5 milligrams but not more than 50 milligrams per kilogram of body weight when

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[1] LD_{50}, LC_{50}: That dose (LD) or concentration (LC) which will cause death within 14 days to one half of the test animals.

orally administered to both male and female white rats (young adults).

(2) Inhalation: Any material that has an LC_{50} of more than 50 parts per million by volume of gas or vapor but not more than 200 parts per million or more than 0.50 milligram, but not more than 2 milligrams of mist or dust per liter of air when administered by continuous inhalation for 1 hour or less to both male and female white rats (young adults). If the product is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test must have a diameter of 10 microns or less provided the Department finds that it is reasonably foreseeable that such concentrations could be encountered by man.

(3) Skin absorption: Any material that has an LD_{50} of greater than 20 milligrams but not more than 200 milligrams per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits, according to the test procedures described in Title 21, § 191.10 of the Code of Federal Regulations.

Tear gas or irritating substances. Materials would be classified as tear gas or irritating substances if they cause reversible local irritant effects on eyes, nose, or throat temporarily impairing a person's ability to function to the degree that he cannot take necessary emergency action. Military and police tear gases and riot control agents would fall under this category. It is planned to include a list of materials falling under this category in the notice of proposed rule making.

If human experience or other data indicate that the hazard of a given material encountered during an accidental exposure in transportation is greater or less than indicated by the data from the specified animal tests, the classification for the specific material could be revised to reflect this data.

If these classifications are adopted, appropriate changes will be required in the labels required to be applied to packages.

Interested persons are invited to give their views on this notice. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 27, 1971, will be considered before final action is taken on this subject. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Issued in Washington, D.C., on February 5, 1971.

WILLIAM K. BYRD,
Acting Director,
Office of Hazardous Materials.

[FR Doc.71-1975 Filed 2-11-71;8:47 am]

Notices

DEPARTMENT OF COMMERCE

National Technical Information Service

FEDERALLY SPONSORED BUSINESS, ECONOMIC, AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service. The NTIS provides government and public availability of federally sponsored business, economic, and technical reports. The basic pricing schedule used by NTIS in pricing these reports is as follows:

Page count	Price
1–300	$3.00
301–600	6.00
601–900	9.00

Documents which are outside this page range or have been obtained by special agreement between NTIS and the sponsoring agency will be individually priced. Special notations of nonstandard prices are included in the NTIS announcement of the document. Two years after announcement, all documents in the $3, $6, and $9 category will be repriced at a standard price of $6.

WILLIAM T. KNOX,
Director, National Technical Information Service.

[FR Doc.71–1977 Filed 2–11–71;8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DONALD LLOYD RICHARDSON

Notice of Granting of Relief

Notice is hereby given that Donald Lloyd Richardson, Box 59–A, Rural Delivery No. 2, Williamsport, PA 17701, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 12, 1963, in the Lycoming County Criminal Court, PA, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald L. Richardson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Donald L. Richardson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald L. Richardson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, Title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Donald L. Richardson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71–1991 Filed 2–11–71;8:48 am]

DALE ROBERT ALLEN

Notice of Granting of Relief

Notice is hereby given that Dale Robert Allen, 17806 77th Street East, Sumner, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 15, 1954, in the El Paso County District Court, Colorado Springs, Colo., and on April 5, 1956, in the Denver County District Court, Denver, Colo., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dale Robert Allen because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Dale Robert Allen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dale Robert Allen's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act, and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Dale Robert Allen be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71–1988 Filed 2–11–71;8:48 am]

SAMUEL HENRY PASCHAL

Notice of Granting of Relief

Notice is hereby given that Samuel Henry Paschal, 1819 Staunton Avenue NW., Roanoke, VA 24017, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 5, 1942, in Roanoke City Hustings Court, Roanoke, Va., and on May 7, 1956, in the U.S. District Court, Roanoke, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Samuel Henry Paschal because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for

Samuel Henry Paschal to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Samuel Henry Paschal's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Samuel Henry Paschal be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 4th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1989 Filed 2-11-71;8:48 am]

JAMES DONALD RAY

Notice of Granting of Relief

Notice is hereby given that James Donald Ray, 2119 Darwin SW., Grand Rapids, MI 49507, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 22, 1960, in the Decatur Circuit Court of Decatur County, Ind., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Donald Ray because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James Donald Ray to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Donald Ray's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James Donald Ray be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-1990 Filed 2-11-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF MINERALS, ET AL.

Redelegation of Authority by Land Office Manager

1. Pursuant to the provisions of section 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the authority delegated to the Eastern States Land Office Manager to take action on certain matters is hereby redelegated as follows:

a. The Chief, Branch of Minerals, is authorized to take action on the matters listed in sections 2.2, paragraphs (b), (c), and (d), 2.6, and section 4.0, paragraph (m).

b. The Chief, Branch of Records and Title Services, is authorized to take action on the matters listed in sections 2.2, paragraphs (b), (c), and (d) 2.4, 2.5, 2.9, and 4.0, paragraphs (a), (d), (e), (f), and (g). He may also, by written order, approved by the Manager, designate any qualified employee in his Branch to certify as to the authenticity of copies of official records.

c. The Chief, Branch of Cadastral Surveys, is authorized to take action for the Manager on the matters listed in section 4.2.

2. The authority delegated in paragraph 1 above may not be redelegated except as provided in subparagraph b.

3. This redelegation of authority supersedes the redelgations of September 25, 1967.

DORIS A. KOIVULA,
Land Office Manager.

Approved: February 8, 1971.

JOHN O. CROW,
Associate Director.

[FR Doc.71-1985 Filed 2-11-71;8:47 am]

Bureau of Reclamation

TAHOE NATIONAL FOREST, CALIF.

Order of Transfer of Administrative Jurisdiction of Land, Boca Reservoir, Truckee Storage Project, Calif.

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 2,475.30 acres which lie within or adjacent to Tahoe National Forest, and that were acquired by the Bureau of Reclamation in the development of the Boca Reservoir, Truckee Storage Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

MOUNT DIABLO MERIDIAN

ACQUIRED LANDS

T. 18 N., R. 17 E., MDM,
Sec. 3, W½SW¼;
Sec. 4, SE¼;
Sec. 9, all;
Sec. 10, W½NW¼NW¼, W½SE¼NW¼ NW¼, NW¼NE¼SW¼NW¼, NW¼SW¼ NW¼, W½SW¼SW¼NW¼, and W½ W½NW¼SW¼;
Sec. 15, SE¼SW¼SW¼NW¼, S½SE¼ SW¼NW¼, NE¼NW¼SW¼, E½NW¼ NW¼SW¼, SW¼NW¼NW¼SW¼, SW¼ NW¼SW¼, W½SE¼NW¼SW¼, W½ NE¼SW¼SW¼, and W½SW¼SW¼;
Sec. 16, N½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, W½NE¼, W½SE¼ NE¼, NW¼, NE¼SW¼, E½NW¼SW¼, NE¼NW¼NW¼SW¼, S½SW¼NW¼ SW¼, S½SW¼, E½E½NE¼SE¼, W½ W½NE¼SE¼, SE¼SW¼NE¼SE¼, SW¼SE¼NE¼SE¼, W½SE¼, and SE¼ SE¼;
Sec. 17, N½NE¼NE¼NE¼, SE¼NE¼NE¼ NE¼, NW¼NE¼NE¼, E½SE¼NE¼ NE¼, NE¼NE¼SE¼NE¼, S½S½NE¼ SE¼, SE¼SE¼NW¼SE¼, E½NE¼SW¼ SE¼, N½SE¼SE¼, N½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, and SE¼SE¼SE¼;
Sec. 20, W½NE¼NE¼SE¼, NW¼NE¼ SE¼, NE¼SW¼NE¼SE¼, NW¼SE¼ NE¼SE¼, and NE¼NE¼NW¼SE¼; NE¼NW¼SE¼;
Sec. 21, all;
Sec. 22, NW¼NW¼NW¼, NW¼SW¼ NW¼NW¼, W½NW¼SW¼NW¼, and NW¼SW¼SW¼NW¼;
Sec. 28, all of the NE¼ lying north of the Truckee River, and the E½NW¼ lying north of the Truckee River, except 1.2 acres of land, more or less, in the NW¼NE¼ of said sec. 28 more particularly described as follows: Beginning at a point from which the northeast corner of said sec. 28 bears N. 65°19'11" E. 2,121.66 feet distant, and running thence S. 12°51' E. 150.24 feet, more or less, to the northerly line of the Southern Pacific Railroad right-of-way; thence along the northerly line of the Southern Pacific Railroad right-of-way as follows: S. 83°56'15" W. 69.4 feet; thence S. 82°58'45" W. 163.05 feet; thence S. 77°17'45" W. 162.70 feet; thence leaving the railroad right-of-way line N. 12°51' W. 125.08 feet; thence N. 77°09' E. 393.94 feet to the place of beginning.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National forest lands

provided that all lands and waters within the Boca Reservoir area needed or used for the operation of the Truckee Storage Project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (2-12-71).

Dated: February 8, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-1964 Filed 2-11-71;8:46 am]

TAHOE NATIONAL FOREST, CALIF.

Order of Transfer of Administrative Jurisdiction of Land, Stampede Reservoir, Washoe Project, Calif.

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 5,007.03 acres which lie within or adjacent to Tahoe National Forest, and that were acquired by the Bureau of Reclamation in the development of the Stampede Reservoir, Washoe Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

MOUNT DIABLO MERIDIAN

ACQUIRED LANDS

T. 18 N., R. 17 E., MDM,
Sec. 4, W½ lot 1 of the NW¼, W½ lot 2 of the NW¼;
Sec. 5, E½ lot 1 of the NE¼, E½ lot 2 of the NE¼.
T. 19 N., R. 16 E., MDM,
Sec. 25, all;
Sec. 26, NE¼ and E½NW¼;
Sec. 27, E½NE¼, S½N½SW¼, S½SW¼, and SE¼.
T. 19 N., R. 17 E., MDM,
Sec. 16, all;
Sec. 18, E½;
Sec. 19, S½ lot 1 of the SW¼, S½ lot 2 of the SW¼, and SE¼NW¼;
Sec. 20, E½E½;
Sec. 21, all;
Sec. 29, all;
Sec. 30, N½ lot 1 of the NW¼, lot 2 of the NW¼, NW¼NE¼, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 31, N½ lot 1 of the NW¼, N½ lot 2 of the NW¼, and N½NE¼;
Sec. 32, E½E½, NW¼NE¼, and N½NW¼;
Sec. 33, W½.

Pursuant to said section 7(c) of the aforesaid act of July 9, 1965, the above lands shall become National Forest lands provided that all lands and waters within the Stampede Reservoir area needed or used for the operation of the Washoe Project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (2-12-71).

Dated: February 8, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-1963 Filed 2-11-71;8:46 am]

Office of the Secretary

HAROLD M. McCLURE, JR.

Report of Appointment and Statement of Financial Interests

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Harold M. McClure, Jr.

Name of employing agency: Office of Oil and Gas, Emergency Petroleum and Gas Administration.

The title of the appointee's position: Alternate Deputy Administrator.

The name of the appointee's private employer or employers: Self-employed—President, McClure Oil Co.

The statement of "financial interests" for the above appointee is set forth below.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 20, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on November 20, 1970, as Alternate Deputy Administrator, U.S. Department of the Interior, an officer or director:

McClure Oil Co., President-Director.
Michigan Oil Co., President-Director.
Pine River Development Co., Inc., President-Director.
Patrick Petroleum Co., Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Airport Booster, Inc.
Alma Industrial Development Co.
American Airlines, Inc.
American Beef Association.
American Mobile Products.
Bobenal Investments Corp.
Capital Hill Associates.
Cascade Data, Inc.
Central Michigan Travel.
Chemotronics, Inc.
Crystal Down Country Club.
English Motion Pictures.
Forest Hill Land Co.
Hospital Computer Center.
Isabella Country State Bank.
Total Petroleum Ltd.
McClure Oil Co.
Michigan National Bank.
North Central Airlines, Inc.
Panax Corp.
Pine River Country Club.
Reliance Electric.
Series E Bond.
Wisconsin Life Insurance.
5144 Corp.
Patrick Petroleum Co.
Crystal Mountain Club.
Crystal Lake Country Club.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

American Beef Association, limited partnership.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

HAROLD M. MCCLURE, Jr.

JANUARY 18, 1971.

[FR Doc.71-1965 Filed 2-11-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ATTESTING OFFICERS

Designation; Delegation of Authority To Cause Department Seal To Be Affixed and To Authenticate Copies of Documents

The Secretary's delegation of authority to employees of the Department of Housing and Urban Development to cause the Department seal to be affixed and to authenticate copies of documents, published at 35 F.R. 5429, April 1, 1970, and amended at 35 F.R. 15860, October 8, 1970, is further amended by revising paragraph 1 to read:

1. Esther L. Ratliff, Office of General Counsel.

* * * * * *

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This amendment is effective February 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-2004 Filed 2-11-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Waiver No. 1A—Docket No. OPS-6]

NORTHERN NATURAL GAS CO.

Extension of Waiver of Gas Pipeline Safety Standards

On June 18, 1970, the Department of Transportation issued a waiver to the

Northern Natural Gas Company of Omaha, Nebr., permitting the operation of a 276-mile segment of its 24 inch "B" pipeline between Mullinville, Kans., and Palmyra, Nebr., at a maximum operating pressure of 797 p.s.i.g. (see the Notice of Hearing, 35 F.R. 8247, May 26, 1970, and Grant of Waiver, 35 F.R. 10329, June 24, 1970). The justification for the waiver was fully set forth in the grant of waiver which expires on July 1, 1971.

By letter dated January 15, 1971, Northern Natural has petitioned for an amendment to that waiver to extend the expiration date to July 1, 1972. The grounds for the petition for an extension are fully set forth in the notice of hearing on the extension of the waiver (36 F.R. 1165, Jan. 23, 1971). In effect, Northern Natural has stated that anticipated governmental authority for the importation of Canadian gas has not yet been received, and it would be impossible at this late date, even with immediate certificates, to construct the necessary facilities to bring the Canadian gas in by the expiration date of the waiver.

It does not appear that there has been a change in any of the circumstances justifying the original waiver, and in consideration of those facts, I find that the requested extension is not inconsistent with gas pipeline safety.

This extension of the waiver is granted under the authority of section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), and the delegation of authority to the Acting Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468). Unless sooner suspended, amended or revoked, the waiver expires on July 1, 1972.

Issued in Washington, D.C., on February 5, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-1992 Filed 2-11-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-1-133]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 28, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers, and promulgated in an IATA letter dated January 21, 1971, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-12:

Commodity Item No. 4702—Machines for Processing Metal, Textiles, Plastic, Wood, Stone, Leather, Hides, Food, Beverages, Tobaccos, Machines for Abrading, Grinding, Cutting, Polishing, Binding, Drilling, etc.[1] 87 cents per kg., minimum weight 100 kgs., 77 cents per kg., minimum weight 200 kgs., 72 cents per kg., minimum weight 500 kgs., Athens to New York.[2]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22096, R-12, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That, insofar as air transportation as defined by the Act is concerned, tariff filings shall not be made to implement the agreement prior to eventual approval, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1994 Filed 2-11-71;8:48 am]

[1] For complete and accurate description see applicable tariff.

[2] Upon effectiveness of these rates the present rate of 137 cents per kg., minimum weight 100 kgs., is canceled.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 355]

N. M. ALBERT CO., INC.

Order of Revocation

By letter dated January 4, 1971, N. M. Albert Co., Inc., Cargo Building No. 80, J.F.K. International Airport, Jamaica, NY 11430, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 355 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 28, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

N. M. Albert Co., Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 7.04(g) (dated September 29, 1970).

It is ordered, That the Independent Ocean Freight Forwarder License No. 355 be returned to the Commission. Revocation of License No. 355 is effective January 28, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon N. M. Albert Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-1955 Filed 2-11-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 530]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

FEBRUARY 8, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3958–C2–P–71—Answer Iowa, Inc. (New), C.P. for a new 2-way station to be located at 13th Avenue North, Clinton, IA, to operate on frequency 152.12 MHz.

3959–C2–P–71—Answer Iowa, Inc. (New), Same as above, except 1-way to operate on frequency 158.70 MHz.

3960–C2–P–71—Northwestern Bell Telephone Co. (New), C.P. for a new 2-way station to be located at 403 Sycamore Street, Waterloo, IA, to operate on 152.60 MHz base and 157.86 MHz test.

3961–C2–P–71—Denver & Ephrata Telephone & Telegraph Co. (KGI782), C.P. for additional facilities to operate on 43.58 MHz at a new site described as location No. 2: Marietta and West End Avenues, Lancaster, PA.

3962–C2–AP/AL–71—Iowa City Answering Service. Consent to assignment of license from Iowa City Answering Service, Assignor, to Iowa City Communications Corp., Assignee. Station: KJU809, Iowa City, Iowa.

3967–C2–TC–71—Mid-Texas Telephone Co. Consent to transfer of control from Mid-Texas Communications Systems, Inc. (Stockholders), Transferors, to Mid-Texas Communications Systems, Inc. (Proposed Stockholders), Transferees. Station: KLB616, Harker Heights, Tex.

3985–C2–P–71—Travel-Phone Corp. (New), C.P. for a new 2-way station to be located at Ipswich Road on Neutaconkanut Hill, Johnston, R.I., to operate on frequency 454.025 MHz.

3986–C2–AL–71—Carford Corp. Consent to assignment of license from Carford Corp., Assignor, to Airsignal of California, Inc., Assignee. Station: KMA219, Modesto, Calif.

3987–C2–P–71—Valley Mobilecommunications Inc. (KMD690), C.P. to change the antenna system, replace transmitter operating on 152.030 MHz and relocate facilities to 5.7 miles south and 1 mile west of Pearblossom, Calif.

3988–C2–P–71—Mobilfone of Kansas (KAQ625), C.P. to add frequency 152.15 MHz at station located at 3 miles north of Manhattan, Kans.

3989–C2–P–(4)71—Northwestern Bell Telephone Co. (KAA812), C.P. to change the antenna system, replace transmitter operating on 152.75 MHz, add 152.54 and 152.69 MHz base and 157.80 and 157.95 MHz test at station located at 118 South 19th Street, Omaha, NE.

4079–C2–P–71—Milledgeville Mobilefone, Inc. (New), C.P. for a new 2-way station to be located at Highway No. 49 and Vinson-Land Road, Milledgeville, GA, to operate on frequency 152.09 MHz.

4087–C2–AP/AL–(3)71—Certified Telephone Answering Service. Consent to assignment of license from Certified Telephone Answering Service, Assignor, to Certified Communications, Inc., Assignee. Stations: KAD925, University City, Mo.; KAF240, Maplewood, Mo.; KRS635, St. Louis, Mo.

4122–C2–P–71—General Telephone Co. of Florida (KIY397), C.P. to relocate auxiliary test facilities operating on 158.01, 158.04, and 158.07 MHz to the northwest corner of Constitution Avenue and Swift Road, Sarasota, Fla.

Major Amendment

1868–C2–P–71—West Texas Rural Telephone Coop., Inc. (New), Change base frequency to 152.81 MHz. All other particulars to remain as Report No. 513, dated Oct. 12, 1970.

Correction

3873–C2–P–71—Delta Valley Radiotelephone Co., Inc. (New), Correct to read: C.P. for a new 2-way station. All other particulars to remain as Report No. 529, dated Feb. 1, 1971.

RURAL RADIO SERVICE

3964–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPK24), C.P. to replace transmitter operating on 157.92 MHz communicating with Station KOE261, Newcastle, Wyo. Subscriber and location: Dakamont Exploration Corp. 42.1 miles southwest of Newcastle, Wyo.

3990–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located approximately 12.1 miles southeast of Pilottown, at Port Eads, La., to operate on frequency 459.40 MHz communicating with Station KPP66, Venice, La.

3991–C1–P–71—Cameron Telephone Co. (WDD94), C.P. to replace transmitter operating on 157.95 MHz communicating with Station KKO357, Cameron, La. Subscriber and location: Tennessee Oil Co., Gulf of Mexico, West Cameron Block 180, approximately 31 miles southeast of Cameron, La. (Gulf of Mexico).

3992–C1–P–71—Cameron Telephone Co. (WGF89), C.P. to replace transmitter operating on 157.95 MHz communicating with Station KKO357, Cameron, La. Subscriber and location: Shell Oil Co., approximately 38 miles southeast of Cameron, La. (Gulf of Mexico).

4154–C1–P–71—Mountain States Telephone & Telegraph Co. (KXR67), C.P. to replace transmitter operating on 459.40 MHz communicating with Station KSV88, Casper, Wyo. Location: 7.3 miles south-southeast of Edgerton, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3963–C1–P–71—Michigan Bell Telephone Co. (KQI80), C.P. and modification of license to add frequencies 6130.5 and 6160.2 MHz toward Lawton, Mich., a new point of communication. Station location: 1365 Cass Avenue, Detroit, MI.

3965–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KJJ31), C.P. to add frequencies 11,305 and 11,625 MHz toward Fredericksburg, Va., a new point of communication. Station location: 0.3 mile southwest of Berea, Va.

3966–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (New), C.P. for a new station to be located at 901 Prince Edward Street, Fredericksburg, VA. Frequencies: 10,735 and 10,895 MHz toward Berea, Va.

3993–C1–P/ML–71—The Bell Telephone Co. of Pennsylvania (KYJ39), C.P. and modification of license to add frequency 6412.2 MHz toward Waggoners Gap, Pa. Station location: 14 East Chocolate Avenue, Hershey, PA.

3994–C1–P/ML–71—American Telephone & Telegraph Co. (KEF72), C.P. and modification of license to add frequencies 2110–2130 MHz and 2160–2180 MHz. A developmental station in any temporary fixed location within the continental United States.

3995–C1–P–71—American Telephone & Telegraph Co. (KVU49), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Carmel, N.J. Station location: 1.9 miles northwest of Cedar Brook, N.J.

3996–C1–P–71—American Telephone & Telegraph Co. (KVU50), C.P. to add frequencies 6226.9 and 6345.5 MHz toward Cedar Brook and Quinton, N.J. Station location: 1.6 miles north of Carmel, N.J.

3997–C1–P–71—American Telephone & Telegraph Co. (KEM73), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Carmel, N.J. Station location: 2 miles southeast of Quinton, N.J.

3998–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station to be located at 2475 West Second Avenue, Denver, CO. Frequency: 11,500 MHz toward Denver, Colo.

3999–C1–P–71—Southern Bell Telephone & Telegraph Co. (KIA47), C.P. to add frequencies 6212.0 and 6271.4 MHz toward Holly Springs, N.C. Station location: 121 West Morgan Street, Raleigh, NC.

4000–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station to be located 0.8 mile south of Holly Springs, N.C. (on State Road No. 1395). Frequencies: 5989.7 and 6108.3 MHz toward Raleigh, N.C., and 5960.0 and 6019.3 MHz toward Sanford, N.C.

4001–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KIR29), C.P. to add frequency 3850 MHz toward Petersburg, Va. Station location: 703 East Grace Street, Richmond, VA.

4002–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KJK33), C.P. to add frequency 4130 MHz toward Richmond, Va. Station location: 101 North Union Street, Petersburg, VA.

4003–C1–P–71—Louisiana Offshore Telephone Co. (KTR42), C.P. to add frequency 2178.0 MHz toward Gulf of Mexico, Eugene Island, Area 32, Offshore Louisiana. Station location: 0.5 mile west of Burns Point Road, Salt Point, La.

4004–C1–P–71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at Gulf of Mexico, Eugene Island, Area 32, Platform A, Burns, La. Frequency: 2128.0 MHz toward Salt Point, La.

4005–C1–P–71—South Central Bell Telephone Co. (KKT87), C.P. to add frequency 6212.0 MHz toward WLOX–TV studio. Station location: 1056 West Howard Avenue, Biloxi, MS.

4080–C1–MP–71—General Telephone Co. of the Southeast (KZS68), Modification of C.P. to add frequency 10,895 MHz toward East River Mountain, Va. Station location: 201 Russell Street, Bluefield, WV.

4081–C1–P–71—General Telephone Co. of the Southeast (KZS51), C.P. to add frequency 11,595 MHz toward Bluefield, W. Va., 6264.0 and 6382.6 MHz toward Jewell Ridge, Va., and 6286.2 and 6404.8 MHz toward Barker's Ridge, W. Va. Station location: East River Mountain, 2.4 miles south-southeast of Bluefield, Va.

4082–C1–P–71—General Telephone Co. of the Southeast (KJK67), C.P. to replace transmitter. Station location: On County Road 621, 0.6 mile northeast of Jewell Ridge, Va.

2885–C1–P–71—The Mountain States Telephone & Telegraph Co. (KBD26), C.P. to change antenna system operating on frequencies 10,795 and 11,035 MHz toward Salida, Colo., via passive reflector, and 10,835 and 11,075 MHz toward Leadville, Colo., via passive reflector. Station location: 3.4 miles north of Granite, Colo.

2886–C1–P–71—The Mountain States Telephone & Telegraph Co. (KBD27), C.P. to change antenna system operating on frequencies 11,285 and 11,525 MHz toward Granite, Colo., via passive reflector. Station location: 411 Poplar Street, Leadville, CO.

4156–C1–P–71—American Telephone & Telegraph Co. (KIT28), C.P. to add frequencies 3750 and 3830 MHz toward Mableton, Ga., a new point of communication. Station location: 1.8 miles east of Villa Rica, Ga.

4157–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 3 miles north of Mableton, Ga. Frequencies: 3710 and 3790 MHz toward Villa Rica and Atlanta, Ga.

4158–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 3.3 miles east of Smyrna, Atlanta, Ga. Frequencies: 3750 and 3830 MHz toward Mableton and 3750, 3830, and 3910 MHz toward Tucker, Ga.

4159–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 2 miles southeast of Tucker, Ga. Frequencies: 3710, 3790, and 3870 MHz toward Atlanta and Jersey, Ga.

4160–C1–P–71—American Telephone & Telegraph Co. (KRS98), C.P. to add frequencies 3750, 3830, and 3910 MHz toward Tucker and Monticello, Ga., new points of communication. Station location: 2.2 miles northeast of Jersey, Ga.

4161–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 5 miles northwest of Monticello, Ga. Frequencies: 3710, 3790, and 3870 MHz toward Jersey, Ga.

4162–C1–P–71—Beaver State Telephone Co. (New), C.P. for a new station to be located at Chiloquin, Oreg. Frequency: 2115.2 MHz toward Haymaker Mountain, Oreg.

4163–C1–P–71—American Telephone & Telegraph Co. (KGH26), C.P. to add frequency 6315.9 MHz toward Marriott Hill, Md. Station location: 1.1 miles south-southwest of Waldorf, Md.

4164–C1–P–71—American Telephone & Telegraph Co. (KGH25), C.P. to add frequency 6063.8 MHz toward Waldorf and Fairlee, Md. Station location: Marriott Hill, 4 miles northwest of Galesville, Md.

4165–C1–P–71—American Telephone & Telegraph Co. (KGH24), C.P. to add frequency 6315.9 MHz toward Marriott Hill, Md., and Oxford, Pa. Station location: 0.8 mile south of Fairlee, Md.

4166–C1–P–71—American Telephone & Telegraph Co. (KGH84), C.P. to add frequency 6063.8 MHz toward Fairlee, Md., and Lionville, Pa. Station location: 3.5 miles south of Oxford, Pa.

4167–C1–P–71—American Telephone & Telegraph Co. (KGH83), C.P. to add frequency 6315.9 MHz toward Oxford, Pa. Station location: 2.5 miles east-southeast of Lionville, Pa.

3171–C1–R–71—General Telephone Co. of California (KZI31), Renewal of a temporary-fixed developmental license expiring Mar. 1, 1971. Term: Mar. 1, 1971, to Mar. 1, 1972.

Major Amendment

3556–C1–P/L–71—RCA Alaska Communications Inc. (New), Change frequency 2128 to 2178 MHz.

3708–C1–P/L–71—RCA Alaska Communications Inc. (New), Change frequency 2178 to 2128 MHz. All other particulars same as in Public Notice Report No. 527 dated Jan. 18, 1971.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

BEK Telephone Mutual Aid Corp.:
KBD29—Near McKenzie, N. Dak.

Churchill County Telephone & Telegraph System:
KPS95—Fallon, Nev.
KTF92—Lahontan Dam, Nev.

Hawaiian Telephone Co.:
KCG66—Hana, Hawaii.
KKU39—Mauna Kea, Hawaii.
KTG36—Kaena Point, Hawaii.
KTG37—Makaha Beach, Hawaii.
KUP40—Puu Mahoe, Ulupalakua, Hawaii.
KUP41—Wailuku, Hawaii.
KUQ75—Honolulu, Hawaii.
KUQ76—Mauna Kapu South, Hawaii.
KUQ80—Nanakuli, Hawaii.
KUQ83—Trig Mark, Puu Kapele, Hawaii.
KUQ84—Bonham A.F.B., Hawaii.
KUQ97—KoKo Head, Hawaii.
KUQ98—Puu Nana, Molokai, Hawaii.
KUQ99—Near Hoolehua, Hawaii.
KUR61—Kulani Cove, Hawaii.
KUR62—Naalehu, Hawaii.
KUR96—Wahiawa, Hawaii.
KUR98—Hilo, Hawaii.
KUR99—Leleiwi Point, Hawaii.
KUS20—Humuula, Hawaii.
KUS21—Huehue, Hawaii.
KUS22—Holualoa, Hawaii.
KUS23—Kamuela, Hawaii.
KUV76—Makila, Hawaii.
KUV78—Kalepa, Hawaii.
KUV79—Lihue, Hawaii.
KUV80—Tantalus, Hawaii.
KUV81—Puu Papaa, Hawaii.
KUV82—Laie, Hawaii.
KUV83—Tantalus Mountain, Hawaii.
KUV84—Near Kualapuu, Molokai, Hawaii.
KUV85—Honokaa, Hawaii.
KUV86—Ookala, Hawaii.
KUV87—Near Ninole, Hawaii.
KUV88—Haleakala, Hawaii.
KUV93—Near Kahuku, Hawaii.
KUV94—Paumalu, Hawaii.
KUV95—Mount Kaala, Hawaii.
KVH83—Temporary-fixed.
KXR48—Ewa Beach, Hawaii.
KXR49—Lanai City, Hawaii.
KXR50—Wheeler A.F.B., Hawaii.
KXR51—Hukuiolono, Hawaii.
KYN46—Volcano, Hawaii.
KZA44—Camp Smith, Hawaii.
KZA45—Hickam, Hawaii.
KZA46—Kunia, Hawaii.
KZA47—Makaha, Hawaii.
KZS32—Mauna Kapu—North, Hawaii.
KZS94—Kaunakakai, Hawaii.
KK6231—Mobile TV-pickup (Local Television Transmission Service).

Paul Bunyan Rural Telephone Coop.:
WAN59—Ponamah, Minn.
WAN60—Red Lake, Minn.

Puerto Rico Telephone Co.:
WWM30—Near Cabo Rojo, P.R.
WWR74—San Juan, P.R.
WWR75—Maravillas Peak, P.R.
WWR76—Ponce, P.R.
WWT47—Mayaguez, P.R.
WWT48—Monte del Estado, P.R.
WWT49—Jayuya, P.R.
WWT63—Fajardo, P.R.
WWT64—El Yunque, P.R.
WWY31—Santa Isabel, P.R.
WWY32—Guayama, P.R.
WWY33—Manati, P.R.
WWY34—Arecibo, P.R.
WWY35—San Sebastian, P.R.
WWY36—Aguadilla, P.R.
WWY73—Humacao, P.R.
WWY91—Rio Grande, P.R.
WWZ29—La Torrecilla, P.R.
WWZ30—Orocovis, P.R.
WWZ31—Barranquitas, P.R.
WWZ32—Comerio, P.R.

Triangle Telephone Cooperative Association, Inc.:
KPL29—Near Simpson, Mont.
KPZ76—Winifred, Mont.
KSW34—Grassy Butte, Mont.
KSW35—Inverness, Mont.

Western Carolina Telephone Co.:
KIW86—Cowee Bald, N.C.
KIX51—Murphy, N.C.
KIX52—Sylva, N.C.
KIX53—Teyahalee Bald, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3956–C1–P–71—Western Tele-Communications, Inc. (KPJ36), C.P. to power split frequency 6182.4 MHz on azimuth 286°27'. Location: 5 miles northeast of Whitehall, Mont., at latitude 45°55'20" N., longitude 112°01'24" W.

3957–C1–P–71—Western Tele-Communications, Inc. (KPS68), C.P. to add frequency 6108.3 MHz on azimuth 263°58'. Location: XL Heights, 3 miles east of Butte, Mont., at latitude 46°00'27" N., longitude 112°26'30" W.

(Informative: Applicant proposes to provide the television signal of Station KWGN–TV of Denver, Colo., to Butte Television Co. in Butte, Mont.)

4150–C1–P–71—American Microwave & Communications, Inc. (KQH75), C.P. to (a) delete Alpena, Mich., as point of communication, and (b) add frequencies 6271.4, 6390.0, and 6330.7 MHz toward new point of communication at Barton City, Mich. (latitude 44°42'15" N., longitude 83°31'17" W.), on azimuth 94°15'. Station location: Mount Tom, 4.5 miles west of Fairview, Mich.

4151–C1–P–71—American Microwave & Communications, Inc. (WGI20), C.P. for a new at Barton City, Mich. (latitude 44°42'15" N., longitude 83°31'17" W.), transmitting on frequencies 5989.7, 6049.0, and 6108.3 MHz toward proposed new location of Alpena receiving station at latitude 45°03'39" N., longitude 83°28'01" W. on azimuth 6°00'.

(Informative: Applicant proposes to change its existing route, Mount Tom (KQH75)—Alpena, to Mount Tom-Barton City-Alpena. The existing service to Alpena is unchanged by this proposal.)

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Microwave Transmission Corp.:
WAN96—Garfield, Wash.
WDD52—San Antonio Hill, Calif.

T.V. Cables of Mississippi, Inc.:
KLT74—Farrell, Miss.
KLT75—Cleveland, Miss.
KTR20—Leland, Miss.
KTR21—Alligator, Miss.

Telephone Utilities Services Corp.:
KLV63—Jonesboro, Tex.
KLV64—Copperas Cove, Tex.
KLV65—Walnut Springs, Tex.
KRW84—Nix, Tex.
KRW85—Belton, Tex.

INTERNATIONAL FIXED PUBLIC SERVICE

RCA Global Communications, Inc. Modification of license to add frequency 7520 kHz, increase the bandwidth of emission to 12A12F for frequency 18,920 kHz and add point of communication Generale Des Postes Et Telecommunications, HoaBinh, Saigon, Viet Nam at its station at Agana, Island of Guam.

[FR Doc.71–1949 Filed 2–11–71;8:45 am]

[Canadian List No. 276]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

JANUARY 29, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		580 kHz							
CKAP (correction of coordinates)	Kapuskasing, Ontario, N. 49°23'17", W. 82°23'52".	1	DA-1	U	III				
		1150 kHz							
CKX (PO: 10 kw. D/1 kw. N ND)	Brandon, Manitoba, N. 49°50'28", W. 100°03'19".	10	*DA-N* ND-D-187	U	III				E.I.O. 1.15.72.
		1230 kHz							
CFHR (delete assignment)	Hay River, Northwest Territory.	0.25	ND	U	IV				
		1230 kHz							
CFYT (delete assignment)	Dawson, Yukon Territory	0.25	ND	U	IV				
		1240 kHz							
CFNW (delete assignment)	Norman Wells, Northwest Territory.	0.25	ND	U	IV				
		1320 kHz							
CJSO (now in operation with increased daytime power).	Sorel, Quebec, N. 45°59'46", W. 73°10'15".	10 D/5N	DA-2	U	III				
		1380 kHz							
CKLC (change transmitter site location).	Kingston, Ontario, N. 44°12'56", W. 76°25'05".	10 D/5N	DA-2	U	III				E.I.O. 1.15.72.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[FR Doc.71–1997 Filed 2–11–71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-674]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 5, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made 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 March 26, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-674	Phillips Petroleum Co. et al.	175	[1] 8	Southern Natural Gas Co. (Spider Field, De Soto Parish, Northern Louisiana).	$60,217	1-8-71	2-8-71	7-8-71	[2] 14.4855	[2] 18.5	

*The pressure base is 15.025 p.s.i.a.

[1] Includes letter from buyer dated Dec. 3, 1970, advising seller of its contractual entitlement to proposed rate pursuant to favored-nations provisions of contract.

[2] Includes 1.125-cent tax reimbursement.

The producer's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[FR Doc.71-1956 Filed 2-11-71;8:45 am]

[Dockets Nos. E-7588, E-7589]

APPALACHIAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Notice of Amendment to Interconnection Agreement and Increased Rate Filing; Correction

JANUARY 19, 1971.

In the notice of amendment to interconnection agreement and increased rate filing, issued January 12, 1971, and published in the FEDERAL REGISTER January 14, 1971, 36 F.R. (573), second paragraph, first sentence, change "$0.60" to "$0.06".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1957 Filed 2-11-71;8:45 am]

[Docket No. E-7564]

CAROLINA POWER & LIGHT CO.

Order Suspending Tendered Rate Schedules, Granting Waiver of Notice Requirements, Providing for Hearings; and Granting Intervention; Correction

JANUARY 27, 1971.

In the order suspending tendered rate schedules, granting waiver of notice requirements, providing for hearings, and granting intervention, issued December 23, 1970, and published in the FEDERAL REGISTER January 6, 1971, 36 F.R. 193, first paragraph last sentence should read as follows: Such action is claimed to be contrary to the holdings in Federal Power Commission v. Sierra Pacific Power Company, 350 U.S. 348 (1956); and United Gas Pipe Line Company v. Mobile Gas Service Corporation, 350 U.S. 322 (1956).

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1958 Filed 2-11-71;8:45 am]

[Docket No. E-7587]

OHIO POWER CO.

Notice of Amendment of Interconnection Agreement, New Service, and Rate Increase; Correction

JANUARY 19, 1971.

In the notice of amendment of interconnection agreement, new service, and rate increase, issued January 12, 1971, and published in the FEDERAL REGISTER January 14, 1971, 36 F.R. 573, second paragraph, first sentence, change "$0.60" to "$0.06".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1959 Filed 2-11-71;8:45 am]

FEDERAL TRADE COMMISSION

OFFICE OF THE GENERAL COUNSEL

Statement of Organization

Notice is hereby given that the statement of organization published June 30,

1970 (35 F.R. 10627), is revised by transferring to the Office of the General Counsel the Congressional liaison function.

Section 11 is revised to read as follows:

SEC. 11. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. He renders necessary legal services to the Commission, represents the Commission in the Federal Courts, advises the Commission with respect to questions of law and policy, including advice with respect to legislative matters, assists businessmen in obtaining advice from the Commission as to the legal propriety of proposed courses of action in particular situations under the statutes which it administers, cooperates with and assists State and local officials in the efforts to eliminate local and national trade restraints, and coordinates all liaison activities with Congress.

By direction of the Commission dated February 8, 1971.

[SEAL] CHARLES A. TOBIN, *Secretary.*

FEBRUARY 8, 1971.

[FR Doc.71-1960 Filed 2-11-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption; Visa Requirement

FEBRUARY 5, 1971.

The purpose of this notice is to announce certain requirements governing the entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Spain.

Under the bilateral cotton textile agreement of October 13, 1967, as amended and extended, by exchange of notes of December 18, 1970, between the Governments of the United States and Spain, Spain has undertaken to limit its exports of cotton textiles and cotton textile products to the United States to certain designated levels. Pursuant to paragraph 12 of that agreement, providing for administrative arrangements, the Governments of the United States and Spain have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in Spain.

Effective upon publication of this notice in the FEDERAL REGISTER (2-12-71), entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles or cotton textile products produced or manufactured in Spain and exported from Spain on or after the date of this publication, for which Spain has not issued an appropriate export visa, fully described below, will be prohibited.

Application of this Visa system to cotton textiles and cotton textile products exported from Spian before the date of this publication shall become effective ninety (90) days following the date of this publication.

Such Visa is to appear as a stamped marking on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or the commercial invoice when that form is used). The Visa will include the signature of a Spanish Official authorized to issue export visas. The following Spanish Officials are presently authorized to sign a Visa: Mr. Bartolomé Sagrera, Mr. José Ramón Borrell, Mr. Pedro Solbes, Mr. Manuel Carreras, Mr. José Gosálvez, Mr. Luis Malagarriga, and Mr. José Ma Monrás. A facsimile of the Visa is reproduced together with this notice and is filed as part of the original document. A facsimile of the signatures of those Spanish Officials authorized to issue export Visas is also filed as part of the original document with the Office of the Federal Register.

The Chairman of the Interagency Textile Administrative Committee is authorized to request the Commissioner of Customs to allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles or cotton textile products from Spain notwithstanding the fact that the shipment or shipments do not meet the Visa requirement, whenever he is requested to do so by the Government of Spain.

Interested parties are advised to take all necessary steps to ensure that cotton textiles and cotton textile products produced or manufactured in Spain which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of February 5, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee, to the Commissioner of Customs to prohibit effective upon the publication of this notice the entry or withdrawal for consumption in the United States of cotton textiles and cotton textile products produced or manufactured in Spain which do not meet the stated Visa requirements.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 5, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangment Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 12 of the bilateral cotton textile agreement of October 13, 1967, as amended, providing for administrative arrangements, between the Governments of the United States and Spain, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit effective upon publication of notice in the FEDERAL REGISTER and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain has not issued an appropriate Visa fully described below.

Application of this Visa system to exports of cotton textiles and cotton textile products which have a date of exportation prior to publication in the FEDERAL REGISTER shall become effective ninety (90) days following the date of publication of such notice.

Such Visa is to appear on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document; or on the commercial invoice when such form is used). The Visa will include the signature of the official issuing the Visa.

Facsimiles of the Visa and of the authorized signatures are enclosed for your information.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in Spain and exported to the United States from Spain on or after the date of publication of notice in the FEDERAL REGISTER, notwithstanding the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the 64 categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain, have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-1978 Filed 2-11-71;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order

11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on February 9, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of California adversely affected by an earthquake occurring on February 9, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Ralph Burns, Regional Director, OEP Region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following area in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1971:

The county of:
Los Angeles

Dated: February 9, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-2022 Filed 2-11-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[811-157]

SUPERVISED SHARES, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

FEBRUARY 8, 1971.

Notice is hereby given that Supervised Shares, Inc. (Applicant), 518 Grand Avenue, Des Moines, IA 50309 an Iowa corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated on September 17, 1932, and registered under the Act on November 1, 1940, as an open-end, diversified management investment company. Applicant states that on December 28, 1970, at its shareholders' meeting and at a meeting of shareholders of Mutual of Omaha Income Fund, Inc. (Mutual), a merger of Applicant into Mutual was approved by both companies: Applicant further states its assets and liabilities were absorbed by Mutual, which is the surviving corporation, and shareholders of Applicant either exchanged their shares for shares of Mutual or redeemed their shares.

Applicant states that under the circumstances it should not be a registered investment company under the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 1, 1971, 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 the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1968 Filed 2-11-71;8:46 am]

[File No. 7-3611]

FLYING TIGER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

The Flying Tiger Corp., warrants to purchase common stock, File No. 7-3611.

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1969 Filed 2-11-71;8:46 am]

[File No. 7-3610]

FLYING TIGER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

The Flying Tiger Corp., File No. 7-3610.

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said

application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1970 Filed 2-11-71;8:46 am]

[Files Nos. 7-3612—7-3617]

BLOOMFIELD BUILDING INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Bloomfield Building Industries, Inc., class A. common stock, 10 cents par value	7-3612
Recrion Corp.	7-3613
Riker-Maxson Corp.	7-3614
Ronco Teleproducts, Inc.	7-3615
Shelter Resources Corp.	7-3616
Wabash Magnetics, Inc.	7-3617

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1971 Filed 2-11-71;8:46 am]

[Files Nos. 7-3618, 7-3619]

MOBIL OIL CORP. AND NORTHWEST INDUSTRIES, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Mobil Oil Corp., warrants (expiring August 1, 1975)	7-3618
Northwest Industries, Inc., warrants (expiring March 31, 1979)	7-3619

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1972 Filed 2-11-71;8:46 am]

[811-20 etc.]

FOUNDATION PLAN TRUST AGREEMENT ET AL.

Notice of Proposal To Terminate Registration

FEBRUARY 5, 1971.

In the matter of Foundation Plan Trust Agreement dated January 1, 1933, Foundation Plan Trust Agreement dated May 1, 1935, Foundation Trust Shares Series A % 46 Wall Street, New York, NY 10005; 811-20, 811-25, 811-26.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Foundation Plan Trust Agreement dated January 1, 1933 (Foundation A), a registered, open-end, diversified management investment company, Foundation Plan Trust Agreement dated May 1, 1935 (Foundation B) a registered, open-end, diversified, management investment company, and Foundation Trust shares Series A (Trust), a registered unit investment trust, have ceased to be investment companies.

Commission records disclose that the trust indenture under which Trust was established terminated under its own terms; the assets of Trust were liquidated; and the proceeds therefrom were distributed as cash dividends to shareholders who surrendered their certificates.

The trust indentures under which Foundation A and Foundation B were established terminated by their terms. All certificates have been surrendered except two Foundation A certificates and one Foundation B certificate. Pursuant to the trust agreements, cash is maintained in trust to satisfy their surrender as well as surrender of any of Trust's certificates.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pacific at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be

issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1973 Filed 2-11-71;8:46 am]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Modification of Mortgage Indenture

[70-4955]

FEBRUARY 8, 1971.

Notice is hereby given that Southwestern Electric Power Co. (Southwestern), 428 Travis Street, Shreveport, LA 71102, a registered holding company and public-utility subsidiary company of Central and South West Corp., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and Rules 20, 22, 23 and 24 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Southwestern proposes to execute a supplemental indenture modifying sections 3 and 5 of Article II and section 4 of Article VII of its Indenture of Mortgage or Deed of Trust dated February 1, 1940 (Mortgage), as supplemented by various supplemental indentures. The proposed modifications, generally, would (1) eliminate in the computation of net expenditures for bondable property, depreciation accruing after December 31, 1970, in respect of depreciable bondable property, as a deduction from total gross expenditures for bondable property; but would require the deduction of an amount not less than the aggregate of 2¼ percent of the arithmetical average of the depreciable bondable property of Southwestern at the beginning and end of each calendar year after 1970, as certified to the Trustee pursuant to section 4 of Article VII; (2) provide that the net earnings prescribed by section 5 of Article II for any period shall be computed before deduction of taxes on income, and that the charges or provisions for depreciation, retirement, renewals, replacements and amortization shall be not less in the aggregate than 2¼ percent of the arithmetical average of the amount of the depreciable bondable property of Southwestern at the beginning and the end of such period; and (3) provide that no bonds may be authenticated on or after January 1, 1971, unless Southwestern's earnings for 12 months preceding shall have been twice 1 year's interest on the then outstanding bonds and any indebtedness secured by equal or prior lien.

Southwestern estimates, on the basis of present expenditures for bondable property and present operating revenues, that the modifications may have the effect of increasing the amount of net expenditures for bondable property during the period beginning January 1, 1971, by approximately $2 million to $2,500,000 per year, a portion of which would be used for purposes other than the authentication of additional bonds. Southwestern represents that the proposed amendments would tend to assure the ability of Southwestern to finance additional construction expenditures through the issuance of First Mortgage Bonds.

The fees and expenses in connection with the proposed supplemental indenture are estimated at $27,050, including counsel's fees of $19,250. It is stated that the Arkansas Public Service Commission and the Corporation Commission of Oklahoma have authorized the proposed supplemental indenture and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 25, 1971, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1974 Filed 2-11-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

REGIONAL DIVISION CHIEFS ET AL.

[Delegation of Authority 30-B (Region V) Amdt. 4]

Delegation of Authority To Conduct Program Activities in Region V

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-B, 34 F.R. 19842 dated December 18, 1969, as amended (35 F.R. 1073, 35 F.R. 15033, and 35 F.R. 17156), Delegation of Authority No. 30-B (Region V), 35 F.R. 4155 dated March 5, 1970, as amended (35 F.R. 6095, 35 F.R. 10535, and 35 F.R 16758) is hereby further amended by revising Item I.A.2.b., Item I.B.1., Item II.A.2.b., Item III.A.2.b., Item IV.-A.1., Item IV.-B.A.2.b., Item IV.-C.A. 2.b., and Item IV.-D.A.2.b., to read as follows:

I. *Regional Division Chiefs, Regional Counsel and Staffs*—A. *Chief and Assistant Chief, Financing Division.* * * *

2. * * *

b To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

* * * * *

B. *Supervisory Loan Officers, Financing Division.* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opoprtunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* * * *

2. * * *

b To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

* * * * *

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

* * * * *

IV. *Branch Managers*—IV-A. *Marquette, Mich.* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

IV-B. *Springfield, Illinois*—A. *Financing Program.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $100,000 (SBA share).

* * * * *

IV-C. *Milwaukee, Wisconsin*—A. *Financing Program.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $50,000 (SBA share).

* * * * *

IV–D. *Cincinnati, Ohio*—A. *Financing Program.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $100,000 (SBA share).

* * * * *

Effective date: January 4, 1971.

ROBERT DWYER,
Regional Director, Region V.

[FR Doc.71–1966 Filed 2–11–71;8:46 am]

[Delegations of Authority Nos. 30–C through 30–F and 30–H, Amdt. 4; Delegations of Authority Nos. 30–B and 30–G, Amdt. 5; Delegation of Authority No. 30–A, Amdt. 7]

REGIONAL DIRECTORS, REGIONS I THROUGH X

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegations of Authority Nos. 30–A, to Region IX (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–B, to Region V (34 F.R. 19842), as amended (35 F.R. 1073, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–C to Regions VI, VII, and X (35 F.R. 2840), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–D to Region VIII (35 F.R. 5144), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–E, to Region III (35 F.R. 6033), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–F, to Region I (35 F.R. 6886), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–G, to Region IV (35 F.R. 9955), as amended (35 F.R. 12630, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); and 30–H, to Region II (35 F.R. 11603), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481) are hereby further amended by revising Item I.C.1.e, to read as follows:

I. *Regional Director, Regions I Through X.* * * *

C. *Loan Administration Program.*

1. * * *

e. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: December 21, 1970.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71–1967 Filed 2–11–71;8:46 am]

TARIFF COMMISSION

[TEA–W–71—TEA–W–76]

WORKERS' PETITIONS FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of—

TEA–W–71	Ornsteen Shoe Co., Inc., Haverhill, Mass.
TEA–W–72	Kleven Shoe Sales Co., Inc., North Brookfield, Mass.
TEA–W–73	Gamins, Inc., Wilkes-Barre, Pa.
TEA–W–74	Andrew Geller, Inc., Brooklyn, N.Y.
TEA–W–75	Sinclair Shoe Co., Haverhill, Mass.
TEA–W–76	International Shoe Co., Jefferson City, Mo.

the U.S. Tariff Commission, on the 8th day of February 1971, instituted investigations under 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firms are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: February 9, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–1987 Filed 2–11–71;8:48 am]

[TEA–F–18]

PETITION OF LOUIS SHOE CO. FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Louis Shoe Co., Amesbury, Mass., the U.S. Tariff Commission, on February 9, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with ladies shoes of the type produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 9, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–1999 Filed 2–11–71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 645]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 9, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71798. *Dual operations are involved.* By order of February 2, 1971, the Motor Carrier Board on reconsideration, approved the transfer to George V. D'Agostino, doing business as Airlin Trucking Co., Newark, N.J., of permit No. MC–127909 issued January 16, 1967, to J. Supor Trucking Co., Inc., Lodi, N.J., authorizing the transportation of iron and steel bars, rods, sheets, angles, and plates and structural steel (except those that require special handling or equipment), between Harrison, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in New York, except

New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission in 1. MCC. 665. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, representative for applicants.

No. MC–FC–72446. By order of January 28, 1971, the Motor Carrier Board approved the transfer to Ruble Moving and Storage, Inc., Siloam Springs, Ark., of a portion of the certificate of registration No. MC–121049 (Sub-No. 2) issued May 4, 1965, to Ruble Transfer and Storage Co., Inc., Fayetteville, Ark., evidencing a right to engage in transportation in interstate commerce in the State of Arkansas. Carl Bonner, Post Office Box 710, Siloam Springs, AR 72761, attorney for applicants.

No. MC–FC–72460. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Federick B. Henderson, an individual, doing business as Frederick B. Henderson Moving and Storage, Springfield, Mass., of that portion of the operating rights in certificate No. MC–78064, issued April 23, 1956, to Elmer D. Litch, Inc., a corporation, Springfield, Mass., authorizing the transportation of household goods as defined by the Commission, between Springfield, Mass., and points in Massachusetts within 10 miles of Springfield, Mass., on the one hand, and, on the other, points in Rhode Island, Connecticut, New York, and New Jersey; and between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Arthur A. Wentzell, Post Office Box 764, Worcester, Mass. 01613, registered practitioner for applicants.

No. MC–FC–72559. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Luzerne Trucking Corp., Aldenville, Pa., of that portion of the operating rights, as modified, in certificate No. MC–44302, issued to Benny DeFazio, Jr., Moosic, Pa., and acquired by transferor herein pursuant to No. MC–FC–72454, approved October 30, 1970, and consummated December 31, 1970, authorizing the transportation of machinery, except machinery used in the manufacture of paper, over irregular routes, between Scranton, Pa., on the one hand, and, on the other, points in New York. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, registered practitioner.

No. MC–FC–72595. By order of February 3, 1971, the Motor Carrier Board approved the transfer to Zenith Van & Storage Co., Inc., Alexandria, Va., of certificates Nos. MC–45695 and MC–45695 (Sub-No. 4) issued to Interstate Van Lines, a corporation, Washington, D.C., authorizing the transportation of: Household goods, as defined by the Commission, between Washington, D.C., and between Washington, D.C., and points in Maryland and Virginia, and between New York, N.Y., and its commercial zone, all as radial bases, and points in Rhode Island, Connecticut, Vermont, New Jersey, Indiana, Massachusetts, Pennsylvania, Kansas, Missouri, Florida, Tennessee, West Virginia, South Carolina, Mississippi, Louisiana, Alabama, Georgia, Kentucky, Ohio, Maryland, Illinois, Oklahoma, Virginia, New York, Michigan, North Carolina, Wisconsin, Delaware, Maine, New Hampshire, and the District of Columbia. Paul F. Sullivan, Washington Building, Suite 701, 15th and New York Avenue NW., Washington DC 20005, attorney.

No. MC–FC–72613. By order of February 2, 1971, the Motor Carrier Board approved the transfer to Elmer L. Sims, G. Grant Sims, and Elmer L. Sims Trustee, a partnership, doing business as Salt Lake Transfer Co., Salt Lake City, Utah, of the operating rights in corrected certificates Nos. MC–109236 and MC–109236 (Sub-No. 6) and certificates Nos. MC–109236 (Sub-No. 17) and MC–109236 (Sub-No. 21) issued July 25, 1968, July 26, 1968, May 2, 1969, and April 17, 1970, respectively, to G. Grant Sims, Elmer L. Sims, and M. J. Sims (George Milton Sims, Elmer L. Sims, and Beverly Sims Candland, Executors), a partnership, doing business as Salt Lake Transfer Co., Salt Lake City, Utah, collectively authorizing the transportation of general commodities, and various specified commodities between points in Utah, Idaho, Montana, Colorado, New Mexico, Wyoming, Arizona, and Nevada. F. Robert Reeder and Keith E. Taylor, 520 Kerns Building, Salt Lake City, UT, attorneys at law, representatives of applicants.

No. MC–FC–72623. By order of February 2, 1971, the Motor Carrier Board approved the transfer to Arline Jackson Scoggins, doing business as Klondike Wrecker Service, Kannapolis, N.C., of the operating rights in certificate No. MC–123638 (Sub-No. 4) issued August 5, 1969 to Custom Towing Service, Inc., Charlotte, N.C., and acquired by White Star Sales and Service, Inc., Charlotte, N.C., pursuant to No. MC–FC–72321, authorizing the transportation of trucks and other specified vehicles as replacement for wrecked or disabled vehicles from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and wrecked and disabled vehicles from the above-named destination States to Charlotte, N.C. Peter H. Gerns, 815 American Building, Charlotte, NC 28202, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–1998 Filed 2–11–71;8:49 am]

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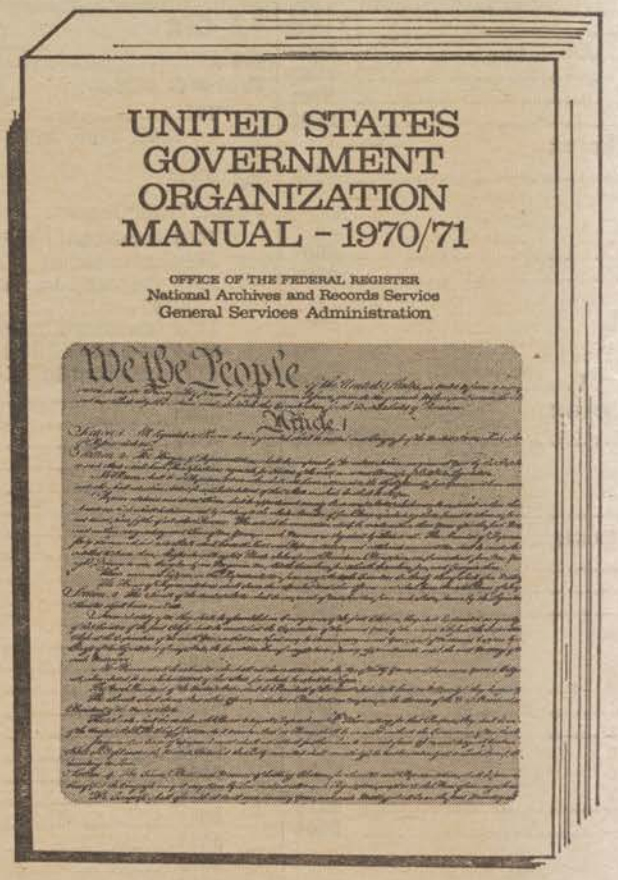

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