FEDERAL REGISTER

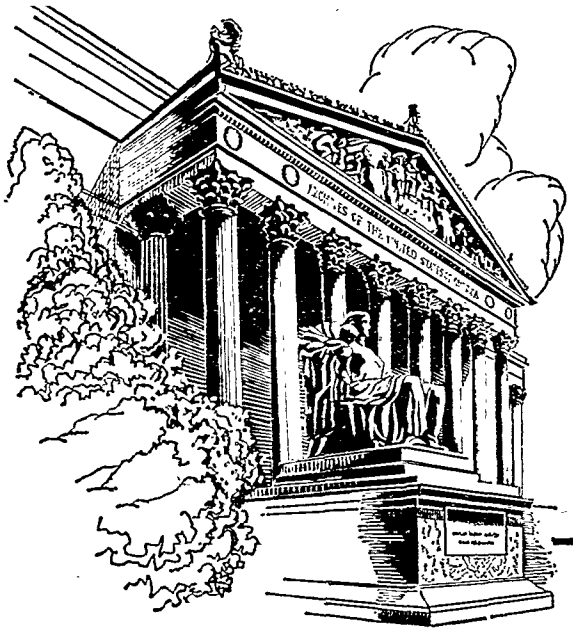
VOLUME 30 • NUMBER 153

Tuesday, August 10, 1965 • Washington, D.C.
Pages 9899–9972

Agencies in this issue—

Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Maritime Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Indian Affairs Bureau
Interstate Commerce Commission
Justice Department
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Treasury Department
Wage and Hour Division

Detailed list of Contents appears inside.



HeinOnline -- 30 Fed. Reg. 9899 1965

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

COLORADO RIVER RESERVATION

Leasing and Permitting

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161, 463 and 465 of the Revised Statutes (5 U.S.C. 22; 25 U.S.C. 2, and 9), and the Act of April 30, 1964 (78 Stat. 188), it is proposed to amend § 131.18 of Title 25, Code of Federal Regulations, as set forth below.

The purpose of this change is to implement the Act of April 30, 1964 (78 Stat. 188), "To fix the beneficial ownership of the Colorado River Indian Reservation located in the States of Arizona and California." This act became effective pursuant to section 4 thereof upon the dismissal by the Indian Claims Commission of the petitions of the Colorado River Indian Tribes in Dockets 185 and 283–A on April 23, 1965.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed admendments to the Bureau of Indian Affairs, Washington, D.C., 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 131.18 is amended to read as follows:

§ 131.18 Colorado River Reservation.

The Act of April 30, 1964 (78 Stat. 188), fixed the beneficial ownership of the Colorado River Reservation in the Colorado River Indian Tribes of the Colorado River Reservation and authorized the Secretary of the Interior to approve leases of said lands for such uses and terms as are authorized by the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415, et seq.), including the same uses and terms as are permitted thereby on the Agua Caliente (Palm Springs), Dania, Navajo, and Southern Ute Reservations. Regulations in this Part 131 govern leasing under the Act of August 9, 1955. Therefore, Part 131 shall also govern the leasing of lands on the Colorado River Reservation: *Provided, however,* That application of this Part 131 shall not extend to any lands lying west of the present course of the Colorado River and south of section 25 of township 2 south, range 23 east, San Bernardino base and meridian in California and shall not be construed to affect the resolution of any controversy over the location of the boundary of the Colorado River Reservation; *Provided further,* That any of the described lands in California shall be subject to the provisions of Part 131 when and if determined to be within the reservation.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 4, 1965.

[F.R. Doc. 65–8364; Filed, Aug. 9, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Free and Restricted Percentages and Withholding Factors for 1965–66 Crop Year

Notice is hereby given of a proposal to establish, for the 1965–66 crop year beginning August 1, 1965, free and restricted percentages and withholding factors applicable to marketable dates of the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Date Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the eighth 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)).

Estimates pertinent to the establishment of such proposed percentages and withholding factors are as follows:

Factors	Deglet Noor	Zahidi	Halawy	Khadrawy
	Thousand pounds	*Thousand pounds*	*Thousand pounds*	*Thousand pounds*
1. Uncertified handler carry-over (July 31, 1965)	11,569	320	6	18
2. Production of marketable dates (1965–66 crop year)	29,500	1,160	160	430
3. Total available supply of marketable dates subject to regulation	41,069	1,480	166	448
4. Trade demand [1]	26,000	1,200	200	510
5. Plus: Desirable handler carry-over (July 31, 1966)	12,500	150	10	50
6. Less: Certified handler carry-over (July 31, 1965)	7,663	50	42	107
7. Requirements for free dates	30,837	1,300	168	453
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7)	10,232	180	(2)	(5)

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

On the basis of the foregoing estimates, free and restricted percentages and a withholding factor for Deglet Noor dates of 75.0 percent, 25.0 percent, and 33.3 percent, respectively, and for Zahidi dates of 88.0 percent, 12.0 percent, and 13.6 percent, respectively, appear to be appropriate for the 1965–66 crop year.

For the Halawy variety and also the Khadrawy variety, the estimated total available supply of marketable dates subject to regulation approximates the estimated requirements for free dates. A free percentage of 100 percent, therefore, is appropriate for each variety.

The proposal is as follows:

§ 987.213 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1965, and ending July 31, 1966, as follows: (a) Deglet Noor variety dates: Free percentage, 75.0 percent; restricted percentage, 25.0 percent; and withholding factor, 33.3 percent; (b) Zahidi variety dates: Free percentage, 88.0 percent; restricted percentage, 12.0 percent; and withholding factor, 13.6 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: August 4, 1965.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 65–8398; Filed, Aug. 9, 1965; 8:49 a.m.]

HeinOnline -- 30 Fed. Reg. 9924 1965

[7 CFR Part 1012]

[Docket No. AO-347]

MILK IN TAMPA BAY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Tampa Bay marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Tampa, Fla., on March 15–19, 1965, pursuant to notice thereof which was issued February 16, 1965 (30 F.R. 2263).

The material issues of record relate to:

1. Whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs or affects interstate or foreign commerce;

2. Whether the marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

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

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Tampa Bay marketing area", includes all the territory within the Florida counties of Charlotte, Collier, De Soto, Hardee, Hernando, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota.

The production of milk by dairy farmers regularly associated with the above proposed marketing area is insufficient to meet handlers' Class I milk requirements throughout the year. To supplement the local supply, milk is imported from as far away as Wisconsin and Iowa. A Tennessee supplier is a regular source of supplemental milk for Tampa handlers; this milk competes directly with the milk from local producers.

Handlers who would be regulated by the proposed order imported more than 17 million pounds of milk (about five percent of their total receipts) from out-of-state sources in 1964. This milk was shipped from at least seven different states. Moreover, such shipments were not of a sporadic nature but were received in every month during the year. The same was true in 1963.

It is not uncommon for handlers in the proposed marketing area to use nonfat milk solids in producing such Class II products as buttermilk and chocolate drinks. The nonfat milk solids used in these products is purchased from out-of-state sources. These products compete with similar milk products produced from local milk supplies.

The market's requirements for such manufactured products as butter and cheese come almost entirely from out-of-state sources.

2. *Need for an order.* Marketing conditions in the Tampa Bay marketing area justify the issuance of a marketing agreement and order.

There is no over-all plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area, there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual fluid sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production and changes in demand associated with the tourist trade in the Tampa Bay area require that some of the Grade A milk produced for the market be disposed of in manufacturing channels at certain times of the year.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent excess milk from depressing the market price of all Grade A milk. To be successful, the classification and payment for milk in accordance with its use requires the participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby both the higher returns from the fluid market and the lower returns resulting from surplus milk may be shared equitably by producers.

Until December 1964, 12 of the 13 counties proposed to be included in the Tampa Bay order were regulated under an order of the Florida Milk Commission. For several years, the State order regulated milk handling in a way which was satisfactory to dairy farmers and other interested parties. However, in April 1964, a ruling of the Supreme Court of the United States limited the State's ability to regulate marketing conditions in the Tampa Bay market.

Indicative of instability in the Tampa Bay market are the abnormal fluctuations in the stated Class I prices since early 1964. From January to September 1964, the Florida Milk Commission's announced Class I price for the Tampa Bay area for milk of 3.5 percent butterfat dropped from $6.71 to $6.02.

The Florida Milk Commission's minimum price regulations were discontinued in December 1964. Since that time, some producers and handlers have used a $6.02 Class I price and a $5.45 price for Class I sales to military installations as a basis for negotiations. However, not all milk in the market is covered by such negotiations.

The stated Class I prices in the Tampa Bay area are uncertain since producers have no assurance of how they will share in the Class I utilizations of the handlers whom they supply. The utilizations on which handlers pay their producers are not audited or otherwise verified. Moreover, there is uncertainty among producers as to the utilization assigned their deliveries vis-a-vis milk obtained from other sources.

After the State's minimum price regulations were discontinued in December 1964, Independent Dairy Farmer's Association (the principal cooperative association in the market) attempted to maintain a degree of market stability. However, its efforts met with only limited success. Some handlers refused to negotiate with the cooperative. Others obstructed the cooperative's efforts to shift the deliveries of its members from plants utilizing such deliveries for manufacturing purposes to plants where higher priced utilizations could be obtained. One handler assigned the milk of producer-members of the cooperative to his Class III uses while using powder and condensed milk to produce Class II products.

In recent months, individual dairy farmers have been subject to continual harassment. A number of farmers, on short notice, lost the regular market for their milk. Others were threatened with the loss of their market. A dairy farmer who was active in organizing, and was an officer of, the Independent Dairy Farmer's Association, was notified by the handler taking his milk that such milk would not be needed after a specified date. The only apparent reason for the loss of his market was his association with the cooperative.

Another handler discontinued receiving milk from all members of the Independent Dairy Farmer's Association on December 31, 1964, when the members notified the handler that the cooperative

HeinOnline -- 30 Fed. Reg. 9925 1965