

tion, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 21, 1964.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 26, 1964, and ending at 12:01 a.m., P.s.t., August 2, 1964, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 348,750 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: July 23, 1964.

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

[F.R. Doc. 64-7435; Filed, July 24, 1964;
8:49 a.m.]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Rate of Assessment for the 1963-64 Fiscal Period

Pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929; 29 F.R. 6617), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Cranberry Marketing Committee, established pursuant to the aforesaid amended marketing agreement and order, it is hereby found that the expenses to be incurred by the Cranberry Marketing Committee will amount to \$32,000.

It is, therefore, ordered, That paragraph (a) of § 929.203, as amended, Expenses and rate of assessment for the 1963-64 fiscal period (28 F.R. 10634, 12663) is hereby further amended by deleting therefrom the amount \$29,000 and substituting in lieu thereof the amount \$32,000. As amended, paragraph (a) of § 929.203 reads as follows:

§ 929.203 Expenses and rate of assessment for the 1963-64 fiscal period.

(a) *Expenses*. The reasonable expenses to be incurred by the Cranberry Marketing Committee, established pursuant to the provisions of the amended marketing agreement and order, for its maintenance and functioning during the fiscal period ending July 31, 1964, will amount to \$32,000.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that (1) the increase in the budget does not involve an increase in the rate of assessment heretofore established by the Secretary (28 F.R. 10634, 12663); (2) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred; and (3) it is, therefore, essential that this amendatory action be issued immediately so that said committee can meet its obligations.

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

Dated: July 22, 1964.

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

[F.R. Doc. 64-7403; Filed, July 24, 1964;
8:47 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1964-65 Crop Year; Determination Relative to Estimated Season Average Price to Producers

Under the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the more restrictive grade regulation (7 CFR 993.601), and pack specifications as to size (7 CFR 993.501-993.518), are effective, as applicable, whenever the estimated season average price to producers for prunes does not exceed or is below the parity level specified in section 2(1) of the aforesaid act.

Based on information submitted by the Prune Administrative Committee and other available supply and demand information, it is determined that the estimated season average price to producers for prunes for the 1964-65 crop year beginning August 1, 1964, will not be at or in excess of the estimated average parity price for prunes for such crop year.

Dated: July 22, 1964.

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

[F.R. Doc. 64-7404; Filed, July 24, 1964;
8:48 a.m.]

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

[Milk Order 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of July and August 1964: "fluid milk products equal to not less than 40 percent of the receipts during the month

at such plant of producer milk and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section and there are disposed of on routes", appearing in § 1136.11(a).

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

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

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

(3) This suspension action will permit the major cooperative association in the market to maintain pool plant status for all of its existing pool plants during the months of July and August 1964. As a result of the merging of two cooperative associations and the changes being made in their operations, it would be extremely difficult, if not impossible, for such association to meet the present requirements necessary to maintain pool plant status for these months in view of the expected level of milk production during this period. Hence, the suspension action will permit member dairy farmers who have supplied the fluid milk requirements of the market to continue as producers under the order.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (29 F.R. 9506). Based on the views, data, and arguments filed in response to this invitation, it is concluded that the suspension order should be issued.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period July 1 through August 31, 1964.

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

Effective date: The date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 22, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-7405; Filed, July 24, 1964; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. II, Amdt. 3]

PART 1481—RICE

Subpart—Rice Export Program; Payment-in-Kind (GR-369)

The Terms and Conditions of the Rice Export Program—Payment-in-Kind (GR-369), Revision II (27 F.R. 10931), No. 145—Pt. I—2

as amended (28 F.R. 543) and (28 F.R. 9420), are, with regard to any contract resulting from CCC's acceptance of an exporter's offer to export rice (milled, or brown, or both) which is submitted by such exporter on and after the date of publication of this Amendment 3 in the FEDERAL REGISTER, amended as follows:

§ 1481.111 [Amended]

Section 1481.111(c) (1) is amended by substituting the following for the second and third sentences of the subparagraph: "Exportation to an eligible country, and within the period of time specified in the exporter's contract with CCC or as approved by the Vice President, CCC, are of the essence of the contract and, except as otherwise provided in this paragraph (c) (1), are conditions precedent to any right to payment under this program. Exportation to other than an eligible country, or during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart, except that, if the rice is exported within 60 days after the end of the period of time specified in the exporter's contract with CCC or any extensions thereof under paragraph (a) of this section, the exporter shall be entitled to payment at the contract rate which would have been applied if the class and variety of rice exported had been exported on the last day of the contract export period, or any extensions thereof under paragraph (a) of this section, without regard to any extensions of rate periods with respect to registered sales under § 1481.113(b), less liquidated damages for delay in exportation as provided herein."

Section 1481.113(b) is amended by substituting the following for the last sentence of the paragraph:

§ 1481.113 Export payment rates.

(b) * * * As specified in the rate schedules, one rate established for each class or variety will apply to rice exported before the end of the period applicable to the class or variety of rice exported, or with respect to a registered sale, any extension of such period approved by the Vice President, CCC, and the second rate will apply to rice exported after the end of such period or, if such period is extended with respect to a registered sale by the Vice President, CCC, after the end of such extended period.

Section 1481.151 is amended to read as follows:

§ 1481.151 Export and Exportation.

"Export" and "exportation" means, except as hereinafter provided, a shipment from the United States or Puerto Rico destined to another area excluding the United States, Alaska, Hawaii, and

Puerto Rico. The milled rice or brown rice so shipped shall be deemed to have been exported on the date which appears on the applicable on-board vessel export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the continental United States is by truck or rail, the date the shipment clears United States Customs. If milled rice or brown rice is lost, destroyed, or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship ocean bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board ship ocean bill of lading or such other document: *Provided:* That if the "lost" or "damaged" rice remains in the United States or Puerto Rico, it shall be considered as reentered rice and shall be subject to the provisions of § 1481.111(d).

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1055, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851)

Effective date: On date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 21, 1964.

RAYMOND A. IOANES,
Vice President, Commodity
Credit Corporation, Administrator,
Foreign Agricultural
Service.

[F.R. Doc. 64-7388; Filed, July 24, 1964; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to authorize until June 30, 1969, the temporary exception of eight positions of psychodrama trainee at St. Elizabeth's Hospital, including interns and first and second-year residents paid stipends under section 3 of Public Law 80-330. Effective July 1, 1964, subparagraph (5) of paragraph (a) of § 213.3116 is amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *St. Elizabeth's Hospital.* * * *

(5) Until June 30, 1969, eight psychodrama trainees, including interns and first and second-year residents. This authority shall be applied only to positions with compensation fixed in ac-

cordance with the provisions of section 3 of Public Law 80-330.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 64-7379; Filed, July 24, 1964;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-SW-94]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation

On April 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5565) stating that the Federal Aviation Agency (FAA) proposed to designate a jet route from the El Paso, Texas, VORTAC via the Fort Stockton, Texas, VORTAC; the Austin, Texas, VORTAC; to the Houston, Texas, VORTAC.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Department of the Air Force objected to the proposal since the proposed segment between Fort Stockton and Austin would penetrate a small portion of a special military operating area (SOA) used by aircraft from Webb AFB, Texas. However, the Fort Worth ARTC Center controls the altitudes utilized by training activities conducted within the SOA and can integrate en route traffic with the aircraft operating out of Webb AFB; or, if necessary, can radar vector the en route traffic away from the special operating area. All other comments received were favorable.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 75.100 (29 F.R. 1287), the following Jet Route is added:

Jet Route No. 86 (El Paso, Texas, to Houston, Texas). From El Paso, Texas, via Fort Stockton, Texas; Austin, Texas; to Houston, Texas.

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

Issued in Washington, D.C., on July 20, 1964.

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

[F.R. Doc. 64-7381; Filed, July 24, 1964;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DEPENDENCY AND INDEMNITY COMPENSATION

Section 3.5 is revised to read as follows:

§ 3.5 Dependency and indemnity compensation.

(a) *Dependency and indemnity compensation.* This term means a monthly payment made by the Veterans Administration to a widow, child, or parent:

(1) Because of a service-connected death occurring after December 31, 1956, or

(2) Pursuant to the election of a widow, child, or parent, in the case of such a death occurring before January 1, 1957. (38 U.S.C. 101(14).)

(b) *Entitlement.* Basic entitlement for a widow, child or children, and parent or parents of a veteran, except those specified in § 3.4(c), exists,

(1) Death occurred on or after January 1, 1957; or

(2) Death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or, as to a parent, would have been eligible except for his income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957. (38 U.S.C. 410, 416.)

(c) *Exclusiveness of remedy.* No person eligible for dependency and indemnity compensation by reason of a death occurring on or after January 1, 1957, shall be eligible by reason of such death for death pension or compensation under any other law administered by the Veterans Administration. (38 U.S.C. 417 (b).)

(d) *Group life insurance.* No dependency and indemnity compensation or death compensation shall be paid to any widow, child, or parent based on the death of a commissioned officer of the Public Health Service or Coast and Geodetic Survey whose death occurs on or after May 1, 1957, if any amounts are payable under the Federal Employees' Group Life Insurance Act of 1954 (Public Law 598, 83d Congress, as amended) based on the same death. (Sec. 501(c) (2), Public Law 881, 84th Congress, as amended by Sec. 13(u), Public Law 85-857; 5 U.S.C. 2091 note.)

(e) *Widow's rate.* (1) The monthly rate of dependency and indemnity compensation for a widow is \$120 plus 12 percent of the basic pay of the veteran. (38 U.S.C. 411(a).) This rate is subject to increase as provided in subparagraph (3) of this paragraph.

(2) "Basic Pay" is the amount certified by the Secretary concerned. This

amount is the basic pay prescribed for persons currently on active duty whose rank or grade and years of service are the same as those of the deceased veteran. The certification of the Secretary concerned is binding on the Veterans Administration. (38 U.S.C. 421.)

(3) If there is a widow and two or more children under the age of 18 (including a child not in the widow's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by not more than \$28 monthly for each child under 18 in excess of one. The total of such increase shall not exceed the difference between the amounts certified by the Secretary of Health, Education, and Welfare or the Railroad Retirement Board as being payable under 38 U.S.C. 412(a) or the Social Security Act or the Railroad Retirement Act and the applicable ceiling under 38 U.S.C. 411(e) as certified by the Secretary of Health, Education, and Welfare. (38 U.S.C. 411(b), (d) and (e).)

(4) Where the amount determined to be payable under this paragraph involves a fraction of a dollar, the amount shall be increased to the next higher dollar. (38 U.S.C. 411(c).)

(72 Stat. 1114; 38 U.S.C. 10)

This VA Regulation is effective the date of approval.

Approved: July 21, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-7392; Filed, July 24, 1964;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Amateur and Commercial Operator Examination Points

Order. The Commission having under consideration § 0.445 of its rules and regulations, which, as now phrased, provides specific location points for conducting examinations for amateur radio operator licenses; and

It appearing, that these location points are similarly acceptable for conducting examinations for commercial radio operator licenses and that § 0.445 should be amended to so indicate; and

It further appearing, that the amendments adopted herein pertain to matters of procedure and that such amendments are of an editorial nature and that compliance with the public notice and procedural requirements of the Administrative Procedure Act is unnecessary; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended, and Part

0 of the Commission's rules and regulations, § 0.261(a):

It is ordered, This 22d day of July 1964, That, effective July 29, 1964, the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

Released: July 22, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

1. In § 0.445, the heading and paragraph (a) are amended to read as follows:

§ 0.445 Amateur and commercial operator examination points.

(a) Examinations for amateur and commercial radio operator licenses are conducted at each of the Field Engineering Bureau district offices listed in § 0.121 on the days designated by the Engineer in charge of the district office. Examination schedules may be obtained from the Engineer in Charge.

* * * * *

[F.R. Doc. 64-7410; Filed, July 24, 1964;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

[AO-102-A4]

PEACHES GROWN IN COUNTY OF MESA, COLORADO

Determination on Basis of Results of Referendum on Proposed Amendment

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Palisade, Colorado, January 23, 1964, pursuant to a notice thereof which was published in the FEDERAL REGISTER (28 F.R. 14334; 29 F.R. 50) upon a proposed amendment to the marketing agreement and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa, Colorado. The recommended decision in this proceeding (29 F.R. 5683), and the decision and referendum order (29 F.R. 7096), of the Assistant Secretary of Agriculture setting forth the proposed amendment of the marketing agreement and order were published in the FEDERAL REGISTER on April 29, 1964, and May 29, 1964, respectively. Such decision and referendum order directed that a referendum be conducted among the producers of peaches grown in the County of Mesa, Colorado, to determine whether the requisite majority of such producers favors or approves issuance of the proposed amendment of the marketing order.

It is hereby determined on the basis of the results of the referendum conducted June 6-13, 1964, pursuant to the aforementioned referendum order, that the issuance of the proposed amendment to Order No. 919, as amended, regulating the handling of peaches grown in the County of Mesa, Colorado, is not approved or favored (1) by at least two-thirds of the producers who participated in such referendum and who, during the determined representative period (March 1, 1962, through February 28, 1963), were engaged in the production for market of peaches grown in Mesa County, Colorado; or (2) by producers of at least two-thirds of the volume of production of such peaches represented in the aforesaid referendum.

It is hereby determined that the proposed amendment to the order set forth in the Assistant Secretary's decision of

May 29, 1964 (29 F.R. 7096), should not be made effective.

Dated: July 22, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-7406; Filed, July 24, 1964;
8:48 a.m.]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as herein-after set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 945, as amended (7 CFR Part 945), herein referred to collectively as the "order."

This marketing order regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. 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)).

§ 945.217 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1964, and ending May 31, 1965, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$30,000.00.

(b) The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be seventy cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

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

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

Dated: July 21, 1964.

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

[F.R. Doc. 64-7389; Filed, July 24, 1964;
8:46 a.m.]

[7 CFR Parts 1041, 1098, 1101] MILK IN TOLEDO, OHIO; NASHVILLE, TENNESSEE; AND KNOXVILLE, TENNESSEE MARKETING AREAS

Proposed Termination of Certain Provisions of Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the above designated marketing areas is being considered.

The classified pricing provisions of several Federal milk marketing orders use the average of the basic (or field) prices reported to have been paid per hundred-weight for milk of 3.5 percent butterfat content received from farmers during the month at seven Midwestern plants or places. Throughout the fluid milk industry, this group of plants is commonly referred to as the "Midwestern condenseries".

Some orders which use this price series specify a final date by which the price information received shall be included in the class-price computations provided in the orders. Most orders which use this price series do not specify any final date for including the prices reported by the Midwestern condenseries in their classified pricing formulas. Thus, the additional price information which may be available from the Midwestern condenseries at a later date in one order as compared with another order results in different rather than identical average Midwestern condensery prices being used among orders.

Termination of the specific date provision in each of the above orders is being considered. This action would permit the use of an identical average price for orders which use the Midwestern condenseries in class-price formulas.

The specific provisions proposed to be terminated are:

Part 1041, regulating the handling of milk in the Toledo, Ohio, marketing area:

In § 1041.50(b) (1), the provision, "on or before the 5th day after the end of the month", relating to the final date on which prices paid or reported to be paid at specified Midwestern plants or