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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (18) is added to § 6.302 as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(18) One Private Secretary to the Special Assistant to the President.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-3417; Filed, April 26, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.308 is revoked, paragraph (b) (4) and (5) is added, and paragraphs (i) (8) and (9) and (p) (6) and (8) are amended as set out below.

§ 6.308 *Department of Justice.* * * *

(b) *Office of the Deputy Attorney General.* * * *

(4) Assistant Deputy Attorney General for Legal Administration.

(5) Assistant Deputy Attorney General for Litigation.

* * * * *

(i) *Office of Alien Property.* * * *

(8) Chief, Liquidation Section.

(9) Chief, Inter-custodial and Foreign Funds Office.

* * * * *

(p) *Internal Security Division.* * * *

(6) Chief, Civil Section.

* * * * *

(8) Chief, Criminal Section.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-3431; Filed, Apr. 26, 1957; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1957-crop of barley. The 1957 C. C. C. Grain Price Support Bulletin 1 (22 F. R. 2321), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1957 is supplemented as follows:

Sec.
421.2276 Purpose.
421.2277 Availability of price support.
421.2278 Eligible barley.
421.2279 Warehouse receipts.
421.2280 Determination of quantity.
421.2281 Determination of quality.
421.2282 Maturity of loans.
421.2283 Support rates.
421.2284 Warehouse charges.
421.2285 Inspection of barley under purchase agreement.
421.2286 Settlement.

AUTHORITY: §§ 421.2276 to 421.2286 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206, 15 U. S. C. 714, 7 U. S. C. 1421, 1442.

§ 421.2276 *Purpose.* Sections 421.2276 to 421.2286 state additional specific regulations which, together with the general regulations contained in the 1957 C. C. C. Grain Price Support Bulletin 1 (§§ 421.2201 to 421.2221), apply to loans and purchase agreements under the 1957-Crop Barley Price Support Program.

§ 421.2277 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(Continued on p. 2973)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the State Committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1958, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing barley in 1957, as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible barley harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.2278 *Eligible barley.* Barley, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The barley must have been produced in the continental United States in 1957 by an eligible producer.

(b) At the time the barley is placed under loan or delivered under a purchase agreement the beneficial interest in the barley must be in the eligible producer tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested. To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the barley was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Barley, at the time it is placed under loan, and barley under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The barley must be of any class grading No. 4 or better (or No. 4 Garlicky or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel:

(2) Barley grading Tough, Weevily, Stained, Blighted, Bleached, Ergoty or Smutty, or containing mercurial compounds or other substances poisonous to man or animals, shall not be eligible, except that barley represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On barley grading 'Tough' delivery will be made of eligible barley not grading 'Tough,' and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.2285 (a), barley under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC, if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-

delivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.2285 (a) and the barley on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraphs (c) (1) and (2) of this section.

§ 421.2279 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under a loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the barley is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect which indicate that the barley is insured.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade, and (vii) whether the barley arrived by rail, truck or barge. In the case of barley delivered by rail or barge, the grading factors on the warehouse receipts must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.2278 (c) (2), the supplemental certificate must show the numerical grade and the grading factors resulting from the barley being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.2284.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

§ 421.2280 *Determination of quantity.* (a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing:	Percent
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.2281 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the baisis of an official inspection.

§ 421.2282 *Maturity of loans.* Loans mature on demand but not later than February 28, 1958, in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, not later than March 10, 1958 in Arizona and California, and not later than April 30, 1958 in all other States. The maturity date for a loan shall be the maturity date for the State where the barley is stored.

§ 421.2283 *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes Barley, and Western Barley, grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Atchison, Kans	$1.16
Kansas City, Mo	1.16
Saint Joseph, Mo	1.16
Omaha, Nebr	1.16
Sioux City, Iowa	1.16
Minneapolis, Minn	1.17
Duluth, Minn	1.17
Superior, Wisc	1.17
Saint Paul, Minn	1.17
Galveston, Tex	1.23
Houston, Tex	1.23
New Orleans, La	1.23
Chicago, Ill	1.18
Milwaukee, Wis	1.18
Saint Louis, Mo	1.18
Memphis, Tenn	1.18
Longview, Wash	1.20
Tacoma, Wash	1.20
Vancouver, Wash	1.20
Seattle, Wash	1.20
Portland, Oreg	1.20
Astoria, Oreg	1.20
San Francisco, Calif	1.20
Stockton, Calif	1.20
Oakland, Calif	1.20
Los Angeles, Calif	1.20
Albany, N. Y	1.27
Philadelphia, Pa	1.27
Baltimore, Md	1.27
New York, N. Y	1.27
Norfolk, Va	1.27

(2) In order to be eligible for loan or purchase at the support rates shown in the above schedule, the barley must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any barley shipped at other than the domestic interstate freight rate shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) The support rate for barley which is shipped by rail or water and stored at any designated terminal market, and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 10 cents per bushel.

(5) The support rate for barley received by truck and stored at any designated terminal market, shall be the terminal rate minus 13½ cents per bushel.

(6) (i) Notwithstanding the foregoing provisions of this paragraph barley shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight

bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston and Houston, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma and Vancouver, Wash.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction of 3½ cents per bushel from the terminal rate.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for barley which is shipped by rail or water, and stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided,* That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such barley to the point of storage: *And provided further,* That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehousemen and other required documents as set forth in § 421.2279.

(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for barley of the Classes Barley, and Western Barley, grading No. 2 or better. Farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the barley is stored:

If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

Alabama

County	Rate per Bushel
All counties	$1.02

Arizona

County	Rate per bushel	County	Rate per bushel
Apache	$0.62	Mohave	$0.62
Cochise	.91	Navajo	.62
Coconino	.62	Pima	.96
Gila	.71	Pinal	1.01
Graham	.83	Santa Cruz	.96
Greenlee	.77	Yavapai	.72
Maricopa	1.01	Yuma	1.03

Arkansas

Arkansas	$0.95	Mississippi	$1.00
Clay	.98	Monroe	.97
Cleburne	.97	Phillips	.97
Craighead	.99	Poinsett	.99
Crittenden	1.03	Prairie	.97
Cross	1.01	Randolph	.98
Fulton	.95	St. Francis	1.00
Greene	.98	Sharp	.95
Independence	.96	White	.98
Jackson	.98	Woodruff	.98
Lawrence	.98	All other counties	.94
Lee	1.01		
Lonoke	.97		

California

Alameda	$1.09	Placer	$1.05
Alpine	.93	Plumas	.91
Amador	1.04	Riverside	1.04
Butte	1.02	Sacramento	1.06
Calaveras	1.04	San Benito	1.06
Colusa	1.03	San Bernardino	1.07
Contra Costa	1.09	San Diego	1.04
El Dorado	1.02	San Joaquin	1.07
Fresno	1.03	San Luis Obispo	1.02
Glenn	1.02	San Mateo	1.10
Humboldt	.89	Santa Barbara	1.03
Imperial	1.02	Santa Clara	1.09
Inyo	.91	Santa Cruz	1.07
Kern	1.03	Shasta	.97
Kings	1.03	Sierra	.91
Lake	1.04	Siskiyou	.90
Lassen	.90	Solano	1.08
Los Angeles	1.08	Sonoma	1.08
Madera	1.04	Stanislaus	1.06
Marin	1.09	Sutter	1.04
Mariposa	1.05	Tehama	1.00
Mendocino	1.02	Tulare	1.03
Merced	1.06	Tuolumne	1.07
Modoc	.86	Ventura	1.08
Mono	.86	Yola	1.06
Monterey	1.05	Yuba	1.05
Napa	1.09		
Orange	1.07		

Colorado

Adams	$0.86	Kit Carson	$0.87
Alamosa	.78	La Plata	.71
Arapahoe	.86	Larimer	.86
Archuleta	.71	Las Animas	.85
Baca	.87	Lincoln	.86
Bent	.86	Logan	.86
Boulder	.86	Mesa	.71
Chaffee	.75	Moffat	.71
Cheyenne	.88	Montezuma	.65
Conejos	.77	Montrose	.71
Costilla	.78	Morgan	.86
Crowley	.86	Otero	.86
Custer	.81	Ouray	.71
Delta	.71	Phillips	.88
Denver	.86	Pitkin	.71
Dolores	.59	Prowers	.87
Douglas	.86	Pueblo	.86
Eagle	.72	Rio Blanco	.71
Elbert	.86	Rio Grande	.77
El Paso	.86	Routt	.71
Fremont	.82	Saguache	.77
Garfield	.71	San Miguel	.62
Grand	.75	Sedgwick	.88
Huerfano	.84	Summit	.75
Jackson	.77	Washington	.86
Jefferson	.86	Weld	.86
Kiowa	.87	Yuma	.87

Connecticut

County	Rate per bushel
All counties	$1.06

Delaware

All counties	$1.06

Florida

All counties	$1.05

Georgia

All counties	$1.05

Idaho

County	Rate per bushel	County	Rate per bushel
Ada	$0.83	Gem	$0.84
Adams	.81	Gooding	.79
Bannock	.74	Idaho	.89
Bear Lake	.75	Jefferson	.73
Benewah	.91	Jerome	.78
Bingham	.73	Kootenai	.91
Blaine	.76	Latah	.91
Boise	.83	Lemhi	.72
Bonner	.89	Lewis	.90
Bonneville	.73	Lincoln	.77
Boundary	.87	Madison	.73
Butte	.73	Minidoka	.77
Camas	.76	Nez Perce	.91
Canyon	.84	Oneida	.73
Caribou	.75	Owyhee	.83
Cassia	.76	Payette	.85
Clark	.71	Power	.76
Clearwater	.91	Shoshone	.89
Custer	.73	Teton	.73
Elmore	.81	Twin Falls	.75
Franklin	.73	Valley	.82
Fremont	.73	Washington	.85

Illinois

Adams	$0.98	Lee	$1.01
Alexander	1.01	Livingston	1.01
Bond	1.02	Logan	1.01
Boone	1.02	McDonough	.99
Brown	.99	McHenry	1.03
Bureau	1.01	McLean	1.01
Calhoun	1.01	Macon	1.01
Carroll	1.00	Macoupin	1.03
Cass	1.01	Madison	1.03
Champaign	1.01	Marion	1.01
Christian	1.01	Marshall	1.01
Clark	1.00	Mason	1.01
Clay	1.00	Massac	1.00
Clinton	1.03	Menard	1.01
Coles	1.01	Mercer	.99
Cook	1.05	Monroe	1.02
Crawford	.99	Montgomery	1.01
Cumberland	1.01	Morgan	1.01
De Kalb	1.03	Moultrie	1.01
De Witt	1.01	Ogle	1.01
Douglas	1.01	Peoria	1.01
Du Page	1.04	Perry	1.01
Edgar	1.00	Piatt	1.01
Edwards	.99	Pike	1.00
Effingham	1.00	Pope	.97
Fayette	1.01	Pulaski	1.01
Ford	1.01	Putnam	1.01
Franklin	1.01	Randolph	1.01
Fulton	1.00	Richland	1.00
Gallatin	.97	Rock Island	.99
Greene	1.02	Saint Clair	1.03
Grundy	1.02	Saline	.97
Hamilton	1.00	Sangamon	1.00
Hancock	.98	Schuyler	1.00
Hardin	.94	Scott	1.01
Henderson	.98	Shelby	1.01
Henry	1.00	Stark	1.00
Iroquois	1.01	Stephenson	1.00
Jackson	1.01	Tazewell	1.01
Jasper	1.00	Union	1.01
Jefferson	1.01	Vermilion	1.01
Jersey	1.03	Wabash	.98
Jo Daviess	.99	Warren	.99
Johnson	.95	Washington	1.01
Kane	1.03	Wayne	.99
Kankakee	1.03	White	.97
Kendall	1.03	Whiteside	1.00
Knox	.99	Will	1.04
Lake	1.06	Williamson	1.01
La Salle	1.02	Winnebago	1.00
Lawrence	1.00	Woodford	1.01

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	Lawrence	$0.95
Allen	.97	Madison	.98
Bartholomew	.94	Marion	.97
Benton	1.00	Marshall	.99
Blackford	.98	Martin	.94
Boone	.97	Miami	.99
Brown	.94	Monroe	.95
Carroll	1.00	Montgomery	.98
Cass	1.00	Morgan	.95
Clark	.93	Newton	1.01
Clay	.97	Noble	.98
Clinton	.99	Ohio	.93
Crawford	.93	Orange	.93
Daviess	.95	Owen	.95
Dearborn	.93	Parke	.98
Decatur	.95	Perry	.89
De Kalb	.97	Pike	.94
Delaware	.97	Porter	1.02
Dubois	.93	Posey	.95
Elkhart	.99	Pulaski	1.01
Fayette	.95	Putnam	.97
Floyd	.93	Randolph	.98
Fountain	.98	Ripley	.93
Franklin	.95	Rush	.96
Fulton	1.00	Saint Joseph	.99
Gibson	.95	Scott	.93
Grant	.98	Shelby	.95
Greene	.95	Spencer	.89
Hamilton	.97	Starke	1.00
Hancock	.97	Steuben	.97
Harrison	.93	Sullivan	.95
Hendricks	.97	Switzerland	.90
Henry	.97	Tippecanoe	.99
Howard	.99	Tipton	.98
Huntington	.97	Union	.95
Jackson	.94	Vanderburgh	.95
Jasper	1.02	Vermillion	.98
Jay	.97	Vigo	.98
Jefferson	.93	Wabash	.99
Jennings	.93	Warren	.99
Johnson	.96	Warrick	.92
Knox	.95	Washington	.93
Kosciusko	.99	Wayne	.97
Lagrange	.98	Wells	.97
Lake	1.04	White	1.01
La Porte	1.01	Whitley	.99

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.99	Hamilton	$0.96
Adams	1.00	Hancock	.97
Allamakee	.97	Hardin	.96
Appanoose	.96	Harrison	1.02
Audubon	1.00	Henry	.96
Benton	.96	Howard	.98
Black Hawk	.96	Humboldt	.96
Boone	.98	Ida	.99
Bremer	.96	Iowa	.95
Buchanan	.95	Jackson	.98
Buena Vista	.97	Jasper	.96
Butler	.96	Jefferson	.95
Calhoun	.98	Johnson	.97
Carroll	1.00	Jones	.97
Cass	.99	Keokuk	.95
Cedar	.97	Kossuth	.97
Cerro Gordo	.98	Lee	.98
Cherokee	.98	Linn	.96
Chickasaw	.97	Louisa	.97
Clarke	.98	Lucas	.97
Clay	.97	Lyon	.97
Clayton	.96	Madison	.97
Clinton	.98	Mahaska	.94
Crawford	1.00	Marion	.96
Dallas	.98	Marshall	.96
Davis	.96	Mills	1.03
Decatur	.96	Mitchell	.98
Delaware	.96	Monona	1.01
Des Moines	.97	Monroe	.95
Dickinson	.97	Montgomery	1.01
Dubuque	.97	Muscatine	.97
Emmet	.98	O'Brien	.97
Fayette	.96	Osceola	.97
Floyd	.98	Page	1.01
Franklin	.96	Palo Alto	.97
Fremont	1.02	Plymouth	.99
Greene	.98	Pocahontas	.97
Grundy	.96	Polk	.97
Guthrie	.99	Pottawattamie	1.03

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Poweshiek	$0.95	Wapello	$0.95
Ringgold	.96	Warren	.97
Sac	.98	Washington	.96
Scott	.98	Wayne	.96
Shelby	1.01	Webster	.97
Sioux	.98	Winnebago	.98
Story	.97	Winneshiek	.97
Tama	.95	Woodbury	.99
Taylor	.99	Worth	.98
Union	.98	Wright	.96
Van Buren	.96		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.99	Linn	$0.99
Anderson	1.00	Logan	.90
Atchison	1.01	Lyon	.98
Barber	.93	McPherson	.95
Barton	.93	Marion	.95
Bourbon	.99	Marshall	.98
Brown	.99	Meade	.90
Butler	.95	Miami	1.01
Chase	.97	Mitchell	.95
Chautauqua	.97	Montgomery	.98
Cherokee	.98	Morris	.96
Cheyenne	.89	Morton	.87
Clark	.91	Nemaha	.99
Clay	.96	Neosho	.99
Cloud	.95	Ness	.93
Coffey	.99	Norton	.93
Comanche	.92	Osage	.99
Cowley	.95	Osborne	.94
Crawford	.99	Ottawa	.95
Decatur	.91	Pawnee	.93
Dickinson	.95	Phillips	.93
Doniphan	.99	Pottawatomie	.98
Douglas	1.01	Pratt	.93
Edwards	.93	Rawlins	.90
Elk	.97	Reno	.94
Ellis	.93	Republic	.95
Ellsworth	.94	Rice	.94
Finney	.90	Riley	.98
Ford	.92	Rooks	.93
Franklin	1.01	Rush	.93
Geary	.97	Russell	.93
Gove	.91	Saline	.95
Graham	.93	Scott	.90
Grant	.89	Sedgwick	.95
Gray	.91	Seward	.89
Greeley	.89	Shawnee	.99
Greenwood	.97	Sheridan	.91
Hamilton	.89	Sherman	.89
Harper	.94	Smith	.94
Harvey	.95	Stafford	.93
Haskell	.90	Stanton	.89
Hodgeman	.93	Stevens	.89
Jackson	1.00	Sumner	.95
Jefferson	1.01	Thomas	.90
Jewell	.95	Trego	.93
Johnson	1.02	Wabaunsee	.98
Kearny	.89	Wallace	.89
Kingman	.95	Washington	.96
Kiowa	.93	Wichita	.89
Labette	.98	Wilson	.98
Lane	.91	Woodson	.99
Leavenworth	1.02	Wyandotte	1.03
Lincoln	.94		

KENTUCKY

All counties $1.00

LOUISIANA

All counties $0.93

MAINE

All counties $1.06

MARYLAND

All counties $1.06

MASSACHUSETTS

All counties $1.06

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.86	Antrim	$0.87
Alger	.90	Arenac	.90
Allegan	.96	Baraga	.94
Alpena	.86	Barry	.96

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Bay	$0.94	Lenawee	$0.96
Benzie	.94	Livingston	.96
Berrien	.99	Luce	.87
Branch	.97	Mackinac	.86
Calhoun	.97	Macomb	.97
Cass	.99	Manistee	.91
Charlevoix	.86	Marquette	.92
Cheboygan	.85	Mason	.91
Chippewa	.87	Mecosta	.91
Clare	.94	Menominee	.93
Clinton	.95	Midland	.94
Crawford	.87	Missaukee	.91
Delta	.91	Monroe	.97
Dickinson	.92	Montcalm	.94
Eaton	.96	Montmorency	.86
Emmet	.86	Muskegon	.94
Genesee	.96	Newaygo	.93
Gladwin	.92	Oakland	.95
Gogebic	.96	Oceana	.91
Grand Traverse	.89	Ogemaw	.92
Gratiot	.95	Ontonagon	.90
Hillsdale	.96	Osceola	.92
Houghton	.91	Oscoda	.92
Huron	.92	Otsego	.86
Ingham	.96	Ottawa	.96
Ionia	.96	Presque Isle	.85
Iosco	.87	Roscommon	.87
Iron	.90	Saginaw	.95
Isabella	.93	Saint Clair	.96
Jackson	.96	Saint Joseph	.99
Kalamazoo	.99	Sanilac	.94
Kalkaska	.87	Schoolcraft	.89
Kent	.96	Shiawassee	.96
Keweenaw	.91	Tuscola	.94
Lake	.91	Van Buren	.98
Lapeer	.95	Washtenaw	.96
Leelanau	.87	Wayne	.96
		Wexford	.92

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.01	Martin	$0.98
Anoka	1.04	Meeker	1.02
Becker	.96	Mille Lacs	1.02
Beltrami	.97	Morrison	1.00
Benton	1.01	Mower	.99
Big Stone	.97	Murray	.97
Blue Earth	1.00	Nicollet	1.01
Brown	1.00	Nobles	.96
Carlton	1.02	Norman	.95
Carver	1.03	Olmsted	1.00
Cass	.99	Otter Tail	.98
Chippewa	.99	Pennington	.94
Chisago	1.02	Pine	1.01
Clay	.96	Pipestone	.97
Clearwater	.96	Pope	.99
Cottonwood	.98	Pope	.97
Crow Wing	1.00	Ramsey	1.04
Dakota	1.03	Red Lake	.95
Dodge	1.00	Redwood	.99
Douglas	.99	Renville	1.00
Faribault	.98	Rice	1.02
Fillmore	.98	Rock	.96
Freeborn	1.00	Roseau	.93
Goodhue	1.01	Saint Louis	1.00
Grant	.98	Scott	1.03
Hennepin	1.04	Sherburne	1.02
Houston	.97	Sibley	1.01
Hubbard	.97	Stearns	1.01
Isanti	1.02	Steele	1.00
Itasca	1.00	Stevens	.98
Jackson	.97	Swift	.99
Kanabec	1.01	Todd	.99
Kandiyohi	1.01	Traverse	.97
Kittson	.92	Wabasha	1.01
Koochiching	.93	Wadena	.99
Lac Qui Parle	.97	Waseca	1.00
Lake of the Woods	.94	Washington	1.04
Le Sueur	1.02	Watonwan	.99
Lincoln	.97	Wilkin	.96
Lyon	.98	Winona	1.00
McLeod	1.01	Wright	1.02
Mahnomen	.95	Yellow Medicine	.99
Marshall	.94		

MISSISSIPPI

All counties $1.02

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$0.97	Linn	$0.98
Andrew	1.00	Livingston	1.00
Atchison	1.00	McDonald	.97
Audrain	1.00	Macon	.97
Barry	.97	Madison	1.00
Barton	.99	Maries	1.00
Bates	1.01	Marion	1.00
Benton	.99	Mercer	.98
Bollinger	.99	Miller	.97
Boone	.99	Mississippi	.98
Buchanan	1.01	Moniteau	.97
Butler	.98	Monroe	.99
Caldwell	1.00	Montgomery	1.01
Callaway	1.00	Morgan	.98
Camden	.97	New Madrid	.98
Cape Girardeau	.99	Newton	.97
Carroll	1.00	Nodaway	.99
Carter	.91	Oregon	.95
Cass	1.01	Osage	.99
Cedar	.99	Ozark	.92
Chariton	.99	Pemiscot	.98
Christian	.97	Perry	1.01
Clark	.98	Pettis	.99
Clay	1.02	Phelps	1.00
Clinton	1.01	Pike	1.00
Cole	.98	Platte	1.03
Cooper	.98	Polk	.98
Crawford	1.01	Pulaski	.98
Dade	.98	Putnam	.97
Dallas	.96	Ralls	1.00
Daviess	1.00	Randolph	.99
De Kalb	1.00	Ray	1.01
Dent	.99	Reynolds	.97
Douglas	.94	Ripley	.98
Dunklin	.98	Saint Charles	1.06
Franklin	1.03	Saint Clair	1.00
Gasconade	1.01	Saint Francois	1.01
Gentry	.99	Ste. Genevieve	1.01
Greene	.97	Saint Louis	1.06
Grundy	.99	Saline	1.00
Harrison	.98	Schuyler	.97
Henry	1.01	Scotland	.97
Hickory	.99	Scott	.98
Holt	.99	Shannon	.91
Howard	.99	Shelby	.99
Howell	.92	Stoddard	.98
Iron	1.01	Stone	.96
Jackson	1.02	Sullivan	.98
Jasper	.98	Taney	.95
Jefferson	1.04	Texas	.94
Johnson	1.00	Vernon	.99
Knox	.98	Warren	1.03
Laclede	.97	Washington	1.01
Lafayette	1.01	Wayne	.98
Lawrence	.97	Webster	.95
Lewis	.99	Worth	.98
Lincoln	1.03	Wright	.94

Montana

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.69	Madison	$0.77
Big Horn	.73	Meagher	.77
Blaine	.74	Mineral	.82
Broadwater	.77	Missoula	.82
Carbon	.75	Musselshell	.76
Carter	.81	Park	.77
Cascade	.77	Petroleum	.77
Chouteau	.77	Phillips	.75
Custer	.80	Pondera	.77
Daniels	.78	Powder River	.79
Dawson	.81	Powell	.77
Deer Lodge	.77	Prairie	.80
Fallon	.81	Ravalli	.78
Fergus	.77	Richland	.81
Flathead	.81	Roosevelt	.81
Gallatin	.77	Rosebud	.76
Garfield	.79	Sanders	.82
Glacier	.78	Sheridan	.80
Golden Valley	.76	Silver Bow	.77
Granite	.78	Stillwater	.76
Hill	.77	Sweet Grass	.77
Jefferson	.77	Teton	.77
Judith Basin	.77	Toole	.77
Lake	.81	Treasure	.76
Lewis and Clark	.77	Valley	.78
Liberty	.77	Wheatland	.77
Lincoln	.83	Wibaux	.82
McCone	.79	Yellowstone	.76

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Jefferson	$0.99
Antelope	.97	Johnson	1.00
Arthur	.90	Kearney	.95
Banner	.86	Keith	.90
Blaine	.93	Keya Paha	.93
Boone	.98	Kimball	.86
Box Butte	.89	Knox	.96
Boyd	.95	Lancaster	1.02
Brown	.93	Lincoln	.92
Buffalo	.96	Logan	.93
Burt	1.01	Loup	.95
Butler	1.01	McPherson	.92
Cass	1.02	Madison	.99
Cedar	.97	Merrick	.99
Chase	.90	Morrill	.88
Cherry	.91	Nance	.99
Cheyenne	.86	Nemaha	1.00
Clay	.97	Nuckolls	.97
Colfax	1.01	Otoe	1.01
Cuming	1.01	Pawnee	.99
Custer	.95	Perkins	.90
Dakota	.99	Phelps	.95
Dawes	.87	Pierce	.98
Dawson	.95	Platte	1.00
Deuel	.88	Polk	.99
Dixon	.98	Red Willow	.93
Dodge	1.02	Richardson	.99
Douglas	1.03	Rock	.93
Dundy	.90	Saline	1.00
Fillmore	.98	Sarpy	1.03
Franklin	.95	Saunders	1.02
Frontier	.93	Scotts Bluff	.87
Furnas	.93	Seward	1.01
Gage	1.00	Sheridan	.89
Garden	.89	Sherman	.93
Garfield	.96	Sioux	.86
Gosper	.94	Stanton	.99
Grant	.90	Thayer	.98
Greeley	.98	Thomas	.92
Hall	.97	Thurston	1.00
Hamilton	.98	Valley	.96
Harlan	.94	Washington	1.02
Hayes	.90	Wayne	.98
Hitchcock	.91	Webster	.96
Holt	.96	Wheeler	.98
Hooker	.91	York	.99
Howard	.97		

Nevada

All counties $0.91

New Hampshire

All counties $1.06

New Jersey

All counties $1.06

New Mexico

County	Rate per bushel	County	Rate per bushel
Bernalillo	$0.76	Mora	$0.76
Catron	.69	Otero	.78
Chaves	.89	Quay	.93
Colfax	.80	Rio Arriba	.71
Curry	.93	Roosevelt	.92
De Baca	.89	Sandoval	.76
Dona Ana	.76	San Juan	.55
Eddy	.89	San Miguel	.76
Grant	.73	Santa Fe	.74
Guadalupe	.80	Sierra	.76
Harding	.88	Socorro	.76
Hidalgo	.81	Taos	.77
Lea	.93	Torrance	.78
Lincoln	.78	Union	.91
Luna	.81	Valencia	.72
McKinley	.65		

New York

All counties $1.06

North Carolina

All counties $1.06

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$0.86	Bowman	$0.85
Barnes	.94	Burke	.86
Benson	.90	Burleigh	.90
Billings	.86	Cass	.95
Bottineau	.87	Cavalier	.90

North Dakota—Continued

County	Rate per bushel	County	Rate per bushel
Dickey	$0.93	Oliver	$0.88
Divide	.85	Pembina	.91
Dunn	.86	Pierce	.90
Eddy	.91	Ramsey	.91
Emmons	.89	Ransom	.94
Foster	.92	Renville	.86
Golden Valley	.83	Richland	.96
Grand Forks	.93	Rolette	.89
Grant	.86	Sargent	.95
Griggs	.93	Sheridan	.90
Hettinger	.86	Sioux	.87
Kidder	.91	Slope	.83
La Moure	.92	Stark	.86
Logan	.91	Steele	.94
McHenry	.89	Stutsman	.92
McIntosh	.90	Towner	.90
Mckenzie	.83	Traill	.94
McLean	.88	Walsh	.92
Mercer	.86	Ward	.87
Morton	.88	Wells	.91
Mountrail	.86	Williams	.85
Nelson	.92		

Ohio

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Licking	$0.98
Allen	.97	Logan	.96
Ashland	.98	Lorain	.98
Ashtabula	1.01	Lucas	.97
Athens	.98	Madison	.97
Auglaize	.97	Mahoning	1.00
Belmont	.98	Marion	.97
Brown	.96	Medina	.98
Butler	.96	Meigs	.96
Carroll	.98	Mercer	.97
Champaign	.96	Miami	.97
Clark	.96	Monroe	.98
Clermont	.96	Montgomery	.96
Clinton	.96	Morgan	.98
Columbiana	.99	Morrow	.98
Coshocton	.98	Muskingum	.98
Crawford	.98	Noble	.98
Cuyahoga	.98	Ottawa	.98
Darke	.99	Paulding	.97
Definance	.97	Perry	.98
Delaware	.98	Pickaway	.97
Erie	.98	Pike	.96
Fairfield	.98	Portage	.98
Fayette	.96	Preble	.96
Franklin	.98	Putnam	.97
Fulton	.96	Richland	.98
Gallia	.96	Ross	.97
Geauga	1.01	Sandusky	.98
Greene	.96	Scioto	.96
Guernsey	.98	Seneca	.98
Hamilton	.96	Shelby	.97
Hancock	.98	Stark	.98
Hardin	.98	Summit	.98
Harrison	.98	Trumbull	1.01
Henry	.97	Tuscarawas	.98
Highland	.96	Union	.98
Hocking	.98	Van Wert	.97
Holmes	.98	Vinton	.98
Huron	.98	Warren	.96
Jackson	.96	Washington	.98
Jefferson	1.00	Wayne	.98
Knox	.98	Williams	.97
Lake	1.00	Wood	.98
Lawrence	.96	Wyandot	.98

Oklahoma

County	Rate per bushel	County	Rate per bushel
Adair	$0.93	Creek	$0.93
Alfalfa	.92	Custer	.86
Atoka	.87	Delaware	.97
Beaver	.87	Dewey	.86
Beckham	.85	Ellis	.87
Blaine	.88	Garfield	.92
Bryan	.85	Garvin	.86
Caddo	.86	Grady	.86
Canadian	.87	Grant	.93
Carter	.85	Greer	.85
Cherokee	.94	Harmon	.85
Choctaw	.85	Harper	.89
Cimarron	.86	Haskell	.91
Cleveland	.87	Hughes	.90
Coal	.87	Jackson	.85
Comanche	.85	Jefferson	.85
Cotton	.85	Johnston	.86
Craig	.97	Kay	.94

Oklahoma—Continued

County	Rate per bushel	County	Rate per bushel
Kingfisher	$0.89	Ottawa	$0.97
Kiowa	.85	Pawnee	.93
Latimer	.89	Payne	.90
Le Flore	.89	Pittsburg	.89
Lincoln	.89	Pontotoc	.87
Logan	.90	Pottawatomie	.87
Love	.85	Pushmataha	.86
McClain	.86	Roger Mills	.85
McCurtain	.85	Rogers	.96
McIntosh	.93	Seminole	.89
Major	.89	Sequoyah	.93
Marshall	.85	Stephens	.85
Mayes	.96	Texas	.87
Murray	.85	Tillman	.85
Muskogee	.93	Tulsa	.95
Noble	.93	Wagoner	.95
Nowata	.98	Washington	.97
Okfuskee	.90	Washita	.86
Oklahoma	.87	Woods	.92
Okmulgee	.93	Woodward	.88
Osage	.94		

Oregon

Baker	$0.89	Lake	$0.83
Benton	1.04	Lane	1.02
Clackamas	1.07	Lincoln	.99
Clatsop	1.03	Linn	1.04
Columbia	1.05	Malheur	.84
Coos	.96	Marion	1.06
Crook	1.03	Morrow	1.03
Curry	.95	Multnomah	1.08
Deschutes	1.03	Polk	1.05
Douglas	.98	Sherman	1.05
Gilliam	1.04	Tillamook	1.08
Grant	1.03	Umatilla	.97
Harney	.80	Union	.90
Hood River	1.08	Wallowa	.89
Jackson	.92	Wasco	1.08
Jefferson	1.04	Washington	1.08
Josephine	.93	Wheeler	1.03
Klamath	.92	Yamhill	1.07

Pennsylvania

All counties $1.06

Rhode Island

All counties $1.06

South Carolina

All counties $1.06

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$0.93	Jackson	$0.86
Beadle	.94	Jerauld	.94
Bennett	.89	Jones	.88
Bon Homme	.96	Kingsbury	.95
Brookings	.96	Lake	.95
Brown	.94	Lawrence	.83
Brule	.93	Lincoln	.97
Buffalo	.93	Lyman	.90
Butte	.83	McCook	.95
Campbell	.90	McPherson	.92
Charles Mix	.94	Marshall	.94
Clark	.95	Meade	.84
Clay	.98	Mellette	.91
Codington	.96	Miner	.95
Corson	.88	Minnehaha	.96
Custer	.85	Moody	.96
Davison	.95	Pennington	.84
Day	.95	Perkins	.86
Deuel	.96	Potter	.91
Dewey	.87	Roberts	.96
Douglas	.95	Sanborn	.94
Edmunds	.92	Shannon	.89
Fall River	.85	Spink	.94
Faulk	.93	Stanley	.90
Grant	.96	Sully	.90
Gregory	.94	Todd	.92
Haakon	.86	Tripp	.93
Hamlin	.96	Turner	.97
Hand	.93	Union	.98
Hanson	.95	Walworth	.91
Harding	.85	Washabaugh	.86
Hughes	.91	Yankton	.97
Hutchinson	.95	Ziebach	.85
Hyde	.92		

Tennessee

County	Rate per bushel
Shelby	$1.03
All other counties	$1.02

Texas

County	Rate per bushel	County	Rate per bushel
Anderson	$1.07	Hansford	$0.92
Archer	.95	Hardeman	.95
Armstrong	.95	Hardin	1.09
Atascosa	1.03	Harris	1.13
Austin	1.12	Harrison	1.02
Bailey	.95	Hartley	.92
Bandera	1.03	Haskell	.95
Baylor	.95	Hays	1.07
Bee	1.06	Hemphill	.93
Bell	1.07	Henderson	1.05
Bexar	1.05	Hidalgo	.98
Blanco	1.06	Hill	1.05
Borden	.95	Hockley	.95
Bosque	1.03	Hood	1.01
Bowie	.99	Hopkins	.99
Brazoria	1.13	Houston	1.09
Brazos	1.10	Howard	.95
Brewster	.86	Hudspeth	.85
Brisco	.95	Hunt	1.02
Brown	1.00	Hutchinson	.93
Burleson	1.10	Irion	.89
Burnet	1.04	Jack	.98
Callahan	.97	Jackson	1.09
Cameron	.98	Jasper	1.09
Camp	1.01	Jeff Davis	.85
Carson	.95	Jefferson	1.10
Cass	1.00	Jim Wells	1.04
Castro	.95	Johnson	1.05
Chambers	1.09	Jones	.95
Cherokee	1.07	Karnes	1.06
Childress	.95	Kaufman	1.04
Clay	.97	Kendall	1.02
Cochran	.95	Kenedy	1.01
Coke	.95	Kent	.95
Coleman	.98	Kerr	1.01
Collin	1.02	Kimble	.99
Collingsworth	.95	King	.95
Comal	1.07	Kinney	.98
Comanche	1.00	Knox	.95
Concho	.98	Lamar	.98
Cooke	.98	Lamp	.95
Coryell	1.05	Lampasas	1.05
Cottle	.95	Leon	1.08
Crane	.90	Liberty	1.12
Crockett	.68	Limestone	1.07
Crosby	.95	Lipscomb	.91
Dallam	.91	Live Oak	1.06
Dallas	1.02	Llano	1.03
Dawson	.95	Loving	.86
Deaf Smith	.95	Lubbock	.95
Delta	.99	Lynn	.95
Denton	1.02	McCulloch	1.00
De Witt	1.03	McLennan	1.06
Dickens	.95	Madison	1.10
Donley	.95	Marion	1.01
Eastland	.99	Martin	.94
Ector	.93	Mason	1.00
Edwards	.94	Medina	1.03
Ellis	1.05	Menard	.98
El Paso	.84	Midland	.94
Erath	1.00	Milam	1.09
Falls	1.07	Mills	1.05
Fannin	.99	Mitchell	.95
Fayette	1.09	Montague	.97
Fisher	.95	Montgomery	1.12
Floyd	.95	Moore	.92
Foard	.95	Morris	1.01
Ford Bend	1.13	Motley	.95
Franklin	1.01	Nacogdoches	1.07
Freestone	1.06	Navarro	1.05
Gaines	.95	Newton	1.09
Garza	.95	Nolan	.95
Gillespie	1.01	Ochiltree	.91
Goliad	1.08	Oldham	.94
Gonzales	1.08	Orange	1.09
Gary Gray	.95	Palo Pinto	.99
Grayson	.99	Panola	1.03
Gregg	1.03	Parker	1.01
Grimes	1.11	Parmer	.94
Guadalupe	1.07	Pecos	.86
Hale	.95	Polk	1.11
Hall	.95	Potter	.95
Hamilton	1.01	Presidio	.84

Texas—Continued

County	Rate per bushel	County	Rate per bushel
Rains	$0.99	Terry	$0.95
Randall	.95	Throckmorton	.96
Reagan	.88	Titus	1.01
Red River	.97	Tom Green	.95
Reeves	.86	Travis	1.07
Roberts	.93	Trinity	1.10
Robertson	1.08	Tyler	1.09
Rockwall	1.02	Upshur	1.02
Runnels	.97	Upton	.87
Rusk	1.03	Uvalde	1.01
Sabine	1.06	Val Verde	.95
San Augustine	1.06	Van Zandt	.99
San Jacinto	1.12	Victoria	1.09
San Saba	1.00	Walker	1.11
Schleicher	.89	Waller	1.12
Scurry	.95	Ward	.90
Shackelford	.96	Washington	1.11
Shelby	1.06	Wharton	1.11
Sherman	.91	Wheeler	.94
Smith	1.03	Wichita	.96
Somervell	1.02	Wilbarger	.95
Starr	.97	Willacy	.98
Stephens	.97	Williamson	1.07
Sterling	.89	Wilson	1.06
Stonewall	.95	Winkler	.93
Sutton	.88	Wise	.99
Swisher	.95	Wood	1.01
Tarrant	1.03	Yoakum	.95
Taylor	.96	Young	.98
Terrell	.89		

Utah

All counties $0.84

Vermont

All counties $1.06

Virginia

All counties $1.06

Washington

County	Rate per bushel	County	Rate per bushel
Adams	$0.93	Lewis	$1.03
Asotin	.91	Lincoln	.93
Benton	.98	Mason	.99
Chelan	.97	Okanogan	.92
Clallam	.90	Pacific	.99
Clark	1.08	Pend Oreille	.89
Columbia	.97	Pierce	1.08
Cowlitz	1.07	San Juan	1.05
Douglas	.92	Skagit	1.05
Ferry	.85	Skamania	1.08
Franklin	.95	Snohomish	1.05
Garfield	.97	Spokane	.92
Grant	.93	Stevens	.89
Grays Harbor	1.01	Thurston	1.04
Island	1.05	Wahkiakum	1.07
Jefferson	.98	Walla Walla	.97
King	1.08	Whatcom	1.03
Kitsap	.98	Whitman	.92
Kittitas	.99	Yakima	.98
Klickitat	1.05		

West Virginia

All counties $1.03

Wisconsin

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Fond du Lac	$0.99
Ashland	.98	Forest	.94
Barron	.99	Grant	.96
Bayfield	.99	Green	.99
Brown	.97	Green Lake	.97
Buffalo	.99	Iowa	.97
Burnett	1.02	Iron	.97
Calumet	.98	Jackson	.98
Chippewa	.98	Jefferson	1.00
Clark	.96	Juneau	.97
Columbia	.98	Kenosha	1.04
Crawford	.96	Kewaunee	.95
Dane	.99	LaCrosse	.97
Dodge	.99	Lafayette	.97
Door	.94	Langlade	.94
Douglas	1.03	Lincoln	.93
Dunn	1.00	Manitowoc	.98
Eau Claire	.99	Marathon	.96
Florence	.93	Marinette	.94

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	$0.97	Sauk	$0.97
Milwaukee	1.04	Sawyer	.99
Monroe	.96	Shawano	.96
Oconto	.95	Sheboygan	.99
Oneida	.93	Taylor	.97
Outagamie	.97	Trempealeau	.98
Ozaukee	1.00	Vernon	.96
Pepin	1.00	Vilas	.92
Pierce	1.02	Walworth	1.01
Polk	1.02	Washburn	1.00
Portage	.96	Washington	1.00
Price	.97	Waukesha	1.00
Racine	1.04	Waupaca	.96
Richland	.97	Waushara	.97
Rock	1.00	Winnebago	.98
Rusk	.99	Wood	.96
Saint Croix	1.02		

WYOMING

Albany	$0.78	Natrona	$0.75
Big Horn	.73	Niobrara	.83
Campbell	.79	Park	.72
Carbon	.78	Platte	.83
Converse	.79	Sheridan	.77
Crook	.80	Sublette	.71
Fremont	.73	Sweetwater	.71
Goshen	.86	Teton	.73
Hot Springs	.73	Uinta	.71
Johnson	.77	Washakie	.73
Laramie	.86	Weston	.82
Lincoln	.71		

(2) Where the State Committee determines that State or district weed control laws affect the barley crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If upon delivery of the barley to CCC the producer supplies a certificate indicating that the barley complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, and for No. 4, 6 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the Classes Barley, and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

§ 421.2284 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, 1958, March 10, 1958, or April 30, 1958, the applicable date to be determined in accordance with § 421.2282, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading-out charges have been prepaid through February 28, 1958, March 10, 1958, or April 30, 1958, the applicable date to be determined in accordance with § 421.2282.

Amount of deduction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1958; date of deposit (all dates inclusive)	For States having a maturity date not later than Feb. 28, 1958; date of deposit (all dates inclusive)	For States having a maturity date not later than Mar. 10, 1958; date of deposit (all dates inclusive)
16	Prior to May 25, 1957		
15	May 25–June 15, 1957		
14	June 16–July 7, 1957	Prior to May 8, 1957	Prior to May 18, 1957.
13	July 8–July 29, 1957	May 8–May 29, 1957	May 18–June 8, 1957.
12	July 30–Aug. 20, 1957	May 30–June 20, 1957	June 9–June 30, 1957.
11	Aug. 21–Sept. 11, 1957	June 21–July 12, 1957	July 1–July 22, 1957.
10	Sept. 12–Oct. 3, 1957	July 13–Aug. 3, 1957	July 23–Aug. 13, 1957.
9	Oct. 4–Oct. 25, 1957	Aug. 4–Aug. 25, 1957	Aug. 14–Sept. 4, 1957.
8	Oct. 26–Nov. 16, 1957	Aug. 26–Sept. 16, 1957	Sept. 5–Sept. 26, 1957.
7	Nov. 17–Dec. 8, 1957	Sept. 17–Oct. 8, 1957	Sept. 27–Oct. 18, 1957.
6	Dec. 9–Dec. 30, 1957	Oct. 9–Oct. 30, 1957	Oct. 19–Nov. 9, 1957.
5	Dec. 31, 1957–Jan. 21, 1958	Oct. 31–Nov. 21, 1957	Nov. 10–Dec. 1, 1957.
4	Jan. 22–Feb. 12, 1958	Nov. 22–Dec. 13, 1957	Dec. 2–Dec. 23, 1957.
3	Feb. 13–Mar. 6, 1958	Dec. 14, 1957–Jan. 4, 1958	Dec. 24, 1957–Jan. 14, 1958.
2	Mar. 7–Mar. 28, 1958	Jan. 5–Jan. 26, 1958	Jan. 15–Feb. 5, 1958.
1	Mar. 29–Apr. 30, 1958	Jan. 27–Feb. 28, 1958	Feb. 6–Mar. 10, 1958.

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28, 1958, or April 30, 1958, whichever date is applicable to the point of storage as determined in accordance with § 421.2282, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.2285 *Inspection of barley under purchase agreement*—(a) *Pre-delivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his barley stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the barley and obtain a sample of the barley and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the barley. If the barley, on the basis of the pre-delivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for the delivery. The producer whose barley is stored in other than an approved warehouse and whose barley is not of a quality eligible for a loan at the time of the pre-delivery inspection shall be notified in writing by the county office that his barley is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the barley or otherwise take action to make the barley eligible and insists upon delivery of the barley, the county office shall issue delivery instructions. The producer shall be further informed that if such barley, upon delivery and before purchase, does not meet the eligibility requirements of § 421.2278 (c) (1) and (2) as determined on the basis of sample taken at the time of delivery, the barley shall not be accepted for purchase by CCC. A pre-delivery inspection shall not be made on barley stored commingled in warehouses not approved for storage or on barley in an unapproved warehouse which is stored so that the identity of the producer's barley is maintained but a pre-delivery inspection is not possible. When a pre-delivery inspection is not made, such barley at the time of delivery must meet the eligibility requirements of § 421.2278 (c) (1) and (2).

(b) *Inspection of barley stored by producer.* The producer may be required to retain the barley stored in other than approved warehouse-storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the barley covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for barley which was determined to be of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the barley is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the barley is going out of condition or is in danger of going out of condition and that the barley cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determi-

nation or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.2286 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible barley delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of barley eligible for delivery. If, upon delivery, the barley under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That, if, upon delivery, such barley contains mercurial compounds or other substances poisonous to man or animals, the barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial users where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell the barley for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible barley under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm-storage.* Settlement for barley delivered to CCC from farm-storage meeting the eligibility requirements of § 421.2278 (c) (1) and (2) as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If barley which was determined to be eligible at the time of the predelivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible barley as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the barley determined by the predelivery inspection and the market price of the barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, the barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible barley stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of barley he elects to sell to CCC. Settlement for eligible barley delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* Where the producer has properly given the county office written notice of his intent to sell to CCC, barley in a warehouse not approved for storage which is stored commingled, or which is stored so that the identity of the producer's wheat is maintained but a predelivery inspection is not possible, the county office will issue instructions on or after the loan maturity date for delivery of the barley. Settlement for such barley delivered to CCC which meets the eligibility requirements of § 421.2278 (c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's barley can be made, the provisions of § 421.2285 shall apply and settlement will be the same as for barley delivered under a purchase agreement from farm-storage as provided in subdivision (i) of this subparagraph.

(iv) *Barley ineligible for delivery, inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of barley ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Barley which was of an ineligible grade or quality both at the time of the pre-delivery inspection and at the time of the delivery as redetermined by a reinspection; (*b*) Barley of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) Barley in a warehouse not approved for storage which is stored commingled or stored so that the identity of the producer's barley is maintained but a pre-delivery inspection is not possible, and which at the time of the delivery does not meet the eligibility requirements of § 421.2278 (*c*) (1) and (2). The settlement value shall be the market price for the grade, quality and quantity of such ineligible barley delivered as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, such barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value, if any, as determined by CCC as of the date of delivery. If barley delivered is of an eligible grade and quality but in excess of the maximum stated in the purchase agreement and such barley is inadvertently accepted by CCC the settlement value shall be the sales price if the barley is immediately sold. If the barley is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of bonus and purchase agreements.* (1) In the case of barley stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(2) In the case of barley delivered from other than approved warehouse-storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his barley to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deductions for storage shall be made for farm-stored barley under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.2284.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading-out charges on barley under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement: *Provided,* The producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of barley stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain barley stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such barley within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the barley to CCC: *Provided, however,* That a storage payment shall be paid a producer whose barley is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intentions to sell the barley to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00045 per bushel a day for the barley accepted for sale or delivery to CCC.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on barley delivered to CCC on track at a country point.

(g) *Compensation for hauling.* In the case of barley, if the producer is directed by the county office to deliver his barley to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the barley any distance greater than the distance from the point where the barley is stored by the producer to the customary shipping point; *Provided,* That if the producer is directed to deliver his barley to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of barley under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 23d day of April 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-3400; Filed Apr. 26, 1957; 8:45 a. m.]

[1957 C. C. C. Flaxseed Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957 TEXAS FLAXSEED PURCHASE PROGRAM

BASIC PURCHASE PRICES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2653, and containing the specific requirements of the 1957-crop Texas Flaxseed Purchase Program are amended as follows:

1. Section 421.2729 (a) is amended to set forth the Texas counties authorized under the program and the basic purchase rates so that the amended paragraph reads as follows:

§ 421.2729 *Basic purchase prices.* (a) The basic purchase price per bushel of flaxseed grading No. 1 delivered under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. Texas counties authorized under this program and the basic purchase rates are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Aransas	$2.78	Gonzales	$2.66
Atascosa	2.70	Guadalupe	2.67
Bastrop	2.67	Hamilton	2.58
Bee	2.77	Hays	2.67
Bell	2.65	Hidalgo	2.64
Bexar	2.66	Jackson	2.67
Blanco	2.64	Jim Hogg	2.68
Bowie	2.57	Jim Wells	2.76
Brooks	2.69	Karnes	2.72
Brown	2.61	Kimble	2.59
Burnet	2.61	Kleberg	2.75
Caldwell	2.67	La Salle	2.63
Calhoun	2.69	Lavaca	2.65
Cameron	2.64	Lee	2.70
Coleman	2.59	Live Oak	2.74
Collin	2.61	McCulloch	2.60
Colorado	2.73	McMullen	2.72
Comal	2.67	Mason	2.61
Concho	2.59	Matagorda	2.70
De Witt	2.68	Maverick	2.55
Dimmit	2.59	Medina	2.66
Duval	2.72	Milam	2.67
Frio	2.65	Nueces	2.79
Galveston	2.78	Real	2.60
Goliad	2.73	Red River	2.57

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Refugio	$2.74	Webb	$2.64
Runnels	2.57	Wharton	2.75
San Patricio	2.79	Willacy	2.66
San Saba	2.61	Williamson	2.66
Taylor	2.55	Wilson	2.70
Travis	2.67	Zapata	2.60
Uvalde	2.60	Zavala	2.57
Victoria	2.71		

2. Section 421.2729 (b) (1) is amended to set forth the basic purchase price for flaxseed delivered to authorized dealers at the Corpus Christi and Houston terminal markets so that the amended subparagraph reads as follows:

§ 421.2729 *Basic purchase prices.*

* * *

(b) (1) The basic purchase price shall be $2.98 per bushel for No. 1 flaxseed delivered to authorized dealers at the Corpus Christi and Houston, Texas terminal markets.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 23d day of April 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-3460; Filed, Apr. 26, 1957; 8:55 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Supplement I of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended and supplemented, is amended by adding the following:

With respect to (1) producers who indicated on their agreements a desire to place additional acreage in the program and (2) producers who indicated in writing to the county committee on or before the applicable final date for filing agreements a desire to participate only if allowed to place in the program more than the maximum acreage specified in the regulations, the Administrator, pursuant to the provisions of § 485.211 (a) (3), has taken the following action: The maximum acreage limitations for tobacco in any county covered by the terms of the proviso in Supplement I have been removed. The maximum acreage limitations specified in § 485.211 (a) (2) (v) for cigar binder tobacco types 51 and 52 have been increased to 7.0 acres or 50 percent of the allotment, whichever is larger. The maximum acreage limitations specified in § 485.211 (a) (2) for wheat, corn, cotton, and rice have been removed.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 23d day of April 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3458; Filed, Apr. 26, 1957; 8:55 a. m.]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

AGREEMENTS NOT IN CONFORMITY WITH REGULATIONS

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended and supplemented, are hereby amended by adding the following section after § 485.240:

§ 485.241 *Agreements not in conformity with regulations.* If it is discovered, after an acreage reserve agreement has been approved by the county committee, that, through a misunderstanding of the program by a producer acting in good faith, the agreement is not in conformity with the regulations, a new agreement shall be filed, except as provided in § 485.216 (b), meeting all the requirements of the program. If any producer who signed the original agreement is unwilling to sign a new agreement in conformity with the regulations, the State committee may, in accordance with instructions from the Administrator, upon the request of all producers who signed the original agreement, consent to the termination of the agreement. If a new agreement is not filed or the original agreement terminated, as provided in this section, the original agreement shall remain in full force and effect, subject to all the provisions of the regulations.

(Sec. 124, 70 Stat. 198, 7 U. S. C. 1812)

Issued at Washington, D. C., this 23d day of April 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3457; Filed, Apr. 26, 1957; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1022-1 Amdt. 3]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of amending § 717.7 of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14, inclusive (21 F. R. 3960; 21 F. R. 4799; 21 F. R. 8793). Prior to preparing this amendment, public notice (22 F. R. 2200) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to this amendment which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

The regulations governing the holding of referenda on marketing quotas (21 F. R. 3960; 21 F. R. 4799; 21 F. R. 8793) are hereby amended in the following respects:

Section 717.7 (c) is amended (a) by changing the fourth sentence thereof to read as follows: "The person to whom the ballot is issued shall mark the ballot so as to indicate clearly how he votes and place the ballot in a plain envelope which shall be marked clearly with the words 'Absentee Ballot,' sealed and inserted in another envelope which shall be marked clearly with the voter's name and address, sealed, and mailed, postage paid, to the county committee for the county in which he is eligible to vote"; and (b) by adding a new sentence immediately following the fifth sentence thereof to read as follows: "No such ballot voted by mail shall be counted unless the voter's name and address appear on the envelope in which the ballot was mailed and it is determined that he is eligible to vote."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C. this 23d day of April 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-3456; Filed, Apr. 26, 1957; 8:55 a. m.]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS FOR THE 1957 CROP OF RICE

GENERAL

AUTHORITY: §§ 730.850 to 730.899 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 351–356, 362–368, 372–374, 376, 377, 52 Stat. 38, as amended, 52 Stat. 41, as amended, secs. 106, 70 Stat. 191, 206; 7 U. S. C. 1301, 1351–1356, 1362–1368, 1372–1374, 1376, 1824.

GENERAL

§ 730.850 *Basis and purpose.* The regulations contained in §§ 730.850 to 730.899, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by rice pro-

ducers and handlers; and special provisions and exemptions applicable to farms on which the acreage of nonirrigated (dry land) rice is 3 acres or less, rice produced by publicly owned experiment stations, and rice planted for wildlife feed. Prior to preparing §§ 730.850 to 730.899 inclusive, public notice (22 F. R. 581) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, recommendations submitted by persons interested in the regulations in this subpart have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.851 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context of subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means according to context, one of the several committees defined as follows:

(1) "State committee" means a group of persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act.

(3) "Community committee" means the group of persons elected within a community as a community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(g) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

(h) "State administrative officer" means the employee of the State committee who carries out its policies and the day-to-day operations of the ASC State office.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, or a political subdivision of a State, the Federal Government, or any agency thereof of a State.

(j) "Landlord" or "owner" means a person who owns land.

(k) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(l) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(m) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(n) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop-share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(o) "Buyer" means a person who buys rice.

(p) "Transferee" means a person who acquires rice from a producer or any other person by barter, exchange or gift.

(q) "Intermediate buyer" means any buyer or transferee who purchases or acquires any rice prior to the time the rice so purchased or acquired has been marketed either (1) to a warehouseman, mill operator, or processor or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or mill operator.

(r) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(s) "Farm acreage allotment" means the rice acreage allotment established for the farm under applicable sections of regulations for establishment of farm acreage allotments and normal yields for 1957 crop of rice as published in the FEDERAL REGISTER (21 F. R. 8423) and (22 F. R. 1710).

(t) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(u) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of nonirrigated rice of three acres or less, (2) any acreage of sweet, glutenous, or candy rice commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (4) any acreage planted to rice on specifically designated fields under a written contract which was or will be entered into prior to planting with the Fish and Wildlife Service for wildlife feed which was not or will not be harvested, provided prior to planting, a certified copy of such contract is filed with the county committee and such contract is approved by the county and State committees after determination that there is no intent by the producer in entering into the contract to defeat the purposes of the acreage allotment or marketing quota program, and (5) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer of from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee and the Secretary so that rice cannot be harvested therefrom. Such date for each county or area within the county shall be far enough in advance of the date the harvesting of rice normally begins in the county to permit sufficient time to remeasure the farms in the county and issue marketing cards to eligible producers prior to harvest. Notice of 1957 Acreage of Rice on Form CSS–598 shall be mailed to the operator of each farm on which there is excess rice acreage at least 15 days prior to such established date: *Provided,* That if such notice is not mailed at least 15 days prior to such established date the producer shall have 15 days from the date the notice of 1957 acreage of rice is mailed to destroy or treat the excess rice acreage so that rice cannot be harvested therefrom. If a producer proves to the satisfaction of the county committee that he is unable to dispose of the excess rice acreage by the required date because of the physical condition of the rice acreage, an extension of time sufficient to afford a fair and reasonable opportunity for such disposal may be granted by the county committee provided the excess acreage is destroyed prior to the time the harvesting of rice

begins on the farm. The acreage of rice as determined by the first inspection and as stated on Form CSS–598 shall be considered as "rice acreage" if the farm operator or his representative fails to notify the ASC county office by the date specified on Form CSS–598 of his intention to adjust the rice acreage to the farm allotment and pay the cost of remeasurement as provided in § 730.855 (e). The date specified on Form CSS–598 for notifying the county office of an intention to adjust shall coincide with the latest date on which the adjustment may be made. The dates in each county or area of a county by which excess rice must be destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) are as follows:

ARKANSAS

August 1, 1957: All counties.

CALIFORNIA

September 1, 1957: All counties.

FLORIDA

October 15, 1957: All counties.

ILLINOIS

September 15, 1957: All counties.

LOUISIANA

August 1, 1957: All counties.

MISSISSIPPI

August 15, 1957: All counties.

MISSOURI

August 15, 1957: All counties.

NORTH CAROLINA

August 31, 1957: All counties.

OKLAHOMA

August 15, 1957: All counties.

SOUTH CAROLINA

August 1, 1957: All counties for rice planted on or about March 15, 1957.
September 15, 1957: All counties for rice planted on or about May 15, 1957.
October 15, 1957: All counties for rice planted on or about June 15, 1957.

TENNESSEE

August 31, 1957: All counties.

TEXAS

July 15, 1957: All counties except Bowie County.
September 1, 1957: Bowie County.

(v) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

(w) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.853.

(x) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm in 1957 by the 1957 rice acreage on the farm.

(y) "Normal production" of any number of acres means the normal yield of rice for the farm times such number of acres.

(z) "Actual production" of any number of acres means the actual yield of rice per acre for the farm times such number of acres.

(aa) "Farm marketing quota" means the rice marketing quota established under the act for the farm for the 1957 crop.

(bb) "Farm marketing excess" means the amount of rice determined for any farm under § 730.859 or § 730.862, whichever is applicable.

(cc) "Marketing year" means the period beginning August 1, 1957, and ending July 31, 1958, both dates inclusive.

(dd) "Market" means to dispose of rice, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift. The penalty on excess rice is due regardless of what use is made of the excess rice.

(1) The term "sale" means any transfer of title to rice by a producer by any means other than barter, exchange or gift.

(2) The terms "barter" and "exchange" mean transfer of title to rice by a producer in return for rice or any other commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called "toll rice").

(3) The term "gift" means any transfer of title to rice accompanied by delivery of the rice by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(ee) "Penalty" means the penalty provided in section 356 (a) of the act.

§ 730.852 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.853 *Normal yields*—(a) *Farms for which normal yields will determined.* The Secretary, through the county committee, will determine a normal yield for each farm for which a farm marketing excess is determined for the 1957 crop and for each farm as required for the purposes of § 730.884 (h) and (i). Determination of farm normal yields shall be documented in a manner approved by the State committee and such determination shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved by or on behalf of the State committee. Determinations of normal yields for individual farms shall also be recorded in the minutes of the county committee meeting during which such normal yields are established.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per acre for all of the five calendar years immediately preceding the calendar year for which the yield is determined are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and for trends in yields.

(c) *Appraised yields.* If for any year of such 5-year period data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county the yields obtained on adjacent farms during such year and the yield in years for which data are available. If on the account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 730.854 *Identification of farms.* Each farm as operated for the 1957 crop of rice shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1957 crop of rice shall be identified by the farm serial number.

§ 730.855 *Measurement of farms.* The county committee shall provide for the measurement of all farms in the county having a 1957 rice acreage allotment and any other farm in the county on which the committee has reason to believe there is rice which could be available for harvest in 1957, regardless of its intended use, for the purpose of ascertaining with respect to each of such farms the acreage of rice and whether such acreage is in excess of the farm rice acreage allotment for 1957. A farm will be considered as being located in the county in which is located the ASC county office from which the 1957 rice farm acreage allotment notice was sent to the operator and shall be retained in such status until the next crop year. Measurement shall be made under the general supervision of the county committee in accordance with the following provisions:

(a) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. In addition, upon request of the county committee the State administrative of-

ficer may designate an employee of the State committee to serve as a reporter. A reporter may be assisted in the measurement of a farm by another reporter, community, county or State committeeman, county office manager, State committee representative, any employee of the Department when authorized by the county office manager or any employee of the Department when authorized by the Deputy Administrator, Production Adjustment, Commodity Stabilization Service. The reporter, may request the operator or producer, or his representative, to designate all fields on the farm being utilized for growing rice and otherwise to assist in measuring the farm. If requested, the operator or producer, or his representative, shall so designate all fields being utilized for growing rice and may otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer, or his representative.

(b) *Assignment.* The county office manager shall have the responsibility for assigning in writing the farms in the county to be measured by a reporter. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the rice acreage on such producer's farm.

(c) *Farm visit.* A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner, his assignment to measure the farm.

(d) *Methods of measurement.* Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain. No other measuring equipment shall be used unless approval in writing is obtained from the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. Any combination of one or more of the foregoing methods may be employed. The measurement will be entered by the reporter on the Form CSS–578 and filed in the ASC county office. Computations of acreages shall be made by an employee in the ASC county office from the data so obtained and the use of a planimeter or rotometer in connection therewith is authorized.

(e) *Measurement of rice acreage.* (1) Upon his first visit to the farm for purposes of measurement the reporter assigned thereto shall measure all fields on the farm growing rice.

(2) All farms measured under the provisions of subparagraph (1) of this paragraph which from such measurement are found to have acreage on which rice is growing in excess of the 1957 farm rice acreage allotment shall be revisited by the reporter for the purpose of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any such farm is the farm operator or his representative fails to notify the ASC county office by the dates specified on the notice of 1957 acreage of rice (Form CSS–598) of his intention to adjust the excess acreage on the farm and pay the costs of remeasurement. On this visit all acreage devoted to rice and which has not been adjusted prior to harvest so as not to qualify as rice acreage in accordance with these regulations shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Water company measurements.* Notwithstanding other provisions of this section, acreage measurements made by employees of water or irrigation companies to determine water charges may be used in lieu of or in connection with measurements by a reporter, subject to the following conditions: (1) The State and county committees determine that such measurements are accurate and meet the standards for measurements set out in the regulations in this subpart; (2) a visual inspection is made by a representative of the State or county committee in order to ascertain that all rice acreage on the farm has been included; (3) a spot check of at least 10 per centum of the farms so measured is made; and (4) the water or irrigation company does not share in the 1957 rice crop on the farm.

(g) *Prior measurements.* Measurements made prior to the effective date of this section and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1957 rice acreage and the rice acreage in excess of the 1957 farm rice acreage allotment.

§ 730.856 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the rice acreage, and (g) the farm marketing excess in pounds.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.857 *Marketing quotas in effect.* Marketing quotas for the 1957 crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.858 *Farm marketing quota.* The farm marketing quota for any farm for the 1957 crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.859 *Farm marketing excess.* The farm marketing excess for the 1957 crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm acreage allotment therefor: *Provided,* That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm rice acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 730.860 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1957 rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on ASC county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the rice produced in 1957 on the farm for which the notice is given. Each notice shall be on a Form MQ–93—Rice and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 730.861 *Farms for which proper notice of 1957 farm marketing quota and farm marketing excess of rice was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of rice established for the farm, was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 730.860, 730.862, 730.884, and 730.885, the producer shall be so notified by the county committee on Form MQ–93—Rice and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the farm marketing excess as provided in §§ 730.862, 730.884 and 730.885. In the event application for downward adjustment in the farm marketing excess is made for the producer, a revised notice on Form MQ–93—Rice with a copy of the determination of the county committee as provided in § 730.862 (b) shall be mailed to the operator of the farm, to the appli-

cant if he is not such operator, and to all other interested producers.

§ 730.862 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing access.* (1) Any producer having an interest in the rice produced in 1957 on any farm for which there is a farm marketing excess may (i) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed, as provided in § 730.861, apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced in 1957 on the farm, or (ii) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no rice has been or will be produced in 1957 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section. The date on which the harvesting of rice is normally substantially completed in the county or area in the county shall be determined by the State committee subject to approval by the Secretary, taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.861 or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and a place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(2) The established dates on which the harvesting of rice is normally substantially completed have been determined as aforesaid in rice-producing counties as determined by the several State committees are as follows:

ARKANSAS

November 15, 1957: All counties.

CALIFORNIA

November 30, 1957: All counties.

FLORIDA

November 30, 1957: All counties.

ILLINOIS

October 15, 1957: All counties.

LOUISIANA

November 3, 1957: All counties.

MISSISSIPPI

October 31, 1957: All counties.

MISSOURI

October 1, 1957: All counties.

NORTH CAROLINA

November 1, 1957: All counties.

OKLAHOMA

November 15, 1957: All counties.

SOUTH CAROLINA

November 1, 1957: All counties.

TENNESSEE

November 1, 1957: All counties.

TEXAS

October 20, 1957: All counties.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committe shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production on any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which are available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice on Form MQ–93—Rice with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers. All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved by or on behalf of the State committee.

§ 730.863 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 730.864 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.865 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death but a suit may be brought to enforce the lien for the penalty against the rice. If a successor in interest shall acquire from a deceased producer rice subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor in interest to market the rice penalty free until the penalty has been satisfied.

§ 730.866 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allot-

ment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations as issued by the Secretary. (Part 711 of this chapter—Marketing Quota Review Regulations, 21 F. R. 9365).

(b) *Action by county committee prior to review hearing.* Action shall be taken by the county committee prior to the review hearing in accordance with § 711.14 of this chapter (21 F. R. 9365).

(c) *Court review.* If the producer is dissatisfied with the determination of the review committee he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 730.867 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Rice—(1957)) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 730.879 or § 730.880, (3) the farm marketing excess is stored, as provided in § 730.884 or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 730.885. Marketing cards will be delivered to producers at the office of the county committee, except that if the county committee determines that it would facilitate the administration of the act, and the committee has reason to believe that the marketing card will be used, marketing cards may be mailed to the producers entitled thereto: *Provided,* That the producers are instructed in writing to countersign the card in the appropriate space thereon upon its receipt. Each marketing card shall be serially numbered and shall show the names of the State and county code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the countersignature of the producer to whom the card is issued or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the countersignature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if any producer on the farm owes any penalty for 1955 or 1956 excess rice or if determination of the 1957 rice acreage has not been made and has been prevented by any producer on the farm. A producer shall not be considered to owe any penalty if he has avoided or postponed payment of the penalty through storage of excess rice in accordance with applicable regulations.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a rice producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one rice marketing card need be issued to a producer who has an interest in the rice crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the rice crop, and (3) the producer's liability has not been reduced to a proportionate share on any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties, or the State committee, determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of rice, together with any other information deemed necessary to enforce the act.

(c) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify rice produced on any farm the serial number of which is not entered on the card. A marketing card shall not be used to market any rice which was not produced on a farm the serial number of which appears on the marketing card.

§ 730.868 *Issuance of marketing certificates.* The county office manager or his designee, shall upon request, issue a marketing certificate Form MQ–94—Rice, to any producer (a) who is eligible to receive a marketing card and who desires to market rice by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (b) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 730.879 (c), or (c) who is ineligible to receive a marketing card solely because of penalties owed by any producer on the farm for 1955 or 1956 excess rice or (d) who is ineligible to receive a marketing card solely because of excess rice produced on another farm as provided in § 730.867 (b). Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county code number thereof and the serial number of the farm, (3) the serial number of the marketing card assigned to the producer for the farm, (4) the signature of the county office manager or his designee, (5) the name of the buyer or transferee, (6) the number of pounds of rice involved in the transaction and (7) the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify rice produced on any farm the serial number of which is not entered on the certificate.

§ 730.869 *Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders*—(a) *Report of loss, destruction, or theft.* In case a marketing card, marketing certificate, or producer's copy of soil bank delivery order (CCC Form 382 or CCC Form 103) delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card, marketing certificate, or soil bank delivery order, was issued; (2) the name of the producer to whom the marketing card, marketing certificate or soil bank delivery order was issued, if someone other than the operator; (3) the serial number of the marketing card, marketing certificate or soil bank delivery order; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card, marketing certificate, or producer's copy of soil bank delivery order, was in fact lost, destroyed, or stolen, it shall cause to be cancelled such marketing card, marketing certificate or producer's copy of soil bank delivery order, and instruct the county office manager to give notice to the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued, that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom

the marketing card, marketing certificate or soil bank delivery order was issued, it shall cause to be issued to or for him in marketing card, marketing certificate or producer's copy of soil bank delivery order to replace the lost, destroyed or stolen marketing card, marketing certificate or producer's copy of soil bank delivery order. Each marketing card, marketing certificate, or producer's copy of soil bank delivery order issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card, marketing certificate or producer's copy of soil bank delivery order is cancelled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, mill operators, or warehousemen who serve the county or the immediate vicinity of the farm, that the marketing card, marketing certificate or producer's copy of soil bank delivery order is cancelled and of the issuance of any duplicate. Any person coming into possession of a cancelled marketing card, marketing certificate or producer's copy of soil bank delivery order shall immediately return it to the ASC county office from which it was issued.

§ 730.870 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of error, be cancelled by the county office manager. The producer to whom such marketing card, or marketing certificate was issued shall be notified in the manner prescribed in § 730.869 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Cancelled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the mill operators, warehousemen, and buyers who serve the county, or in the immediate vicinity that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

IDENTIFICATION OF RICE

§ 730.871 *Time and manner of identification.* Each producer of rice and each intermediate buyer shall, at the time he markets any rice, identify the rice to the buyer or transferee, in the manner hereinafter provided as being subject to or not subject to the penalty and the lien for the penalty.

§ 730.872 *Identification by marketing card.* A marketing card (MQ–76—Rice (1957)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the rice for which the marketing card was issued may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for the penalty.

§ 730.873 *Identification by marketing certificate.* A marketing certificate (MQ–94—Rice) properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of rice shown thereon may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for penalty.

§ 730.874 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Rice), properly executed by the first intermediate buyer and the producer of the rice and any subsequent buyer in the manner outlined in § 730.888 (d) or § 730.889, shall be evidence to any buyer that the rice covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Rice shows the serial number of the marketing card, marketing certificate or soil bank delivery order by which the rice was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Rice bears the endorsement "Penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

§ 730.875 *Rice identified as subject to the penalty and lien for the penalty.* All rice marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 730.872, § 730.873 or § 730.874, shall be taken by the buyer thereof as rice subject to penalty and the lien for the penalty and the buyer of such rice shall pay the penalty thereon at the rate prescribed in § 730.876. A person other than a producer or intermediate buyer offering rice sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman or processor, or other grain dealer, who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the rice had previously been marketed to the person executing the certificate, if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person offering rice accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the rice was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples. The quantity of rice obtained by redemption of soil bank certificates CCC Form 379, if offered for sale shall be taken by the buyer as penalty free if identified by the producer's copy of the soil bank delivery order completely filled in by the county committee.

PENALTY

§ 730.876 *Rate of penalty.* The rate of penalty shall be 50 percent of the parity price per pound of rice as of June 15, 1957. The rate of penalty in cents per pound will be published by amendment as soon as it can be determined.

§ 730.877 *Lien for penalty.* The entire amount of rice produced in 1957 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with §§ 730.884, 730.885, 730.879, or 730.880, store the farm marketing excess or deliver it to the Secretary or until the amount of the penalty is paid.

§ 730.878 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.879 (b) or § 730.880 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.879 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced in 1957 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* To the extent collection has not been made prior thereto, the amount of the penalty with respect to the farm marketing excess for any farm shall be remitted by the producer not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 730.862 (a), or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.862 (a): *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.885 or § 730.861 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.884 or § 730.861 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.884 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated (as established in accordance with § 730.862); or (2) in the case of a delayed notice of the farm marketing excess within 30 days from the date such notice is mailed to him, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer

establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 730.884 or § 730.885, that his share of the rice crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the rice crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the rice produced in 1957 on the farm bears to the total amount of rice produced in 1957 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 730.884 or § 730.885, stores or delivers to the Secretary the number of pounds required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 730.868 to be used by him only in the marketing of his proportionate share of the rice crop produced in 1957 on the farm.

§ 730.880 *Payment of penalties by buyer—(a) Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any rice subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Rice shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Rice (1957)), marketing certificate (MQ–94—Rice) or a completed producer's copy of soil bank delivery order (CCC Form 382 or CCC Form 103) as prescribed in §§ 730.872, 730.873 and 730.874.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys rice, which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon. Rice purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Rice properly executed by the producer of the rice and the first intermediate buyer, which show (1) the serial number of marketing card, marketing certificate, or soil bank delivery order by which the rice covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

(c) *Time when penalties became due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the rice is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased a receipt for the amount so deducted which shall be in the case of rice purchased from the producer by an intermediate buyer, on MQ–95—Rice and, in all other cases, on MQ–81—Rice.

§ 730.881 *Remittance of penalties to the treasurer of the county committee.* The penalty shall be delivered or mailed to the county committee. The penalty shall be remitted only in legal tender, or by check, draft or money order drawn payable to the order of the Commodity Stabilization Service. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Rice the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 730.882 *Deposit of funds.* All funds received in the office of the county committee in connection with penalties for rice shall be scheduled and transmitted by the treasurer of the county committee on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county committee bank account and issue a check in the amount thereof, payable to the order of the Commodity Stabilization Service. The treasurer of the county committee shall make and keep a record of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.883 *Refunds of money in excess of the penalty—(a) Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the county committee and transmitted by the treasurer of the county committee to the State committee.

§ 730.884 *Stored farm marketing excess—(a) Amount of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined at the time of storage under § 730.859 or § 730.862, whichever is applicable.

(b) *Kinds of storage; commingling and substitution.* Excess rice shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of rice, hereinafter referred to as "non-licensed storage." Commingling and substitution shall be permissible in the case of licensed storage. In the case of non-licensed storage, excess rice for 1957 or any prior year may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year and any or all stored excess rice of a prior year may be replaced by rice produced by the same producer in 1957 on the same or any other farm if (1) the county committee gives prior written approval of such replace-

ment; (2) the county committee determines that the 1957 rice crop is of a quality equal to or better than the rice of the prior year in storage and for which substitution is to be made; (3) the stored excess of the prior year which is removed from storage is replaced by an equivalent amount of the 1957 crop rice within 30 days after such removal; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess rice of a prior crop from storage without compliances with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in § 730.883 (g). Rice in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess rice in which the same producer has an interest, provided the rice so stored is determined by the county committee to be of a quality equal to or better than the rice produced on the farm with the excess. The storage of rice in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored rice by legal description or other comparable descriptive location. Excess rice for any year which was properly stored in non-licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the rice, a written request to do so is filed with the county committee and approval of such committee is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored rice removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Rice stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess rice in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of rice so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a nonnegotiable receipt as to which the warehouseman or elevator operator has been notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to rice covered by the warehouse receipts is paid or otherwise satisfied in accordance with law, the warehouse receipt shall be returned to the person who deposited it.

(d) *Non-licensed storage bonds.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of the depletion of any amount stored, which is not authorized under these regulations, and that if at any time any producer on the farm prevents the inspection of rice so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A new bond covering all excess rice of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling rice or permitting substitution of 1957 rice for stored excess rice of prior years. In such case, upon approval and acceptance of the new bond, the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided,* That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of these regulations with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with these regulations, shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. The treasurer of the county committee shall receive all checks, drafts, and money orders, subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that, if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle rice or to substitute 1957 rice for rice of prior years there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess rice for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to rice covered by funds in escrow is paid or otherwise satisfied in accordance with law the amount of funds covering such rice shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e), of this section are complied with prior to the expiration of the period allowed, in accordance with § 730.879 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.859 or § 730.862, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.885. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess rice was produced, except that if the storage amounts

of two or more crops are comingled or if the storage amount of one crop is replaced by rice of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each such crop is satisfied.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the rice acreage on any farm for the 1958 or subsequent crop of rice is less than the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm acreage allotment. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area, in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. For the purpose of this paragraph the acreage planted to rice shall be the acreage on the farm plus the acreage diverted from the production of rice under the Soil Bank Acreage Reserve Program or Conservation Reserve Program.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever in 1957 or any subsequent year the rice acreage does not exceed the farm acreage allotment and the actual production of rice on the farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. The actual production of rice on the farm shall include, in addition to the rice actually produced on the farm, the production of rice attributed to the soil bank acreage reserve for the farm on the basis of the yield that would be indicated from the productivity index used for determining the rate of payment per acre for the acreage reserve program. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their proportionate shares in the rice crop planted on the farm, or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm.

§ 730.885 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.859 or § 730.862, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose and (1) deliver the rice to an elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipt for the amount of the rice, or (2) if the producer shows to the satisfaction of the county committee that it is impracticable to deliver the rice to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined in acordance with § 730.862 (a) or pursuant to § 730.861. Excess rice may be delivered to the Secretary after such period only if the excounty as determined in accordance with the provisions of § 730.884 (a) through (f), and the rice has not gone out of condition through any fault of the producer.

§ 730.886 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty.

§ 730.887 *Report of violations and court procedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.879 through 730.881. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 730.888 *Records to be kept and reports to be made by warehousemen, mill or elevator operators, or other processors,*

and buyers other than intermediate buyers—(a) *Necessity for records and reports.* Each warehouseman, mill or elevator operator or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives rice from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman mill or elevator operator, or processor, and each buyer other than an intermediate buyer, shall keep as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the rice purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the rice, or the name of the person who acquired the rice through redemption of a soil bank certificate, (2) the date of the transaction, (3) the amount of the rice, (4) the serial number of the marketing card (MQ–76—Rice (1957)), or marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice), or soil bank delivery order (CCC Form 382 or CCC Form 103), by which the rice was identified, or the report and penalty receipt (MQ–81—Rice), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Rice which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with rice subject to penalty.* Each warehouseman, mill or elevator operator, or processor, and each buyer other than an intermediate buyer, who purchases any rice from the producer or intermediate buyer thereof which is not identified at the time the rice is purchased in the manner provided in §§ 730.872, 730.873, 730.874 and 730.875 shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Rice and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the rice was purchased or acquired, (2) the date of the transaction, (3) the amount of the rice, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the rice. Each record and report on MQ–81—Rice shall be executed in triplicate. The person who executes MQ–81—Rice shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with rice, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that rice was not identified by MQ–76—Rice (1957), as provided in § 730.872, or MQ–94—Rice as provided in § 730.873, or MQ–95—Rice as provided in § 730.874, or CCC Form 382 or CCC Form 103, as provided in § 730.875, if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order, does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with rice identified by intermediate buyer's records and reports and soil bank delivery orders.* Whenever rice is identified by the intermediate buyer's record and report (MQ–95—Rice) executed in accordance with § 730.889, the warehouseman, mill or elevator operator, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the rice covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the rice covered by the record and report. In all other cases, where the warehouseman, mill or elevator operator, or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the rice covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of rice purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the rice. The provisions of this paragraph for endorsing the intermediate buyer's record and report (MQ–95—Rice), when only a portion of the rice covered by the report is purchased, shall also be followed when only a portion of the rice covered by a soil bank delivery order (CCC Form 382 or CCC Form 103) is purchased.

(e) *Records in connection with rice identified by marketing certificates.* Whenever rice is identified by a marketing certificate (MQ–94—Rice), the warehouseman, mill or elevator operator, or processor, or the buyer other than an intermediate buyer, who purchases the rice so identified, shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted, not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill or elevator operator, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the rice was produced.

§ 730.889 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act.

(b) *Form of record and report in connection with rice purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any rice from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Rice) of the following information: (1) The name and address of the producer from whom the rice was purchased or acquired, (2) the names of the county and State in which the rice was produced, (3) the date of the transaction, (4) the number of pounds of rice, (5) the serial number of the marketing card, marketing certificate or soil bank delivery order, by which the producer identified the rice at the time it was marketed, or if the rice is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the rice and (6) the year in which the rice was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Rice. One copy of the MQ–95—Rice so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the rice. One copy of MQ–95—Rice so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever rice is identified by a marketing certificate (MQ–94—Rice), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Rice to be delivered to the warehouseman, mill or elevator operator, or processor, or buyer other than an intermediate buyer, who finally acquires the rice covered by MQ–95—Rice, and marketing certificate (MQ–94—Rice). Whenever the intermediate buyer markets or delivers a portion of the rice covered by

a single MQ–95—Rice to another and retains a portion of the rice, the intermediate buyer shall obtain from the person to whom the portion of the rice is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Rice showing the name and signature of the person, the number of pounds of rice marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ–95—Rice to the warehouseman, mill or elevator operator, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the rice covered thereby is marketed. When rice is marketed or delivered by one intermediate buyer, the original and first copy of MQ–95—Rice shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, mill or elevator operator, or processor, or buyer other than an intermediate buyer. If all or the remainder of the rice is not marketed or delivered to a warehouseman, mill or elevator operator, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall, within 15 days, mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Rice contained in a book have been executed, or on February 28, 1958, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Rice which were retained by him. Books of Form MQ–95—Rice shall be reissued to any intermediate buyer upon request after February 28, 1958. In the event that the county committee or State committee has reason to do so, any or all intermediate buyers to whom books of Form MQ–95—Rice were issued after February 28, 1958, may be requested to mail or deliver on or before June 30, 1958, to the treasurer of the county committee from whom the book was obtained, the executed copies and unexecuted sets of Form MQ–95—Rice.

§ 730.890 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with this subpart, the buyer shall, within 15 days after a written request therefor made by the county committee or county office manager or State committee or State administrative officer and deposited in the United States mails, registered and addressed to him at his last known address, make a report, verified as true and correct by affidavit, on MQ–97—Rice to such committee with respect to all rice purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of rice purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the rice, (b) The date of the transaction, (c) the amount of the rice, (d) the serial number of the marketing card (MQ–76—Rice (1957)), marketing certificate (MQ–94—Rice), soil bank delivery order (CCC Form 382 or CCC Form 103), or intermediate buyer's record and report (MQ–95—Rice), or the report and penalty receipt (MQ–81—Rice), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the rice purchased or acquired.

§ 730.891 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 730.888, § 730.889, or § 730.890, and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.892 *Records to be kept and reports to be made by producers.* Each producer with respect to the 1957 rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act. Upon written request of the county committee or the county office manager, any producer shall, within 15 days from the date the request was mailed to him, file with the treasurer of the county committee for the county in which the farm is situated, a farm operator's report on MQ–98—Rice showing for the farm the following information: (a) The total number of pounds of rice produced thereon in 1957, (b) the name and address of each buyer or transferee of any rice, (c) the amount of rice marketed to each buyer, (d) the amount equivalent to the penalty which was deducted from the price of consideration for the rice, (e) the amount of unmarketed rice of the 1957 crop on hand, and (f) rice acreage for 1957.

§ 730.893 *Data to be kept confidential.* Except as otherwise provided in this subpart, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported and acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 730.894 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 730.888 through 730.892 and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing in quintuplicate to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.895 *Farms on which the only acreage of rice is nonirrigated rice not in excess of 3 acres*—(a) *Conditions of exception.* The farm marketing quota of rice for the 1957 crop shall not be applicable to any nonirrigated (dry land) farm on which the rice acreage for the 1957 crop is not in excess of 3 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 730.867 to 730.870 inclusive.

§ 730.896 *Experimental rice farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any rice of the 1957 crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided:* That such agreement is approved by the State committee prior to the planting of rice on the farm. The production of foundation, registered or certified seed rice will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager shall, upon written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 730.867 to 730.870, inclusive.

§ 730.897 *Rice planted for wildlife feed.* Since any acreage planted to rice under a written contract, which was entered into and approved by the county and State committees prior to planting with the Fish and Wildlife Service for wildlife feed, will not be considered rice unless it is harvested, a marketing card or marketing certificate will not be issued in connection with the farm on which such acreage is planted, except where there is also an acreage not under such a contract planted on the farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under §§ 730.867, 730.868, and 730.895.

§ 730.898 *Erroneous notice of rice acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice acreage allotment for the 1957 crop larger than the finally-approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally-approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for destruction of the excess acreage as provided in § 730.851 (u), the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of rice acreage allotment for the farm, such determination shall be subject to review and approval by the State committee before the erroneous allotment is used by the county committee to determine the marketing quota and farm marketing excess for the farm.

§ 730.899 *Redelegation of authority.* Any authority delegated to the State committee by §§ 730.850 to 730.899 may be redelegated by the State committee.

Issued this 23d day of April 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-3461; Filed, Apr. 26, 1957; 8:55 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter F—Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 842.2]

PART 842—BEET SUGAR AREA

1957 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, the following determination is hereby issued:

§ 842.2 *Eligibility for acreage abandonment and crop deficiency payments—*(a) *Eligibility requirements.* For a farm to be eligible for acreage abandonment or crop deficiency payments with respect to the 1957 or any subsequent crop of sugar beets under the provisions of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following requirements shall be met:

(1) The sugar beets were planted on the farm on land suitable for the production of the crop;

(2) The sugar beets were cared for up to the time of abandonment or harvest, as the case may be, in a manner which could have been expected, under average conditions, to produce a normal crop;

(3) The abandoned acreage could not have been reseeded to sugar beets in the same crop cycle under conditions offering at least a fair opportunity for production;

(4) The abandonment of planted sugar beet acreage on the farm, or the crop deficiency below 80 percent of the normal yield of the harvested sugar beet acreage on the farm, resulted directly from drought, flood, storm, freeze, disease, or insects;

(5) With respect to acreage abandonment, the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes;

(6) The farm was located (as established by the location of the principal dwelling on the farm, or if there was no dwelling thereon, by the location of the major portion of the land in the farm) in a county or a local producing area in which the ASC county committee determines for the applicable crop year that due to drought, flood, storm, disease, freeze or insects, the actual yields of commercially recoverable sugar from the acreages planted to a crop of sugar beets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms, or for those farms on which were planted 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area. For the purpose of this section, a local producing area shall mean a township, as established by Federal survey, in all States in the domestic beet sugar area except Texas and Utah. In Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State Committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices; and

(7) The other conditions for payment specified in Title III of the act are met.

(b) *Approval and certification.* The ASC county committee for the county in which the farm is located shall first ascertain as to each crop of sugar beets whether the determination of yields as provided for in paragraph (a) (6) of this section may be made on the county level, and if not, it shall ascertain whether such determination of yields may be made as to the local producing area in which the farm is located. If a member of the ASC county committee determines, on behalf of such committee, that the requirements specified in paragraph (a) of this section have been met with respect to such farm, he shall approve such farm as eligible for an abandonment payment, or a crop deficiency payment, or both, as applicable, by executing the certification on the application for payment submitted for such farm.

This determination supersedes, with respect to the 1957 crop and each subsequent crop, the Determination of Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Farms in the Domestic Beet Sugar Area, pursuant to section 303 of the Sugar Act of 1937, issued November 2, 1938 (7 CFR Part 842).

Statement of bases and considerations. Section 303 of the act authorizes the Secretary to make payments to producers of sugar beets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are computed in reference to normal yields of commercially recoverable sugar per acre, as established for individual farms pursuant to determinations issued by the Secretary.

The pertinent language of section 303 regarding eligibility for these payments reads: "* * * The Secretary is also authorized to make payments, on the conditions provided in section 301, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage, resulting from drought, flood, storm, freeze, disease, or insects, which cause such damage to all or a substantial part of the crop of sugar beets * * * in the same factory district * * * county, * * * municipality, or local producing area, as determined in accordance with regulations issued by the Secretary * * *".

The former determination regarding such eligibility was issued November 2, 1938, and thus was effective for the crops of 1938 through 1956. Under that determination "a substantial part of the crop" was deemed to mean 10 percent or more of the farms on which sugar beets were planted for harvest in any year. Also, the effective area was a county, or

a local producing area comprising all contiguous farms in the county which were found by the local ASC county committee to be similar with respect to types of soil, or with respect to topography, provided that farms separated from other farms by any natural barrier (such as mountains) or large areas of land were not included in the same area.

Sugar beets are produced within the domestic beet sugar area in irregular geographical patterns which do not coincide with the local units used by the Department of Agriculture in administering agricultural programs. The county has proven to be a satisfactory unit for determining the eligibility of farms for abandonment and deficiency payments where the extent of crop damage has been widespread. However, problems have arisen in establishing local producing areas within counties in accordance with the standards of soil types and topography, as heretofore prescribed. These characteristics of sugar beet producing farms are quite variable, with innumerable gradations. Soil maps in uniform details are not available for all sugar beet producing counties. Under these circumstances, the use of these standards has not resulted in the establishment of local producing areas within counties throughout the beet sugar area on a relatively uniform basis.

This determination continues the use of the county as the primary unit for the consideration of the extent of crop damage in this connection. However, it has not been possible to devise a practicable method for the establishment of local producing areas within counties so as to coincide with local areas of sugar beet production. Therefore, in lieu of indefinite local producing areas as formerly authorized, this determination establishes such areas upon a fixed geographical basis, with the township established by Federal survey designated as the local producing area for all sugar beet producing States in which that designation is practicable. In the States of Texas and Utah, ASC communities are more practicable units. Accordingly, in these two States, the ASC communities, as presently designated, will constitute local producing areas. Maps showing the boundaries of such communities are available for inspection in the respective ASC county offices.

This determination also provides a dual basis for measuring a subtsantial part of the crop under the 10 percent requirement. Whereas formerly the requirement could be met only by the number of farms, this determination provides that it may also be met by the number of acres of sugar beets.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

Issued this 23d day of April 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-3459; Filed, Apr. 26, 1957; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 116]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.416 *Navel Orange Regulation 116*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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 Navel Orange Administrative Committee held an open meeting on April 25, 1957, after giving due notice thereof to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 28, 1957, and ending at 12:01 a. m., P. s. t., May 5, 1957, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 831,600 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 26, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-3519; Filed, Apr. 26, 1957; 11:55 a. m.]

[Valencia Orange Reg. 99]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.399 *Valencia Orange Regulation 99*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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 Valencia Orange Administrative Committee held an open meeting on April 25, 1957, after giving due notice thereof, to consider supply and market conditions for

Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 28, 1957, and ending at 12:01 a. m., P. s. t., May 5, 1957, is hereby fixed as follows:

(i) District 1: 138,600 cartons;

(ii) District 2: 40,376 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 26, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-3520; Filed, Apr. 26, 1957; 11:55 a. m.]

PART 925—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is 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.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective immediately. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the Puget Sound, Washington, marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers have been afforded reasonable time for any such preparation as may be necessary. Therefore, it is impracticable, unncessary, and contrary to the public interest to delay the effective date of this order as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001) for making this order amending the order, as amended, effective immediately.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended) of more than 50 percent of the volume of milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Add a new § 925.55 as follows:

§ 925.55 *Use of equivalent prices.* If for any reason, during April or May 1957, a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of April 1957, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3490; Filed, Apr. 26, 1957; 8:56 a. m.]

[Orange Reg. 315]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.844 *Orange Regulation 315*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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; 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. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 23, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 29, 1957, and ending at 12:01 a. m., e. s. t., May 13, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{12}/_{16}$ inches in diameter and smaller; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than 3$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are larger than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 314 (7 CFR 933.841; 22 F. R. 2522).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 24, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-3454; Filed, Apr. 26, 1957; 8:54 a. m.]

[Grapefruit Reg. 263]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.845 *Grapefruit Regulation 263*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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; 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. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on April 23, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., April 29, 1957, and ending at 12:01 a. m., e. s. t., May 13, 1957, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3$^{15}/_{16}$ inches in diameter, measured midway at a right

angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3 1/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of pink seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this ttile).

(v) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(vi) Any pink seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(vii) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than 3 9/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(viii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars;

(ix) Any pink seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(x) Any pink seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such pink seedless grapefruit (*a*) are in the same container with pink seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all pink seedless grapefruit in such container; or

(xi) Any seedless grapefruit, grown in Regulation Area II, which are of a size smaller than 3 1/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 24, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-3453; Filed, Apr. 26, 1957; 8:54 a. m.]

PART 944—MILK IN THE QUAD CITIES MARKETING AREA

ORDER REGULATING HANDLING

AUTHORITY: §§ 944.0 to 944.101 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1957. Any delay beyond that date in the effective date of

this order amending the order will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Quad Cities marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on February 25, 1957 (22 F. R. 1220) and the final decision having been issued by the Assistant Secretary of Agriculture on April 17, 1957 (22 F. R. 2763). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed with the Quad Cities marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period February 1957, were engaged in the production of milk for sale in the said marketing area.

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

DEFINITIONS

§ 944.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

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

§ 944.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

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

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

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

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 944.6 *Quad Cities marketing area.* "Quad Cities marketing area", hereinafter called the "marketing area", means the territory lying within the boundaries of the corporate limits of the City of Clinton, Iowa, and that part of Camanche Township, including the City of Camanche, lying east of sections 2, 11, 14, 23, 26, and 35 all in Clinton County, Iowa; the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa; and Rock Island, Moline, East Moline and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

§ 944.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 944.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 944.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipping during the month to a pool plant qualified pursuant to § 944.10 (a).

§ 944.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A plant which is owned and operated by a cooperative association and which is located in the marketing area.

(d) From the effective date hereof through June 1957, a plant which was a pool plant in April 1957: *Provided,* That the operator thereof may, upon written application to the market administrator on or before the last day of the month, have such plant designated a nonpool plant for the month.

§ 944.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 944.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) A cooperative association which is the operator of a pool plant pursuant to § 944.10 (c).

(c) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 944.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 944.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 944.7.

§ 944.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except

aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 944.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

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

MARKETING ADMINISTRATOR

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

§ 944.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay out of the funds provided by § 944.87: (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 944.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

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

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 944.30 and 944.31, or payments pursuant to §§ 944.80, 944.84, 944.86, 944.87, and 944.88;

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

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

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 944.50 (a) and the Class I butterfat differential, pursuant to § 944.51 (a) both for the current month; and the minimum price for Class II milk, pursuant to § 944.50 (b), and the Class II butterfat differential, pursuant to § 944.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 944.71 and the producer butterfat differential pursuant to § 944.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 944.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

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

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

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

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 944.7;

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

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

(g) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 944.31 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 944.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

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

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

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

(d) Payments to producers and cooperative associations.

§ 944.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 944.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 944.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 944.41 through 944.46.

§ 944.41 *Classes of utilization.* Subject to the conditions set forth in § 944.44

the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section), and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of to wholesale bakeries, candy manufacturers, soup companies, or for livestock feed; (3) contained in inventory of fluid milk products on hand at the end of the month; (4) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 944.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) in shrinkage of other source milk.

§ 944.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 944.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

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

§ 944.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 944.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 944.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in a written statement submitted to the market administrator by the operators of both the pool plant and the nonpool plant on or before the 7th day after the end of the month within which such transaction occurred;

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

(3) An equivalent amount of skim milk and butterfat had been used at the nonpool plant during the month in the indicated utilization.

§ 944.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handlers: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 944.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 944.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

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

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 944.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 944.44 (a);

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

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

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

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

MINIMUM PRICES

§ 944.50 *Class prices.* Subject to the provisions of §§ 944.51 and 944.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the period from the 16th day of the preceding month through the 15th day of the current month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

§ 944.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 944.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110 for the months of April, May, and June, and by 0.115 for all other months.

§ 944.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 944.50 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
50 but less than 65	10.0
For each additional 10 miles or fraction thereof additional	1.5

Provided, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 944.46 (a) (5) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

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

APPLICATION OF PROVISIONS

§ 944.60 *Producer-handler.* Sections 944.40 through 944.46, 944.50 through 944.52, 944.70, 944.71, and 944.80 through 944.88, shall not apply to a producer-handler.

§ 944.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 944.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Quad Cities marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 944.30) and allow verification of such reports by the market administrator.

§ 944.62 *Handlers operating nonpool plants.* None of the provisions from §§ 944.44 through 944.52, inclusive, or from §§ 944.70 through 944.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 944.63.

§ 944.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of December through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through November subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 944.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 944.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 944.46 (a) (8) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 944.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 944.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 944.71 *Computation of uniform price.* For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 50 miles of the City Hall of Rock Island, Illinois, as follows:

(a) Combine into one total the values computed pursuant to § 944.70 for all handlers who made the reports prescribed in § 944.30 for such month, except those in default of payments required pursuant to § 944.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 944.82;

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

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 944.80 *Time and method of payment for producer milk.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 944.71, subject to the butterfat differential computed pursuant to § 944.81 and less location differential deductions pursuant to § 944.82.

(b) On or before the 12th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 944.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 944.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the

rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 944.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 944.82 *Location differentials to producers.* In making payment pursuant to § 944.80 the uniform price pursuant to § 944.71 for milk which is received from producers at a pool plant located 50 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
50 but less than 65	10.0
For each additional 10 miles or fraction thereof an additional	1.5

§ 944.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 944.62, 944.84 and 944.86, and out of which he shall make all payments to handlers pursuant to §§ 944.85 and 944.86.

§ 944.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 944.70 for such month exceeds the obligation pursuant to § 944.80 of such handler to producers for milk received during the month.

§ 944.85 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 944.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 944.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 944.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

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

§ 944.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 944.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 944.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 944.80, shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 944.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 944.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 944.91 *Suspension or termination.* The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 944.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the

final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

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

MISCELLANEOUS PROVISIONS

§ 944.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

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

Issued this 24th day of April 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3452; Filed, Apr. 26, 1957; 8:54 a. m.]

[Lemon Reg. 684]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.791 *Lemon Regulation 684*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, 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 thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 24, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; 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 hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 28, 1957, and ending at 12:01 a. m., P. s. t., May 5, 1957, is hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 297,600 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.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-3496; Filed, Apr. 26, 1957; 9:06 a. m.]

PART 1008—MILK IN THE INLAND EMPIRE MARKETING AREA

ORDER AMENDING ORDER

§ 1008.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, effective immediately. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order will seriously impair the orderly marketing of milk produced for the Inland Empire marketing area. The regulatory provisions of this order, amending the order, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers have been afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay

the effective date of this order until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001) for making this order, amending the order, effective immediately.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order as hereby amended) of more than 50 percent of the volume of milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order, is approved or favored by at least two-thirds of the producers who, during the representative period (February 1957), were engaged in the production of milk for sale in the said marketing area.

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

Add a new § 1008.54 as follows:

§ 1008.54 *Use of equivalent prices.* If for any reason, during April or May 1957, a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of April 1957 to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3489; Filed, Apr. 26, 1957; 8:56 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

MISCELLANEOUS CHANGES

In Federal Register Document 57-511 published at page 548 of the January 29, 1957, issue, the following changes should be made:

1. The first sentence of the "Example", following § 20.5 (a) is corrected to read as follows: "In Column 1, Table I, Appendix B, the maximum permissible concentration of Ba^{140} in air for occupational use is $2 \times 10^{-7} \mu c/ml$."

2. The value given in Appendix B, Table I, Column 2, for $Pb^{103}+Rh^{103}$ is corrected to read "3×10^{-3}."

3. The value given in Appendix B, Table II, Column 2, for Pm^{147} is corrected to read "1×10^{-1}."

4. The value given in Appendix B, Table I, Column 2, for Pu^{239} (soluble) is corrected to read "4.5×10^{6}."

Dated at Washington, D. C., this 24th day of April 1957.

For the Atomic Energy Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 57-3427; Filed, Apr. 26, 1957; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 90]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations, which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (v) is added to subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, to read:

(v) Block 9, Plot 7, known as 57 County Avenue, owned and operated by H. Henkel and Sons.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a certain area in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such area. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 23d day of April 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-3455; Filed, Apr. 26, 1957; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 9]

PART 50—AIRMAN AGENCY CERTIFICATES

MISCELLANEOUS REVISIONS

This supplement contains the following new or revised policies and interpretations concerning the administration of approved flying schools:

(1) Section 50.12–5 is amended to delineate the qualifications of a chief instructor and to permit such chief instructor to designate an assistant with an instrument rating to represent him in administering the required instruction phases of the curriculum;

(2) Section 50.13–1 is amended by deleting the material on pilot training objectives, standards, and procedures and incorporating in lieu thereof the information concerning curriculums formerly published as § 50.20–2. The standards formerly published in § 50.13–1 have been transferred to appendix D (not filed with the Federal Register Division) for editorial consistency with other similar publications;

(3) A new § 50.13–4 is added to establish curriculum requirements for the issuance of a graduation certificate and to liberalize the credit allowable for previous experience and knowledge;

(4) Section 50.28–1 is amended by deleting the requirement for retention of student records and by transferring the footnote, regarding transfer of credit, from § 50.29–1 to § 50.28–1 where it is more appropriate.

(5) Section 50.29–1 is revised to permit flying schools to use their own graduation certificates.

The following new and revised material is hereby adopted:

1. Section 50.12–5 is revised to read as follows:

§ 50.12–5 *Chief flight instructors (CAA policies which apply to § 50.12 (g)).* (a) Each flight course given by a certificated flying school should be conducted under the direct supervision of a chief flight instructor. The chief flight instructor will be designated by the agency. He should possess a good record as a pilot and flight instructor, and the following appropriate qualifications:

(1) *Primary flying school.* (i) Age—24.

(ii) Two years' experience as an active certificated flight instructor immediately preceding the date of his designation as chief flight instructor; 500 hours as a certificated primary flight instructor, including 50 in the past year.

(iii) 1,000 hours as pilot-in-command.

(2) *Commercial flying school.* (i) Age—24.

(ii) Three years' experience as an active certificated flight instructor immediately preceding the date of his designation as chief instructor; 1,000 hours as a certificated flight instructor, including 100 in the past year.

(iii) Instrument rating. However, a chief flight instructor who does not hold an instrument rating but meets all other requirements may designate a certificated instrument flight instructor employed by the agency to supervise the required instrument instruction and conduct instrument proficiency checks. (This provision will be withdrawn when it is apparent that qualified chief pilots with instrument ratings are available to flying schools.)

(iv) 2,000 hours as pilot-in-command.

(3) *Instrument flying school.* (i) Age–24.

(ii) Two years' experience as a certificated instrument flight instructor (a rated flight instructor with an instrument rating prior to March 1, 1957) immediately preceding his designation as chief instructor; 100 hours of instrument flight under actual or simulated instrument flight conditions, and 250 hours as instrument flight instructor.

(iii) 1,000 hours as pilot-in-command.

(4) *Flight instructor flying school.* Same as for a commercial flying school, except that an instrument rating is not required.

(b) The agency should assign to the chief instructor, and the chief instructor should accept in writing, or by endorsement on a copy of the assignment, the following responsibilities and duties:[1]

(1) Certification of all training reports, graduation certificates, and official recommendations of the flying school.

(2) Maintenance of adequate instructional standards.

(3) Effective scheduling of aircraft, instructors, and students.

(4) Maintenance of student progress and accomplishment records.

(5) Conduct of instructor competence and standardization checks.

(6) Conduct of student proficiency stage checks.

(7) Maintenance of liaison with the CAA in the application of techniques, procedures, and standards by the school.

(c) The local General Safety District Office is to be notified in writing of any change in the designation of a chief flight instructor.

2. Section 50.13–1 is revised to read as follows:

§ 50.13–1 *Flying school curriculum—airplanes (CAA policies which apply to § 50.13).* The Administrator will approve a course which includes the following:

(a) *Primary flight school curriculum.* The required 35 hours of flight time will include the training phases listed below and a demonstration of student performance and knowledge.[2] Student progress checks may apply toward the course time.

(1) *Phase I—basic flying*—(i) *Airplane equipment familiarization.* (*a*) Use of cockpit controls.

(*b*) Fuel system operation, octane required.

(*c*) Fire extinguisher, first aid kit, etc.

(ii) *Preflight preparatory procedures.* (*a*) Use of checklist.

(*b*) Safety principles for engine.

(*c*) Hand signals for ground operations.

(*d*) Equipment checks.

(*e*) Local taxiing and traffic rules.

(iii) *Taxiing and parking.* (*a*) Principles of and safety practices in taxiing and parking, including engine operation and speed control under typical wind and surface conditions.

(*b*) Taxiing and parking operations, including airplane response to engine and flight controls under typical wind and surface conditions.

(*c*) (If seaplane training). Principles, procedures and operations on water bodies (calm and choppy), involving taxiing, sailing, beaching, docking, and mooring.

(iv) *Takeoffs and landings.* (*a*) Principles and procedures for obtaining ground path control; takeoff and climb-outs at the best angle of climb speed, approaches at recommended speed, and flared landings, transition to touchdown without gear side loads.

(*b*) Operations on hard surfaced runways.

(*c*) Operations on sod surfaced areas.

(*d*) Operations at controlled airports.

(*e*) Operations at uncontrolled airports.

(*f*) Operations in heavy local traffic.

(*g*) Operations in crosswinds.

(*h*) Operations in gusty winds.

(*i*) Landings using power-on approaches and slips.

(*j*) (If seaplane training). Principles, procedures and operations involving takeoffs and landings.

(v) *Straight and level flight.* (*a*) Principles for attitude maintenance in gusty air, momentary deviations, etc.

(*b*) Maintenance of airplane attitude by visual reference (wing tips to horizon, etc.).

(*c*) Maintenance of flight path over ground.

(vi) *Turns.* (*a*) Flight control functions.

(*b*) Principles in overbanking tendencies.

(*c*) Principles for obtaining and maintaining a desired bank (ref. to wing tips), and a desired altitude (angle of attack, power, etc.).

(*d*) Transitions to and maintenance of desired banks and altitudes.

(vii) *Climbs and glides.* (*a*) Principles of attaining and maintaining a normal angle in climbs and descents.

(*b*) 10°–30° banked turns.

(*c*) 30°–60° banked turns.

(*d*) Spirals with bank at least 45°, through 720°–1080°.

(viii) *Stalls.* (*a*) Principles for detection of incipient stalls and effecting recovery to straight and level flight with minimum loss of altitude.

(*b*) Stalls and recoveries from takeoff and departure configurations.

(*c*) Stalls and recoveries from approach and landing configurations.

(*d*) Stalls and recoveries from accelerated maneuvering.

(*e*) Fully developed stalls and recoveries, including correct power usage to level flight.

(ix) *Flight at minimum controllable airspeed (slow flight).* (*a*) Principles for establishing and maintaining slow flight.

(*b*) Stabilized slow flight in turns at constant altitude.

(*c*) Stabilized slow flight in turning climbs and descents.

(*d*) Effects of power usage during slow flight.

(2) *Phase II—navigational and critical situations*—(i) *Pattern and track flying.* (*a*) Principles for establishing and maintaining a track over the ground.

(*b*) Constant radius turns about a point.

(*c*) "8's" around pylons.

(*d*) "S" turns across a road.

(*e*) Making good a desired track for a prolonged period (traffic patterns, rectangular areas, etc.).

(ii) *Emergencies and critical situations.* (*a*) Principles and safe flying practices involved, when encountering items below:

(*1*) Being lost.

(*2*) Low on fuel.

(*3*) Turbulent air.

(*4*) Adverse flight visibility conditions.

(*5*) Radio station shutdowns.

(*6*) Motor trouble.

(*7*) Loss of performance due to high altitudes, high temperatures, downdrafts in mountainous terrain.

(*8*) Instrument/communication/navigational equipment trouble.

(*9*) Icing conditions (carburetor, wings, propeller).

(iii) *Small, soft and high altitude/temperature field operations.* (*a*) Principles and safe flying practices for effecting takeoffs and landings, climb-out and approach flight plans.

(*b*) Takeoffs and landings at small fields (includes operation over obstacles).

(*c*) Takeoffs and landings on soft surfaces.

[1] A chief instructor may serve as chief instructor for any number of flight courses, provided he meets the requirements for each.

[2] See appendix D for training procedures and performance standards. Appendix D not filed with the Federal Register Division.

(d) Takeoffs and landings under conditions of high density/operational altitudes.

(iv) *Cross-country flying (5 hours solo minimum).* (a) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of CAA facilities, and compliance with Parts 43, 60, and 62 of this subchapter.

(b) Loading of airplane.

(c) Weather information.

(d) Facilities to be used.

(e) Operations to strange airports of varying size, altitudes, traffic conditions, etc.

(v) *Radio.* (a) Airport traffic control procedures.

(b) Preparing, filing and closing flight plans.

(c) Use of radio aids to navigation.

(3) *Minimum total course times.* (i) Flight time, 35 hours.

(ii) Ground instruction time, 8 hours, 45 minutes.

(4) *Progress checks.* (Ref. § 50.12–5.)

(i) Solo.

(ii) Basic flying phase.

(iii) Navigational and critical situations phase.

(iv) Final (for CAA certificate).

(b) *Commercial flying school curriculum.* The required 160 hours of flight time will include at least 100 hours of solo flight, of which 20 will be solo cross-country. The curriculum will include at least the training phases and maneuvers listed below, and a demonstration of student proficiency and knowledge.[2] Student progress checks may apply toward the course time.

(1) *Phase I—basic flying*—(i) *Aircraft equipment familiarization and procedures for control and use.* (a) Principles and procedures for control and use of flight force(s) effects on wing/tail surface, flight controls and for control and use of power effects through mixture, carburetor heat, etc.

(b) Use of cockpit controls.

(c) Fuel system operation, octane required.

(d) Fire extinguisher, first aid kit, etc.

(ii) *Preflight preparatory procedures.* (a) Principles involved in each preparatory procedure.

(b) Use of checklist.

(c) Safety principles for engine.

(d) Hand signals for ground operations.

(e) Equipment checks.

(f) Local taxiing and traffic rules.

(iii) *Taxiing and parking.* (a) Principles and safety practices in taxiing and parking, including engine operation and speed control under typical wind and surface conditions.

(b) Taxiing and parking operations, including airplane response to engine and flight controls under typical wind and surface conditions.

(c) (If seaplane training.) Principles, procedures and operations on water bodies (calm and choppy), involving taxiing; sailing; beaching; docking; and mooring.

(d) (If seaplane training.) Principles, procedures and operations on water subject to tidal or current action involving sailing and beaching; docking; and mooring.

(iv) *Takeoffs and landings.* (a) Principles and procedures for obtaining ground path control; takeoff and climbouts at the best angle of climb speed, approaches at recommended speed, and flared landings, transition to touchdown without gear side loads.

(b) Operations on hard surfaced runways.

(c) Operations on sod surfaced areas.

(d) Operations at controlled airports.

(e) Operations at uncontrolled airports.

(f) Operations in heavy local traffic.

(g) Operations in crosswinds.

(h) Operations in gusty winds.

(i) Landings using power-on approaches and slips.

(j) (If seaplane training.) Principles and procedures and operations involving takeoffs and landings.

(k) (If seaplane training.) Operations from water affected by tide and current.

(v) *Straight and level flight.* (a) Principles for attitude maintenance in gusty air, momentary deviations, etc.

(b) Maintenance of airplane attitude by visual reference (wing tips to horizon, etc.).

(c) Maintenance of flight path over ground.

(vi) *Turns.* (a) Principles of and familiarization with aerodynamic forces involved and available for turning purposes under full load and varying power conditions.

(b) Flight control functions.

(c) Principles in overbanking tendencies.

(d) Principles for establishing and maintaining a desired bank (ref. to wing tips), and a desired altitude (angle of attack, power, etc.).

(e) Transitions to and maintenance of desired banks and altitudes.

(vii) *Climbs and glides.* (a) Principles of establishing and maintaining a normal angle in climbs and descents.

(b) 10°–30° banked turns.

(c) 30°–60° banked turns.

(d) Spirals with bank at least 45°, through 720°–1080°.

(e) Use of power and speed control to maintain preassigned rates of descent and ascent.

(viii) *Stalls.* (a) Principles for detection of incipient stalls and effecting recovery to straight and level flight with minimum loss of altitude.

(b) Stalls and recoveries from takeoff and departure configurations.

(c) Stalls and recoveries from approach and landing configurations.

(d) Stalls and recoveries from accelerated maneuvering.

(e) Fully developed stalls and recoveries, including correct power usage, to level flight.

(ix) *Flight at minimum controllable airspeed (slow flight).* (a) Principles for establishing and maintaining slow flight.

(b) Stabilized slow flight in turns at constant altitude.

(c) Stabilized slow flight in turning climbs and descents.

(d) Effects of power usage during slow flight.

(2) *Phase II—navigational and critical situations*—(i) *Pattern and track flying.* (a) Principles for establishing and maintaining a track over the ground.

(b) Constant radius turns about a point.

(c) "8's" around pylons.

(d) "S" turns across a road.

(e) Making good a desired track for a prolonged period (traffic patterns, rectangular areas, etc.)

(ii) *Emergencies and critical situations.* (a) Principles and safe flying practices involved when encountering items below:

(1) Being lost.

(2) Low on fuel.

(3) Turbulent air.

(4) Adverse flight visibility conditions.

(5) Radio station shutdowns.

(6) Motor trouble.

(7) Loss of performance due to high altitudes, high temperatures, downdrafts in mountainous terrain.

(8) Instrument/communication/navigational equipment trouble.

(9) Icing conditions (carburetor, wings, propeller).

(b) Principles and procedures for determing and executing a course of action for forced landings that, if carried through, would most likely result in a safe landing with minimum, if any, damage to the airplane or injury to occupants.

(iii) *Small, soft and high altitude/temperature field operations.* (a) Principles and safe flying practices for effecting takeoffs and landings, climbout and approach flight plans.

(b) Takeoffs and landings at small fields (including operation over obstacles).

(c) Takeoff and landings on soft surfaces.

(d) Takeoffs and landings under conditions of high density/operational altitudes.

(iv) *Cross-country flying and radio navigation (20 hours).* (a) Principles of safe flying practices for preflight preparations, operations within airplane's operational limitations, use of CAA facilities and compliance with CAR 43, CAR 60, and CAR 62.

(b) Loading of airplane.

(c) Weather information.

(d) Facilities to be used.

(e) Operations to strange airports of varying size, altitudes, traffic conditions, 350 miles distant, etc.

(f) Operations to airports in which flight plans are filed, followed, and closed, one or more radio aids to navigation are used; and dead reckoning navigation employed. Procedures for operation in Air Defense Identification Zones.

(v) *Basic instrument flying (minimum 10 hour, 5 hours instrument instruction).* (a) Principles and procedures for maintaining and controlling airplane flight attitudes and speeds, solely by reference to instruments, and maintaining flight within airplane's operational limitations.

[2] See appendix D for training procedures and performance standards. Appendix D not filed with the Federal Register Division.

(b) Operations using a gyroscopically operated bank and direction indicator, a gyroscopically operated rate of turn indicator, a gyroscopically operated pitch indicator, a sensitive altimeter, and a sweep second clock.

(c) Principles and procedures for coping with turbulent air conditions, including recommended airspeed, airplane configuration and power settings.

(d) Operations (solely by reference to instruments) in turbulent air.

(vi) *Night flying (minimum 5 hours) (10 takeoffs and landings).* (a) Principles and procedures for conduct of night flights from takeoff to destination and landing, including procedures for coping with critical and including emergency situations.

(b) Operations at night (during the period from one hour after sunset to one hour before sunrise) must include at least 10 takeoffs and landings to complete stops with student as pilot-in-command and sole manipulator of the controls.

(vii) *Transition to and operation of representative current type transportational airplanes (5 hours solo minimum).* (a) Principles and procedures to be followed in making a transition from a familiar type airplane to one with significantly different flight performance and operating characteristics. Includes determination of the correct fuel consumption and use of fuel system tanks, selector(s) and indicator(s), use of flaps for takeoff and landing under various configurations and conditions of loading, loading to be within c. g. limits, operational recommended speeds and limitations for the engine and airplane, procedures for use of communication, navigation and flight instrumentation equipment, and procedures to be used under the emergency situations and for normal gear extension (if applicable).

(b) Operation of different type transportational airplane at gross weight, which will include preflight procedures, takeoffs and departures, inflight maneuvers at minimum controllable airspeed, the design maximum structural cruising speed, best angle and rate of climb airspeed(s) and configuration(s); approaches and landing using recommended approach speed and configuration, and post-flight procedures.

(3) *Minimum total course times.* (i) Flying time, 160 hours.

(a) Solo flight, 100 hours.

(b) Cross-country solo, 20 hours.

(ii) Ground instruction, 40 hours.

(4) *Progress checks.* (Ref. § 50.12–5.)

(i) Solo.

(ii) Basic flying phase.

(iii) Navigation and critical situations phase.

(a) VFR operations.

(b) Basic instrument flying.

(c) Night flying.

(iv) Final (for CAA certificate).

(c) *Instrument flying school curriculum.* The curriculum will include the training phases and maneuvers listed below, and a demonstration of student proficiency and knowledge.[2] Student progress checks may apply toward the course time.

(1) *Phase I—basic instrument flying*—(i) *Straight and level flight.* (a) Principles, procedures and operating limitations for all flight instruments for control of attitude, altitude, direction and speed.

(b) Smooth air operation at cruising speed.

(c) Turbulent air operation at recommended rough air speed.

(ii) *Turns.* (a) Principles, procedures and operating limitations for control of rate of turn to predetermined headings (including timed turns).

(b) Smooth air operation at cruising speed.

(c) Turbulent air operation at recommended rough air speed.

(iii) *Climbs, descents and spirals.* (a) Principles, procedures and operating limitations for control of rate of climb and descent to predetermined altitudes.

(b) Smooth air operation at recommended best rate of climb and glide speeds and airplane configurations.

(c) Same as (b) of this subdivision, but in rough air.

(iv) *Stalls.* (a) Principles and procedures for detection of and recovery from partial and full stalls.

(b) Stall detection and recoveries.

(c) Full stall recoveries.

(v) *Recovery from unusual attitudes.* (a) Principles and procedures for coping with unusual attitudes and for critical engine inoperative situations on multiengine airplanes (including effecting recoveries within operating and structural limitations).

(b) Recoveries to level flight attitudes and speeds.

(c) Operation with critical engine inoperative. (Multiengine airplanes only.)

(2) *Phase II—IFR communications, navigation and approaches*—(i) *Estimation of arrival times.* (a) Principles and procedures for preparing a complete flight plan and the correct computation of estimated arrival times over check points, at destination, and at an alternate airport.

(b) Flight planning. (Weather data, navigational procedures, airplane performance data, flight charts, approach procedures, etc.)

(c) Flight from point to point.

(ii) *Tuning radio equipment.* (a) Principles and procedures for selection of frequencies, use of volume control, use of voice and range filters, use of dual equipment—when installed.

(b) Use of equipment in flight.

(iii) *Orientation.* (a) Principles and procedures for orienting on a range leg, or radial, and identification of position.

(b) Range orientation and identification from an unknown position.

(iv) *Following a range leg or radial.* (a) Principles and procedures for aligning with and maintaining flight path and altitude along range leg or radial.

(b) Range leg or radial alignment and following.

(v) *Locating range stations.* (a) Principles and procedures for locating and identifying arrival over station.

(b) Location and identification of station.

(vi) *Instrument approach procedures.* (a) Principles and procedures for execution of the correct approach procedure for the station and airport involved. (Includes familiarization with radio facility charts, radio range charts and terminal charts.)

(b) Execution of approaches to standard minimums for airport involved. (Also to 500 feet and 1 mile at some other airport if local airport has higher minimums.)

(vii) *Missed approach procedures.* (a) Principles and procedures for execution of the correct missed approach procedures.

(b) Execution of missed approach procedures for airport involved.

(viii) *Air traffic control procedures.* (a) Familiarization with and procedures for compliance with ATC clearances and/or instructions, including holding and emergency procedures.

(b) Receipt and execution of ATC clearances and/or instructions.

(3) *Minimum total course times.* (i) Ground instruction, 30 hours.

(ii) Flying time (20 hours in flight), 30 hours.

(4) *Progress checks.* (Ref. § 50.12–5.)

(i) Phase I—Basic instrument flying.

(ii) Phase II—IFR communications, navigation and approaches.

(d) *Flight instructor flying school curriculum.* The curriculum will include the training phases and maneuvers listed below, and a demonstration of student proficiency and knowledge.[2] Student progress checks may apply toward the course time.

(1) Flight portion, 25 hours of flying.

(i) *Phase I—performance skills.* (a) All items and manuevers listed in CAM 20 for private, commercial, and flight instructor flight tests; all items and maneuvers listed in CAM 50 private and commercial flying school curriculum; lazy 8's, and chandelles.

(ii) *Phase II—instructional skills.* (a) Development of methods, skills, and techniques of imparting knowledge, skills, etc., to students in all of the items and maneuvers of Phase I.

(2) Ground instruction portion, 40 hours.

(i) *Fundamentals of flight instruction.* (a) Basic learning characteristics.

(b) Determination of objectives, or aims.

(c) Instructional management (preparation and execution).

(d) Teaching methods and techniques.

(e) Evaluation techniques.

(ii) *Analysis of flight maneuvers and flight techniques.* (a) Theory of flight.

(b) Control functions and effects.

(c) Common student errors—causes and remedies.

(d) Common flight instructor deficiencies—causes and remedies.

(e) Principles of safety.

3. Section 50.13–4 is added to read as follows:

§ 50.13–4 *Curriculum requirements for graduation from an approved school (CAA policies which apply to § 50.13).* An approved school will not graduate a

[2] See appendix D for training procedures and performance standards. Appendix D not filed with Federal Register Division.

student unless he has completed all of the curriculum requirements of the course in which he is enrolled. A student may be allowed credit, not to exceed 50 percent of the curriculum requirements, for previous pilot experience and knowledge. The school granting the credit will determine by appropriate flight check or examinations the amount of credit to be allowed.

4. Section 50.20–2 is rescinded.

5. Section 50.28–1 is amended to read as follows:

§ 50.28–1 *Attendance and accomplishment records (CAA interpretations which apply to § 50.28).* The school must maintain a current record of each student's participation and accomplishments during course enrollment.[3] Upon course completion or graduation, the entire record or file will be certified by an authorized representative of the agency.

6. Section 50.29–1 is amended to read as follows:

§ 50.29–1 *Graduation certificate form (CAA policies which apply to § 50.29).* The school may use its own graduation certificate. However, if the school uses its own certificate form, then the information contained on the example certificate, Form ACA–391, in appendix A[4] should be incorporated. Form ACA–391 is available at local General Safety District Offices.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or supply secs. 601, 607, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557)

This supplement shall become effective May 15, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

APRIL 22, 1957.

[F. R. Doc. 57–3401; Filed, Apr. 26, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6693]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PAGEANT PRESS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.25 *Competitors and their products:* Competitors' services;[1] § 13.110 *Indorsements, approval, or awards;* § 13.155 *Prices:* Comparative; § 13.205 *Scientific or other relevant facts;* § 13.225 *Services;*[2] § 13.280 *Unique nature or advantages.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Pageant Press, Inc., et al., New York, N. Y., Docket 6693, April 13, 1957]

In the Matter of Pageant Press, Inc., a Corporation, and Simon A. Halpern, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company in New York City which, in advertisements in magazines, newspapers, etc., solicited contracts to publish books at the expense of their authors and to promote and sell such books, with misrepresenting the services it gave authors under such subsidy plan.

Following entry of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 13 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Pageant Press, Inc., a corporation, and its officers, and respondent Simon A. Halpern, individually and as an officer of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of contracts for the publication of books for authors and prospective authors and in the promotion, sale, and distribution in commerce of books of authors who have entered into such contracts with respondents, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That the cost of publication paid to respondents under their contracts is treated in any different manner, for income tax purposes, than are the costs of publication paid to competitors under their contracts.

(b) That other publishers, as distinguished from respondents, do not have sales departments.

(c) That they differ from other publishers in that they allow bookstores to return unsold books for credit or refund.

(d) That they are recommended by editors, authors, literary agents or organizations, or any of them, unless such is the fact.

(e) That they secure motion picture rights to books published by them, unless such is the fact.

(f) That the amount paid by authors as subsidies to respondents are lower than that paid to their competitors, unless such is the fact.

(g) That the amount of promotion, publicity or paid national advertising given the books published by them is greater than that given by royalty houses, unless such is the fact.

It is further ordered, That the charge in Paragraph Seven of the Complaint, that the use of the word "Press" in the name of the corporate respondent is deceptive, be and the same hereby is dismissed without prejudice to the right of the Commission to take such action in the future as may be warranted by subsequent events.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57–3407; Filed, Apr. 26, 1957; 8:46 a. m.]

[Docket 6684]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COMMUNITY SERVICES, INC., ET AL.

Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Community Services, Inc., et al., Kansas City, Mo., Docket 6684, April 13, 1957]

In the Matter of Community Services, Inc., a corporation, and Lewis D. Northcraft, Clarence Northcraft and Alice K. Northcraft, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate printer in Kansas City Mo., of a variety of publications including yearbooks, calendars, community digests, and cookbooks mainly for small-town civic organizations, with failing to deliver high school annuals promised for graduation until many months after that date and failing to supply other books contracted for within the time required; and with representing falsely through its salesmen soliciting advertising that all money received therefor became the property of the sponsoring group, and that the salesmen were members of the group.

Following an agreement for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 13 the decision of the Commission.

The order to cease and desist is as follows:

[1] New.

[2] Credit from approved schools may be transferred to another approved school. In such a case, the receiving school will determine by student flight check and/or written examination as appropriate, the amount of credit to be transferred, which may not in any case be greater than the amount of credit for attendance and accomplishment which were compiled by the student in the prior approved school(s).

[3] Appendix A not filed with Federal Register Division.

[4] Amended to read as set forth.

It is ordered, That respondent Community Services, Inc., a corporation, and its officers, and Lewis D. Northcraft, Clarence Northcraft and Alice K. Northcraft, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with any offer to enter into contracts respecting books, publications or other articles of merchandise which are shipped in commerce or in connection with the offering for sale, sale or distribution of books, publications or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to deliver books, publications or other articles of merchandise within the time promised or specified in any agreement or order, oral or written.

2. Representing, directly or by implication, that any salesman or representative of the respondents is a member of any sponsoring group or organization.

3. Misrepresenting the amount of money that is to be received by a sponsoring group or organization for advertising to be printed in any of respondents' books or publications.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-3408; Filed, Apr. 26, 1957; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY OF 1935

FINANCIAL CONNECTIONS OF OFFICERS AND DIRECTORS OF REGISTERED HOLDING COMPANIES AND SUBSIDIARIES

The Securities and Exchange Commission has heretofore published for comments and suggestions a proposal to amend § 250.70 (Rule U-70), adopted under section 17 (c) of the Public Utility Holding Company Act of 1935, governing the connections with financial institutions of officers and directors of registered holding companies and subsidiary companies.

Section 17 (c) of the act prohibits any registered holding company or any subsidiary company thereof from having as an officer or director any "executive officer, partner, appointee or representative of any bank, trust company, investment banker, or banking association or firm" except as permitted by rule and regulation of the Commission "as not adversely affecting the public interest or the interest of investors or consumers." Rule U-70 defines those persons to whom the Commission has granted exemptions from section 17 (c).

The persons requesting the proposed rule change noted that, under subsection (a) (4) (D) of the rule, a registered holding company may have as a member of its board of directors a person who is a director of a commercial banking institution having its principal office within the service area of any of the holding company's principal public-utility subsidiaries. Thus, a registered holding company which had complied with the requirements of section 11 (b) by restricting its operations to a single integrated public-utility system within the United States could have as a director a person connected with a domestic commercial bank. On the other hand, a registered holding company which was effectuating compliance with section 11 (b) by divestment of its domestic public-utility subsidiaries but which continued to have foreign public-utility subsidiaries was discriminated against since, during the period following divestment of its domestic public-utility subsidiaries and prior to obtaining an order of exemption under section 3 (a) (5), it could not have as a member of its board of directors any person having any financial connection with a domestic commercial bank.

The proposed amendment, concerning which notice was given on March 19, 1957 (Holding Company Act Release No. 13421), as revised to reflect comments received by the Commission, would permit a person whose only financial connection is that of a director of a commercial bank, as defined in the rule, to be a director, but not an officer, of a registered holding company which has no public-utility subsidiaries within the United States and either (a) is in the process of converting into an investment company in compliance with an order under section 11 of the act which has become final, or (b) is subject to an order entered under section 11 (b) (1) of the act which has become final requiring it to divest itself of all its interests, direct or indirect, in any public-utility company.

Accordingly the Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 17 (c) and 20 (a) thereof, and deeming such action as not adversely affecting the public interest or the interest of investors or consumers, hereby amends § 250.70 (Rule U-70) of the general rules and regulations under the Public Utility Holding Company Act of 1935, by changing the heading of paragraph (a) (4) and by adding to paragraph (a) (4) a new subdivision (v) so that paragraph (a) (4) (v) shall read as follows:

§ 250.70 *Exemptions from section 17 (c) of the act—(a) Exempted persons.* Subject to paragraph (b) of this section, a registered holding company or subsidiary may have as officers or directors the persons specified below:

* * * * * *

(4) *Connections with small or commercial banking institutions.* A person whose only financial connection is with:

* * * * * *

(v) A commercial banking institution as a director but not as an officer: *Provided,* That such person (not otherwise exempted under this section) may act only as a director, but not as an officer, of a registered holding company: *And provided further,* That such holding company has no public-utility subsidiary within the United States and either (*a*) is in the process of converting into an investment company in compliance with a plan which has been approved by an order under section 11 of the act which has become final, or (*b*) is subject to an order under section 11 (b) (1) of the act which has become final, requiring it to divest itself of all its interests, direct or indirect, in any public-utility company.

It appearing that the amendment relieves a restriction imposed upon registered holding companies, the amendment is effective forthwith.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 22, 1957.

[F. R. Doc. 57-3409; Filed, Apr. 26, 1957; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54346]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

AUTHORITY OF COLLECTORS TO SETTLE CERTAIN BOND AND PENALTY CASES

1. To permit collectors of customs to settle additional claims for liquidated damages assessable under common carrier bonds, § 18.8 (d) of the Customs Regulations is amended to read as follows:

(d) In any case in which liquidated damages imposed in accordance with this section do not aggregate over $20,000 and the collector is satisfied by evidence submitted to him with an application for relief from the payment thereof that any shortage, irregular deliver, nondelivery, or any failure to obtain customs supervision was without any intent to evade any law or regulation, the collector may cancel such claim upon the payment of any lesser amount or without the payment of any amount, as he may deem appropriate under the law and in view of the circumstances.

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U. S. C. 1623, 1624)

2. To provide for the remission or mitigation of the forfeiture of undeclared articles subject to seizure under section 497, Tariff Act of 1930, which articles would have been admitted free of duty under section 321 (a) (2) (B), Tariff Act of 1930, as amended, if properly declared, § 23.5 (b), Customs Regulations, is amended by inserting "or section 321 (a) (2) (B)" after "paragraph 1798."

3. To list section 321 (a) (2) (B), Tariff Act of 1930, as amended, as a statute under which free entry may be fraudulently claimed, § 23.5 (c) of the regulations is amended by inserting "or section 321 (a) (2) (B)" after "paragraph 1798" in each of the first two places where it appears in the first sentence.

4. In order that there may be a reference in § 23.25 of the Customs Regulations to provisions for the remission or mitigation by collectors of customs of fines, penalties, and forfeitures incurred in certain mail and baggage seizure cases, § 23.25 (a) is amended by adding footnote reference "39a" after the word "appropriate" preceding the colon in the first sentence, and Part 23 is amended to add a new footnote designated 39a reading as follows:

[39a] As to remission or mitigation of fines, penalties, and forfeitures in cases of the seizure of unendorsed mail parcels and articles in passengers' baggage, see §§ 9.5 (b) and (c) of this chapter and 23.5 (b), respectively.

5. To delegate to collectors of customs additional authority to remit or mitigate penalties incurred under the Air Commerce Act of 1926, as amended, § 23.25 (a) (2), Customs Regulations, is amended by substituting "provided the value of the merchandise is under $500" for "provided the value of the merchandise does not exceed $100".

6. To give collectors of customs at ports other than the port of New York authority to remit or mitigate penalties under $500 assessed under sections 453 and 584 of the Tariff Act of 1930, § 23.25 (a) (5) of the regulations is amended by adding a new first sentence reading as follows: "Except as hereinafter provided for, penalties under $500 each imposed against the offender under section 453 or 584, Tariff Act of 1930."

(R. S. 161, 251, secs. 618, 624, 46 Stat. 757, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1618, 1624)

[SEAL] RALPH KELLEY,
Commissioner of Customs.

Approved: April 22, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-3428; Filed, Apr. 26, 1957; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

BATTERY INDUSTRY

This matter is before me for decision on the exceptions which have been filed to my proposed determination of prevailing wages for the battery industry (21 F. R. 6142).

The American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) for itself and its affiliates in the battery industry, excepts to the proposed minimum wage determinations for the lead-acid and dry primary branches of the industry on two grounds. The first urges that the prevailing minimum wages should have been, but were not determined "on the basis of the wage structure in the plants employing a majority of the workers." The second objects that the minimum wage ascribed to each plant in determining the prevailing minimum wages was the lowest wage in its wage structure rather than that wage from among those at the lower end of such structure paid to the "bulk" of the employees.

At the hearing, and in some of their post-hearing briefs the labor representatives advanced essentially similar contentions in support of their proposals for minimum wages. The proposed determination fully analyzed and did not adopt such wage proposals. However, the exceptions renewing such contentions directed at the process of determination will be further considered.

The determination of minimum wages prevailing in a particular industry is the product of administrative experience, realization of the statutory policies, and responsible treatment of the facts. These factors have guided me in this matter to the method used for the determination proposed for this industry over those suggested by the labor representatives and other interested persons.

The labor representatives suggest several formulae for determining the prevailing minimum wages in the lead-acid and primary branches of this industry. Their exceptions apply these formulae only to the lead-acid branch wage data in Bureau of Labor Statistics Tables 3, 5 and 8 (Govt's Exh. 5). The resulting minimum wages range from $1.43 to $1.55 per hour, with $1.43 per hour suggested as the lowest which should be found as prevailing.

While some of these suggested alternative methods for determining minimum wages are not wholly lacking in plausibility, it is clear that at best only one and not all of the resulting minimum wages suggested could qualify as the prevailing minimum wage in this branch. However, none of the suggested minima measure the prevailing minimum wage in this branch of the industry considered as a whole as accurately as the determination announced in the proposal.

The proposed minimum wages for each branch of the industry were determined by selecting in each branch the minimum wages of approximately half or more of the component plants employing a substantial majority of the employees. This method for the determination of the prevailing minimum wages in this particular industry relates minimum wages both to total employment units and total employment, and results in the establishment of minimum wages which are more nearly those of all plants employing all workers in the industry than any other minimum wages.

It is one of the purposes of the act to withhold Government purchases subject to its requirements from those who pay less than the minimum wages which prevail in their respective industries. In requiring contractors whose wage standards are below the ones generally prevalent in their industry to bring their minimum wages up to the industry standards, the act undertakes to improve the labor standards of workers, and to protect fair employers. These statutory objectives would not be served by favoring the methods of determination suggested by the labor representatives' exceptions which require determination of minimum wages above the levels actually prevalent in the industry as a whole.

The determination of a minimum wage of $1.55 urged by the labor representatives would not accord due weight to the lower minimum wages paid employees in 132 of the 176 plants in the lead-acid branch of the industry (BLS Table 8). Similarly, the alternate determinations of $1.50 and $1.43 also suggested for this branch fail to give proper consideration to the lower minimum wages paid respectively by 117 and 110 of the 176 plants in the branch (BLS Table 8). These suggested determinations take no cognizance of, nor do they reflect the minimum wage structure of the industry considered as a whole, and are not sufficiently supported as prevailing by the substantial evidence of record.

In this, as in most industries, there is no single figure which is used as a minimum wage by most, or any substantial portion of the plants in the industry. In such circumstances, the courts have approved the method here followed of making prevailing minimum wage determinations based on the minimum wages in approximately half or more of the plants employing a substantial majority of the employees.[1]

In support of minimum wages for which it contends, the AFL–CIO points out that prevailing minimum wages for the woolen and worsted industry were recently determined from the wages paid to the bulk of employees at the lower end of each plant's wage scale, rather than as here from the actual minimum wages of each plant. This observation is in error. The basic wage data upon which the minimum wages for the woolen and worsted industry were determined were contained in a regular occupational wage survey of the Bureau of Labor Statistics, unlike the wage structure of the battery industry which was specially surveyed for these proceedings. The decision accompanying the woolen and worsted determination noted that the wage data included "watchmen and certain custodial employees commonly paid less than other workers who should be excluded from consideration here because the Act, and hence this determination,

[1] Covington Mills, Inc., et al. v. Mitchell and Alabama Mills et al. v. Mitchell (Textile industry), 229 F. 2d 506; cert. denied 350 U. S. 1002; Allendale Co. et al. v. Mitchell (Woolen and Worsted Industry), 12 W. H. Cases 706, cert. denied 351 U. S. 909.

does not apply to them." The decision further found that "44.8 percent of the establishments employing 61 percent of the workers pay no more than 1 percent of their employees less than $1.20 per hour, and 49.3 percent of the establishments employing 65.5 percent of the workers pay no more than 3 percent of their employees less than $1.20 per hour."

The wage data considered in arriving at the determination for this industry excludes wages paid to watchmen and custodial employees and requires no correction for accuracy as was appropriate in the woolen and worsted determination to reach the actual minimum wages paid.

For these reasons these exceptions of the labor representatives are overruled.

The labor representatives by exception have renewed their contention at the hearing that certain evidence of wage increases in this industry since the date of the BLS wage survey justifies an increase of five to six cents per hour in the prevailing minimum wage for the lead-acid and dry primary batteries branches. These contentions were expressly discussed in the proposed determination. For the reasons there expressed they are overruled.

The labor representatives have also taken exception to the authorization of a subminimum rate for beginners in the other batteries branch. While it is true that beginners are not widely employed in this branch of the industry, the evidence indicates that 4 out of the 11 plants in the branch employed beginners at wages considerably less than those paid experienced workers. For these reasons and to avoid undue hardship upon the plants employing beginners at wages lower than paid to experienced workers, the tolerance provided by the proposed determination is required and, accordingly, the exception of the labor representatives is overruled.

Certain employers in the lead-acid branch have also objected to the prevailing minimum wage proposed for determination, contending that such wage is higher than the minimum wages paid by certain small, or regional independent battery manufacturers. The Independent Battery Manufacturers of America took no exception to this determination. These employers suggest that the proposed determination has greater impact on them than on the larger plants in this branch of the industry, and is discriminatory. Their objections do not question the facts upon which the determination rests, nor undertake to demonstrate that the minimum wage is not in fact prevailing in this branch. The evidence of record fails to support the objection that the determination discriminates against the smaller plants in the industry. The evidence shows that small plants (51 employees or under) located throughout the country, paid plant minimum wages ranging from 75 cents to more than $2.00 per hour while the wages paid by the larger plants ranged from 75 cents to $1.85 per hour. In addition, all plants small and large in this and other branches of the industry were given equal weight in determining the prevailing minimum wages. Accordingly, these exceptions are overruled also.

Two dry primary battery manufacturers have questioned the applicability of the proposed determination. They suggest that the definition of the dry primary branch of the industry be modified so as to include "primary cell batteries of the reserve type which are activated by a liquid or liquid electrolyte only upon use and which are manufactured by dry cell manufacturers in dry battery manufacturing plants". In dividing the industry into the lead-acid branch, and the dry primary branch, and the "other" branch, the "other" branch necessarily includes wet primary batteries and storage batteries using active ingredients other than lead and acid. All of these descriptions apply to batteries as they are used, rather than batteries as they are shipped by the manufacturer. A battery is "dry" within the trade definition, which is adopted here, when its electrolyte exists in a gelatinous form or is absorbed in some porous medium, or is otherwise immobilized. If, therefore, the reserve type batteries mentioned by these manufacturers are designed for a liquid to be added to an absorbent medium just prior to their use, so that the ingredients will be damp but not liquid in use, they will be "dry" within the meaning of the determination. If they are also "primary", in that they do not possess the characteristic of reversible electro-chemical reactions and cannot be recharged, they are dry primary batteries notwithstanding their "reserve" characteristic.

Certain other objections were raised as to not providing geographic wage differentials, or a minimum rate for beginners in plants in the lead-acid branch of the industry. These matters were fully and expressly discussed in the proposed determination. For the reasons expressed in the proposal, these exceptions, as well as all those hereinabove discussed, are overruled.

It has come to my attention, however, that there is a typographical error in the proposal in that it refers to "parts" for lead-acid storage batteries, whereas the definition as set forth in the wage questionnaire and the notice of hearing refers to "plates" for lead-acid storage batteries. The final determination will correct this inadvertence.

Accordingly, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.), Title 41, Code of Federal Regulations, Part 202, is hereby amended by the addition of the following section:

§ 202.54 *Battery industry*—(a) *Definition.* (1) The lead-acid storage battery branch of the battery industry is defined as that industry which manufactures or furnishes lead-acid storage batteries or plates therefor.

(2) The dry primary batery branch of the battery industry is defined as that industry which manufactures or furnishes dry primary batteries.

(3) The other battery branch of the battery industry is defined as that industry which manufactures or furnishes all bateries and parts therefor, other than (i) lead-acid storage batteries and dry primary batteries and parts therefor, and (ii) glass containers and porcelain covers for wet primary batteries.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the lead-acid storage battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.35 per hour arrived at either on a time or piece rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the dry primary battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.08 per hour arrived at either on a time or piece rate basis.

(3) The minimum wage for persons employed in the manufacture of furnishing of products of the other battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.34 per hour arrived at either on a time or piece rate basis.

(c) *Tolerances.* (1) Beginners as defined in this paragraph may be employed in the other battery branch of the battery industry at wages of not less than $1.15 per hour, arrived at either on a time or piece rate basis. A beginner for the purpose of this section is a person who has had less than three months' experience in the plant in which he is employed.

(2) Apprentices may be employed at wages less than $1.35 per hour in the lead-acid storage battery branch, $1.08 per hour in the dry primary battery branch, and $1.34 per hour in the other battery branch, upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages herein established shall apply to all contracts subject to the Public Contracts Act bids for which are solicited or negotiations otherwise commenced on or after May 27, 1957.

(Sec. 4, 49 Stat. 1038; 41 U. S. C. 38)

Signed at Washington, D. C., this 23d day of April 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-3426; Filed, Apr. 26, 1957; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter C—Drugs

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) SOLUTION FOR INHALATION THERAPY VETERINARY

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045) the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs are amended by adding the following new sections:

§ 141b.132 *Streptomycin solution for inhalation therapy veterinary: dihydrostreptomycin solution for inhalation therapy veterinary*—(a) *Potency.* Proceed as directed in § 141b.101, except that if it contains dihydrostreptomycin use the dihydrostreptomycin working standard as the standard of comparison. Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *pH.* Proceed as directed in § 141a.5 (b) of this chapter.

§ 146b.127 *Streptomycin solution for inhalation therapy veterinary; dihydrostreptomycin solution for inhalation therapy veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin solution for inhalation therapy veterinary and dihydrostreptomycin solution for inhalation therapy veterinary is a suitable and harmless aqueous-organic solution of streptomycin or dihydrostreptomycin, with or without suitable and harmless preservatives, colorings, volatile oils, flavorings, buffer substances, and stabilizing agents. Its potency is not less than 50 milligrams per milliliter. Its pH is not less than 5.0 and not more than 8.0. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 (a), except the standards for sterility, pyrogens, and histamine, or to the standards prescribed by § 146b.114 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch.

(iii) The statement "Expiration date ------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The name and quantity of each preservative used.

(v) The statement "For veterinary use only."

(2) On a circular or other labeling within or attached to the package directions and warnings adequate for the use of the drug in the treatment of chronic respiratory disease (air-sac infection) in poultry.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch and the number of milligrams of streptomycin or dihydrostreptomycin per milliliter in the batch. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency and pH.

(2) Such person shall also submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers.

(ii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5 grams.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: April 23, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-3418; Filed, Apr. 26, 1957; 8:48 a. m.]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

CHLORAMPHENICOL-NEOMYCIN OINTMENT; MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141d, 141e, 146b, 146d) are amended as indicated below:

1. Part 141d is amended by adding the following new section:

§ 141d.312 *Chloramphenicol-neomycin ointment*—(a) *Potency*—(1) *Chloramphenicol content.* Proceed as directed in § 141d.303. Its content of chloramphenicol is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Neomycin content.* Place an accurately weighed representative sample (usually 1.0 gram of ointment) in a separatory funnel containing 50 milliliters of peroxide-free diethyl ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 0.1 *M* potassium phosphate buffer, pH 8.0, and shake. Allow the layers to separate. Remove the buffer layer and repeat the extraction at least three times with additional portions of buffer and any additional times necessary to insure complete extraction. Make the proper estimated dilution with buffer and proceed as directed in § 141e.410 (b) (1) of this chapter. Its

content of neomycin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c) of this chapter.

2. In § 141e.401 *Bacitracin,* subparagraph (1) (iii) of paragraph (a) *Potency* is amended by changing the first sentence to read: "The test organism is either Micrococcus flavus (ATCC 10240) or Sarcina subflava (ATCC 7468), both of which are maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 141a.1 (b) (1) of this chapter."

3. In § 146b.111 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by inserting after the words "24 months" a comma and the words "36 months, or 48 months".

4. Part 146d is amended by adding the following new section:

§ 146d.312 *Chloramphenicol-neomycin ointment.* Chloramphenicol-neomycin ointment conforms to all requirements and is subject to all procedures prescribed by § 146d.303 for chloramphenicol in an oily base ointment, except that:

(a) It contains not less than 3.50 milligrams of neomycin per gram. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2) of this chapter.

(b) Its moisture content is not more than 1 percent.

(c) In lieu of the labeling prescribed by § 146d.303 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chloramphenicol and the number of milligrams of neomycin in each gram of the batch and the statement "Expiration date ------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(d) In addition to complying with the requirements of § 146d.303 (d), a person requesting certification of a batch shall submit with his request a statement showing the number of milligrams of chloramphenicol and the number of milligrams of neomycin in each gram of ointment, the batch mark, and (unless previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the ointment and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making the batch.

(e) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: April 22, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-3420; Filed, Apr. 26, 1957; 8:49 a. m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 59 Stat. 463, as amended, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146c, 146d) are amended as set forth below:

1. Section 146a.30 *Penicillin troches* is amended as follows:

a. In paragraph (c) *Labeling,* subparagraph (1) (iii) is amended by inserting after the words "48 months" the folowing new words: "or 60 months".

b. *In paragraph (f) Exemption of penicillin troches from certification,* subparagraph (1) is amended by changing the number "48" to "60".

2. Section 146c.211 *Chlortetracycline surgical powder* * * *, paragraph (c) (1) (iii) is changed to read as follows:

(c) *Labeling.* * * * (1) * * *

(iii) The statement "Expiration date ------," the blank being filled in with the date that is 60 months after the month during which the batch was certified if it is chlortetracycline hydrochloride surgical powder, or with the date that is 24 months after the month during which the batch was certified if it is tetracycline hydrochloride surgical powder: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

3. Section 146d.307 *Chloramphenicol solution* * * * is amended as follows:

a. In paragraph (c) *Labeling,* subparagraph (1) (iii) is amended by changing the number "12" to "24".

b. Paragraph (c) (2) is changed to read as follows:

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is the solution of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: April 22, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-3419; Filed, Apr. 26, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1412]

[346895]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDER OF JULY 22, 1913, WHICH CREATED PUBLIC WATER RESERVE NO. 11

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of July 22, 1913, creating Public Water Reserve No. 11, as construed by Department of Interior Interpretation No. 14 of May 3, 1924, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 29 S., R. 1 W.,
Sec. 13, S½NW¼ and SW¼.

The areas described aggregate 240 acres.

The revocation is made in furtherance of an exchange under section 8 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to

veterans of World War II, the Korean Conflict, and others.

HATFIELD CHILSON,
Acting Secretary of the Interior.

APRIL 22, 1957.

[F. R. Doc. 57-3402; Filed; Apr. 26, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11897]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of Assignments,* Television Broadcast Stations. (Chattanooga, Tennessee-Rome, Georgia.)

The Commission's Report and Order in the above-entitled matter, adopted April 3, 1957 and released April 5, 1957 (FCC 57-345) contains an error in the offset carrier designator for Channel *55. Therefore, the above Report and Order is corrected as follows:

The table in paragraph 7 is amended to read as follows:

City	*Channel No.*
Chattanooga, Tenn	3+, 9, 12—, 43+, 49+, *55—
Rome, Ga	59

Released: April 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3432; Filed, Apr. 26, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

LIMES GROWN IN FLORIDA

ORDER DIRECTING THAT REFERENDUM OF PRODUCERS AND POLL OF HANDLERS BE CONDUCTED; AND DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM AND POLL

In accordance with the requirement set forth in § 1001.64 (c) of Marketing Agreement No. 126, as amended, and Marketing Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby ordered that a referendum be conducted of the producers of limes covered under said marketing agreement and order who, during the fiscal year ending March 31, 1957, were engaged in producing such limes for market, and that a poll be conducted of the handlers of such limes, during said fiscal year ending March 31, 1957, for the purpose of determining whether said producers and handlers favor the continuation in effect of said marketing agreement and order. M. F. Miller and W. R. Cleveland, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Lakeland, Florida, are hereby designated as agents of the Secretary of Agriculture to conduct, jointly or severally, such referendum and poll, subject to the terms and conditions hereinafter provided.

(a) For purposes of the referendum, producers entitled to vote shall be confined to those who, during the fiscal year ending March 31, 1957, were engaged in the production area specified in § 1001.4 of said marketing agreement and order in producing limes for market. Also, such a person must be an individual, partnership, corporation, association, or other business unit who or which: (1) Owns and farms land, resulting in his or its ownership of the limes produced thereon; (2) rents and farms land, resulting in his or its ownership of all or a portion of the limes produced thereon; or (3) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the limes produced thereon.

(b) For purposes of the poll, handlers to be eligible to participate therein must have handled, during the fiscal year ending March 31, 1957, limes produced in the aforesaid production area.

(c) Said referendum and poll shall be conducted:

(1) By giving opportunity for each of the aforesaid producers to cast a ballot in the referendum and for each of the aforesaid handlers to cast a ballot in the poll, in the manner herein authorized, relative to the aforesaid continuance of the amended marketing agreement and order, on the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing limes grown in the aforesaid production area or in rendering services for, or advancing the interest of, such producers of limes, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of all such producers.

(2) By determining the time of commencement and termination of the period or periods of the referendum and poll, by giving public notice, as prescribed in (c) (3) hereof: (i) Of the time or times during which the referendum and poll must be conducted, including the time prior to which ballots must be postmarked; (ii) that any ballot may be cast by mail; and (iii) that all ballots cast by mail must be addressed to M. F. Miller, Feld Representative, Fruit and Vegetable Division, Agricultural Marketing Service, Lakeland, Florida.

(3) By giving public notice: (i) By utilizing available agencies of public information (without advertising expense), including both press and radio facilities; (ii) by mailing a notice thereof (including the appropriate ballot form) to each such lime producer (including any cooperative association of producers) and to each lime handler whose name and address are known; and (iii) by such other means as said agents, or any of them, may deem advisable.

(4) By conducting meetings of producers and handlers, either separately or in conjunction with each other, and arranging for balloting at the meeting places if said referendum agents, or any of them, determine that voting shall be at meetings. Any producer or handler may cast his ballot at any such meeting in lieu of voting by mail.

(5) By providing ballots to producers and handlers, and receiving any ballots of the producers and handlers when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum or poll.

(7) By giving public notice of the time and place of any meeting conducted hereunder by posting a notice thereof, at least 2 days in advance of each such meeting, at each such meeting place, and in two or more public places within the aforesaid production area; and, so far as may be practicable, by giving additional notice in the manner prescribed in (a) (3) hereof.

(8) By appointing such person or persons as are deemed necessary or desirable to assist said agents in performing their functions and duties hereunder. Each person so appointed as an assistant shall serve without compensation and may be authorized by said agents, or any of them, to perform any or all of the functions and duties set forth in (5), (6), (7), (8), and (9) of this paragraph (c), in accordance with the requirements set forth therein.

(9) By forwarding the following to M. F. Miller, at the aforesaid address, immediately after the close of the referendum and poll:

(i) A register containing the name and address of each producer to whom a ballot form was given and a register containing the name and address of each handler to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received and a register containing the name and address of each handler from whom an executed ballot was received;

(iii) All of the ballots received by the respective agent or assistant in connection with the referendum and poll, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent or assistant during the period of the referendum and poll;

(iv) A statement showing when and where each notice of the referendum and poll by said agent or assistant was posted and, if the notice was mailed to producers and/or handlers, the mailing list or lists showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the methods used in giving publicity to such referendum and poll.

(d) Upon receipt by M. F. Miller of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and submit to the Secretary a detailed report covering: (1) The results of the referendum; (2) the results of the poll; (3) any meetings held in connection with the referendum and poll; (4) the extent and kind of public notice which was given; and (5) all other information pertinent to the full analyses of the referendum and poll and their results. Such submission to the Secretary shall be effected by forwarding such report, together with the ballots and other information and data, to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(e) No agent or assistant shall refuse to accept a ballot submitted or cast, but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or assistant shall endorse above for signature, on the back of said ballot, a statement that such ballot was challenged, by whom it was challenged, and the reasons therefor, and the results of any investigations shall be set forth when they are forwarded as provided herein.

(f) All ballots cast shall be treated as confidential information.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to cover the procedure to be followed by the said agents and assistants in conducting said referendum and poll.

Copies of the text of the aforesaid amended marketing agreement and order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and in the office of M. F. Miller, at the aforesaid address.

Ballots to be cast in the referendum and poll may be obtained from any agent or his assistant.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 23, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3424; Filed, Apr. 26, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

NOTICE OF PROPOSED RULE MAKING

APRIL 23, 1957.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission has under consideration the matter of betterment accounting, a customary designation given to the prescribed accounting for improvement of parts (minor items) of existing facilities through the substitution of superior parts for inferior parts replaced, and to the related practice of accounting for track repairs. The rules now in effect require that the cost of superior parts applied as betterments; such as heavier rail and rail fastenings placed in a track during repairs; improved appliances installed in cars or locomotives during repairs; or superior parts installed on bridges, buildings, and other structures during repairs; shall be charged to repair expense to the extent that such cost does not exceed the cost as new at current prices of the parts removed.

Representations have been made that accounting on the above basis does not conform to generally accepted accounting practices of other industries in that the cost of property actually removed is not cleared from property accounts, the cost of property actually in use is not represented in property accounts, and provision is not made currently in the accounts for depreciation of the track. So that the Commission may be fully advised in the matter, all interested persons are invited to submit on or before July 1, 1957, written views or suggestions for consideration, and may request oral argument or public hearing. The Commission will consider all such representations before taking action in the matter. If oral argument or public hearing is found to be warranted, notice of the time and place thereof will be given. Otherwise, after consideration of all views and suggestions received in response to this notice, an appropriate order will be entered under authority in sections 12 and 20 of the Interstate Commerce Act; 24 Stat. 383, 386, as amended; 49 U. S. C. 12, 20, as amended.

This notice will be published in the FEDERAL REGISTER.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-3423; Filed, Apr. 26, 1957; 8:49 a. m.]

[49 CFR Part 181]

[No. 32156]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

NOTICE OF PROPOSED RULE MAKING

APRIL 18, 1957.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission has under consideration modification of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, as fully detailed in attachments hereto, (1) to provide current liability accounts for the known amount of unpaid claims for personal injuries and loss and damages, and for the amount of long-term debt due within one year, and (2) to increase the minimum for charging additions and betterments to property accounts from $50.00 as at present to $200.00.

Any interested person may on or before May 31, 1957, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon. Unless otherwise ordered after consideration of representations so received, the modifications set forth below will become effective July 1, 1957.

The proposed modifications are to be issued under authority contained in sections 204 and 220 of the Interstate Commerce Act, 49 Stat. 546, 564, as amended, 49 U. S. C. 304, 320, as amended.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

(1) In paragraph (c) of § 181.02-19 *Operating property to be recorded at cost* change the reference to $50.00 to read $200.00, without otherwise altering the provisions of this instruction.

(2) Insert in its proper order the following new and additional current liability account:

§ 181.2170 *Debt due within one year.* This account shall include the total amount of advances payable, equipment obligations, bonds, and other long-term obligations which are due and payable within one year from the date of the balance sheet. The account shall be subdivided according to the different classes of debt so maturing.

If the balance herein with respect to a matured issue or series of long-term debt is not cleared at maturity in whole or in part, whether because of default or of failure of the holder thereof to present the securities for redemption, such remaining balance shall be transferred to account 2020—Matured Equipment and Long-Term Obligations.

NOTE: Notwithstanding the foregoing provisions, this account shall not include balances with respect to securities for which arrangements for refunding at maturity have been made, or for which sinking funds have been provided.

(3) In § 181.2190 *Other current liabilities* add the following note to the text of this account:

NOTE: Definite liabilities for unpaid claims in process of settlement, covering injuries to persons, loss and damage, and other casualties, and for similar items, shall be transferred at the close of each year from reserves to this account.

(4) In §181.2200 *Advances payable—Associated companies* change the present note to the text of the account to read Note A and add the folowing additional note:

NOTE B: The liability for advances payable to associated companies maturing within one year from the date of the balance sheet is includible in acount 2170—Debt Due Within One Year.

(5) In § 181.2250 *Other advances payable* change the present note to the text of the account to read Note A and add the following additional note:

NOTE B: The liability for advances payable to individuals and companies, other than affiliated companies, maturing within one year from the date of the balance sheet is

includible in account 2170—Debt Due Within One Year.

(6) In § 181.2300 *Equipment obligations* cancel Note B to the text of the account and substitute the following in lieu thereof:

NOTE B: The liability for equipment obligations maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(7) In § 181.2330 *Bonds* cancel Note B to the text of the account and substitute the following in lieu thereof:

NOTE B: The liability for bonds maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(8) In § 181.2360 *Other long-term obligations* cancel Note B to the text of the account and substitute the following in lieu thereof:

NOTE B: The liability for other long-term obligations maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(9) In § 181.2680 *Injuries, loss and damage reserves* change present paragraph (d) to the text of the account to read paragraph (c), without otherwise altering its provisions; and cancel present paragraphs (b) and (c), substituting the following in lieu thereof:

(b) Definite liabiilties for unpaid claims in the process of settlement, covering injuries to persons and damage to the property of others, shall be transferred at the close of the year from this account to account 2190—Other Current Liabilities. Otherwise this account shall be charged with payments of such claims when the risk is specifically provided for in the schedule applicable to this account and the amounts are not recoverable from insurance companies or others.

(10) In the form of balance sheet statement, which follows § 181.2946 and precedes the center heading Income Accounts, insert in its proper order the additional current liability account 2170—Debt Due Within One Year; and under each of accounts 2300—Equipment Obligations, 2330—Bonds, and 2360—Other Long-term Obligations, delete the short column requirements designated (a) Due within one year, and (b) Not due within one year, respectively.

[F. R. Doc. 57-3447; Filed, Apr. 26, 1957; 8:53 a. m.]

[49 CFR Part 182]

[No. 32155]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

APRIL 18, 1957.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission has under consideration modification of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, as fully detailed in attachments hereto, (1) to provide current liability accounts for the known amount of unpaid claims for personal injuries and loss and damage, and for the amount of long-term debt due within one year, and (2) to increase the minimum for charging additions and betterments to property accounts from $50.00 as at present to $200.00.

Any interested person may on or before May 31, 1957, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon. Unless otherwise ordered after consideration of representations so received, the modifications set forth below will become effective July 1, 1957.

The proposed modifications are to be issued under authority contained in sections 204 and 220 of the Interstate Commerce Act, 49 Stat. 546, 563, as amended, 49 U. S. C. 304, 320, as amended.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

(1) In paragraph (c) (1) of § 182.01-19 *Carrier operating property* there are provisions that certain additions and betterments costing more than $50.00 shall be charged to property accounts, and that other units costing not more than $50.00 may be charged to operating expenses. In paragraph (c) (2) of the same subsection there is also a provision by means of which a minimum less than $50.00 may be adopted for purposes of said paragraph (c) (1). All three references to the amount of $50.00 should be changed to read $200.00, without otherwise altering the provisions of this instruction.

(2) In paragraph (a) of § 182.01-22 *Insurance* change the period closing the final sentence to a comma and add the following expression: "except as otherwise provided in paragraph (b) in the text of account 2680—Injuries, Loss and Damage Reserves."

(3) Insert in its proper order the following new and additional current liability account:

§ 182.2170 *Debt due within one year.* This account shall include the total amount of advances payable, equipment obligations, bonds, and other long-term obligations which are due and payable within one year from the date of the balance sheet. The account shall be subdivided according to the different classes of debt so maturing.

If the balance herein with respect to a matured issue or series of long-term debt is not cleared at maturity in whole or in part, whether because of default or of failure of the holder thereof to present the securities for redemption, such remaining balance shall be transferred to account 2020—Matured Long-term Obligations.

NOTE: Notwithstanding the foregoing requirements, this account shall not include balances with respect to securities for which arrangements for refunding at maturity have been made, or for which sinking funds have been provided.

(4) In § 182.2190 *Other current liabilities,* add the following note to the text of this account:

NOTE: Definite liabilities for unpaid claims in process of settlement, covering injuries to persons, loss and damage, and other casualties, and for similar items, shall be transferred at the close of each year from reserves to this account.

(5) In § 182.2200 *Advances payable; affiliated companies,* change the present note to the text of the account to read Note A and add the following additional note:

NOTE B: The liability for advances payable to affiliated companies maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(6) In § 182.2250 *Other advances payable* change the present note to the text of the account to read Note A and add the following additional note:

NOTE B: The liability for advances payable to individuals and companies, other than affiliated companies, maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(7) In § 182.2300 *Equipment obligations* cancel Note B to the text of the account and substitute the following in lieu thereof:

NOTE B: The liability for equipment obligations maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(8) In § 182.2330 *Bonds* cancel Note B to the text of the account and substitute the following in lieu thereof:

NOTE B: The liability for bonds maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(9) In § 182.2360 *Other long-term obligations* cancel Note B to the text of the account and substitute the following in lieu thereof:

NOTE B: The liability for other long-term obligations maturing within one year from the date of the balance sheet is includible in account 2170—Debt Due Within One Year.

(10) In § 182.2680 *Injuries, loss and damage reserves* cancel paragraph in the text of the account and substitute the following in lieu thereof:

(b) Definite liabilities for unpaid claims in the process of settlement, covering injuries to persons and damage to the property of others, shall be transferred at the close of the year from this account to account 2190—Other Current Liabilities. Otherwise this account shall be charged with payments of such claims which are not recoverable from insurance companies or others. (See § 182.01-22 (a) and (d).)

(11) In the form of balance sheet statement, which follows § 182.2948 and precedes the center heading Income Accounts, insert in its proper order the additional current liability account 2170—Debt due within one year; and under each of accounts 2300—Equipment obligations, 2330—Bonds, and 2360—Other long-term obligations, delete the short column requirements designated (a)

Due within one year, and (b) Not due within one year, respectively.

[F. R. Doc. 57-3446; Filed, Apr. 26, 1957; 8:53 a. m.]

[49 CFR Part 184]

[No. 32155 Sub. No. 1]

CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

APRIL 18, 1957.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that certain modifications in the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, which the Commission has under consideration, will also modify application of those regulations by Class II carriers pursuant to an order entered November 25, 1956. The modifications are those which are retailed in the attachment [1] to this notice and which by this reference are made a part hereof. In addition to such modifications, account 217, Debt due within one year, will be inserted in its proper order as a current liability in the chart of accounts covered by § 184.5 *Accounts prescribed,* corresponding to account 2170, Debt due within one year, to be prescribed for Class I carriers.

Any interested person may on or before May 31, 1957, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon. Unless otherwise ordered after consideration of representations so received, the above modifications will become effective July 1, 1957.

The proposed modifications are to be issued under authority contained in sections 204 and 220 of the Interstate Commerce Act, 49 Stat. 546, 564, as amended; 49 U. S. C. 304, 320, as amended.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-3445; Filed, Apr. 26, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

EXEMPTION OF SMALL HOLDING-COMPANY SYSTEMS

SUPPLEMENTAL NOTICE EXTENDING TIME FOR SUBMISSION OF COMMENTS ON PROPOSED RESCISSION OF RULE

On March 14, 1957, the Commission issued a notice (Holding Company Act Release No. 13414) stating that it had under consideration a proposal to rescind § 250.9 (Rule U-9) of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 (being a rule relating to the "Exemption of Small Holding-Company Systems"), and inviting all interested persons to submit their views and comments with respect to such proposal on or before April 30, 1957.

Upon request of certain interested persons and for good cause shown, notice is hereby given that the time for the submission of views and comments on the aforesaid proposal is extended to June 30, 1957.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

APRIL 22, 1957.

[F. R. Doc. 57-3416; Filed, Apr. 26, 1957; 8:48 a. m.]

[1] Filed as part of the original document. For text of modifications, see F. R. Doc. 57-3446, *supra.*

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE CANAL, CENTRAL AMERICA NORTHBOUND CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6070-8, between the member lines of the Canal, Central America Northbound Conference, modifies the basic conference agreement (No. 6070, as amended), which provides for the establishment and maintenance of agreed rates and charges for or in connection with the transportation of cargo, except coffee, in the trade from Colon, Panama City, Panama Canal Zone, and West Coast of Central American ports, to Pacific Coast ports of the United States and Canada. The purpose of this modification is to provide that green coffee from Central America and Mexico is excluded from the scope of the agreement, whereas the agreement presently excludes all coffee from the scope thereof.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 24, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-3448; Filed, Apr. 26, 1957; 8:53 a. m.]

[Docket No. M-80]

COASTWISE LINE

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSEL

Notice is hereby given that a public hearing will be held before an Examiner pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong., 50 U. S. C. App., 1738), on May 13, 1957, at 10:00 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Washington, D. C., upon the application of Coastwise Line to bareboat charter the Liberty type vessel "Ira Nelson Morris" to be used in the Pacific Coastwise/Alaska/British Columbia trade.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately owned vessels against competition from the vessel chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before the Examiner at the conclusion of the receipt of evidence, in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

Dated: April 25, 1957.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 57-3484; Filed, Apr. 26, 1957; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 8625 and 8697]

UNITED AIR LINES, INC.; UNITED CUSTOM COACH SUSPENSION AND INVESTIGATION

NOTICE OF HEARING

In the matter of "DC-7 Custom Coach" fares and provisions proposed by United Air Lines, Inc.

Notice is hereby given that a public hearing in the above-entitled proceeding is assigned to be held on May 23, 1957, at 10:00 a. m. daylight saving time, in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue

NW., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-3449; Filed, Apr. 26, 1957; 8:53 a. m.]

[Docket No. 8519]

METEOR AIR TRANSPORT, INC.

NOTICE OF HEARING

In the matter of the application of Meteor Air Transport, Inc., for an exemption from sections 408 and 409 of the Civil Aeronautics Act, or in the alternative, approval thereunder.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 408 (b), and 1001 of said act, that a public hearing in the above-entitled proceeding will be held May 3, 1957, at 10 a. m., eastern daylight saving time, in room E-210, Temporary Building 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. Whether the proposed relationship between Meteor Air Transport, Inc., and Meteor Aircraft Sales and Service, Inc., will be consistent with the public interest; and

2. Whether approval of such relationship is required under section 409 of the act and, if so, whether such approval should be granted.

Notice is further given that any interested person, other than parties of record, desiring to be heard regarding the issues in this proceeding must file with the Civil Aeronautics Board on or before May 3, 1957, a statement setting forth the matters of fact or law upon which he desires to be heard.

Dated at Washington, D. C., April 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-3450; Filed, Apr. 26, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7634 etc.; FCC 57M-397]

ROBERT BURDETTE ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Robert Burdette, San Fernando, California, Docket No. 7634, File No. BP-4799; Charles R. Bramlett, Torrence, California, Docket No. 11978, File No. BP-9833; A. A. Crawford, Beverly Hills, California, Docket No. 11979, File No. BP-10068; KCBQ, Inc. (KCBQ) San Diego, California, Docket No. 11980, File No. BP-10729; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; for construction permits.

It is ordered, This 22d day of April 1957, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Friday, May 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3433; Filed, Apr. 26, 1957; 8:51 a. m.]

[Docket No. 11704; FCC 57M-407]

MT. STERLING BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Mt. Sterling Broadcasting Company, Mt. Sterling, Kentucky, Docket No. 11704, File No. BP-10301; for construction permit.

It is ordered, This 23d day of April 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 24, 1957, in Washington, D. C.

Released: April 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3434; Filed, Apr. 26, 1957; 8:51 a. m.]

[Docket No. 11943; FCC 57M-402]

PARISH BROADCASTING CORP. (KAPK)

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER

In re application of Parish Broadcasting Corporation (KAPK), Minden, Louisiana, Docket No. 11943, File No. BP-10749; for construction permit.

The first pre-hearing conference was held herein on April 23, 1957. The applicant and the Commission's Broadcast Bureau were represented by counsel. The respondent, Radio Station KOCA, Inc., did not file an appearance pursuant to § 1.387 of the Commission's rules or appear at the pre-hearing conference, as directed by the Hearing Examiner's order of April 16, 1957. Accordingly, the Hearing Examiner held the respondent to be in default.

Agreements were reached among the parties and stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following:

1. In view of the desirability of making further engineering measurements, the hearing now scheduled for May 1, 1957, is continued without date.

2. The parties will attempt to arrive at a stipulation with reference to engineering and will advise the Hearing Examiner informally with reference to the necessity for further pre-hearing conferences, acceptable dates for exchange of direct case and hearing, and as to other matters required by the Commission's rules.

It is ordered, This 23d day of April 1957, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling; and the hearing herein, now scheduled for May 1, 1957, is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3435; Filed, Apr. 26, 1957; 8:51 a. m.]

[Docket Nos. 11946, 11947; FCC 57M-398]

VIDEO INDEPENDENT THEATRES, INC.

ORDER CONTINUING HEARING

In re application of Video Independent Theatres, Inc., Sioux Falls, South Dakota, Docket No. 11946, File No. BPCT-2188; KSOO TV, Inc., Sioux Falls, South Dakota, Docket No. 11947, File No. BPCT-2195; for Construction Permits for New Television Stations.

It is ordered, This 22d day of April 1957, that the hearing in the above-entitled matter, heretofore scheduled for May 1, 1957, is postponed without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3436; Filed, Apr. 26, 1957; 8:51 a. m.]

[Docket Nos. 11950, 11952; FCC 57M-401]

VALLEY BROADCASTING CO. AND O. K. BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of William John Hyland, III and Dawkins Espy, d/b as Valley Broadcasting Co., Bakersfield, California, Docket No. 11950, File No. BP-10695; Rod O'Harra and A. J. Krisik, d/b as O. K. Broadcasting Co., Bakersfield, California, Docket No. 11952, File No. BP-10843; for construction permits.

In view of the action of the Chief Hearing Examiner of April 16, 1957, dismissing the application of Southwest Broadcasting Company, Inc., in the above-entitled matter and because of the filing of an application by Edward E. Urner which seeks consolidation for hearing with the remaining applications;

It is ordered, This 22d day of April 1957, that further proceedings in this matter, including the hearing now scheduled for May 1, 1957, be continued without date pending further action by the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3437; Filed, Apr. 26, 1957; 8:51 a. m.]

[Docket No. 11972; FCC 57M-403]

AMERICAN TELEPHONE AND TELEGRAPH CO., ET AL.

ORDER CONTINUING HEARING

In the matter of American Telephone and Telegraph Company, et al., Docket No. 11972; lease and maintenance of equipment and facilities for private communication systems.

The Hearing Examiner having under consideration a Motion for Continuance filed April 18, 1957, on behalf of the Chief, Common Carrier Bureau, requesting an indefinite continuance of the hearing date until subsequent order; and

It appearing that two recently filed pleadings requesting modification of the hearing order and enlargement of the issues present substantial questions affecting the nature and course of procedures to be followed in the hearing, and that the matters so pending ought to be considered and determined by the Commission before hearing proceedings are commenced; and

It further appearing that all parties and respondents have informally agreed to waive the time of filing requirements of Section 1.745 of the Commission's Rules and to a grant of the motion as hereinafter ordered, and that the circumstances here considered constitute good cause for granting the relief requested; now therefore,

It is ordered, This 23d day of April 1957, that the above motion is granted, and that the hearing in this proceeding now scheduled to commence on May 1, 1957, is continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3438; Filed, Apr. 26, 1957; 8:51 a. m.]

[Docket Nos. 11973, 11974; FCC 57M-399]

PALM SPRINGS TRANSLATOR STATION, INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT-12; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11974, File No. BPTT-13; for construction permits for new television broadcast translator stations.

The Hearing Examiner having under consideration an oral request of counsel for Palm Springs Community Television Corporation, protestant, for indefinite continuance of pre-hearing conference due to the serious illness of his mother;

It appearing, that all parties have agreed to the indefinite continuance and that counsel will propose a substitute date for the prehearing conference as soon as possible;

It is ordered, This 23d day of April 1957, that the oral request is granted, and the pre-hearing conference now scheduled for April 25, 1957 is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3439; Filed, Apr. 26, 1957; 8:52 a. m.]

[Docket No. 11977; FCC 57M-389]

SOUTHERN BROADCASTING CO. (KCLH)

ORDER CONTINUING HEARING CONFERENCE

In re application of D. R. James, Jr., tr/as Southern Broadcasting Company (KCLH); Camden, Arkansas, Docket No. 11977, File No. BP-10376; for construction permit.

At the oral request of the applicant and with the consent of the other parties:

It is ordered, This 19th day of April 1957, that the prehearing conference in the above-entitled matter heretofore scheduled to commence on April 24, 1957, is postponed to 10:00 a. m., May 1, 1957, and will be held in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3440; Filed, Apr. 26, 1957; 8:52 a. m.]

[Docket No. 11982 etc.; FCC 57M-408]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Enterprise Broadcasting Co., Fresno, California, Docket No. 11982, File No. BP-10319; Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, the Voice of Fresno (KONG), Visalia, California, Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California, Docket No. 11984, File No. BP-10735; for construction permits.

Counsel for Enterprise Broadcasting Co. having requested a postponement to the week of May 13, 1957, of the prehearing conference in the above-entitled matter now scheduled to occur on April 29, 1957; and,

It appearing, that counsel for the other parties have consented to such a postponement,

It is accordingly ordered, This 23d day of April 1957, that the aforesaid prehearing conference is hereby rescheduled to commence at 10:00 a. m. on May 16, 1957, in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3441; Filed, Apr. 26, 1957; 8:52 a. m.]

[Docket No. 12001; FCC 57M-404]

DELSEA BROADCASTERS (WDVL)

ORDER SCHEDULING HEARING

In re application of Mortimer Hendrickson, Vivian Eliza Hendrickson and John Thomas Jones, Jr., d/b as The Delsea Broadcasters (WDVL) Vineland, New Jersey, Docket No. 12001, File No. BP-10402; for construction permit.

It is ordered, This 23d day of April 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 27, 1957, in Washington, D. C.

Released: April 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3442; Filed, Apr. 26, 1957; 8:52 a. m.]

[Docket No. 12002; FCC 57M-406]

FERNANDINA BEACH BROADCASTERS (WSIZ)

ORDER SCHEDULING HEARING

In re application of Marshall W. Rowland & Carol C. Rowland, d/b as Fernandina Beach Broadcasters (WSIZ) Douglas, Georgia, Docket No. 12002, File No. BP-10822; for construction permit.

It is ordered, This 23d day of April 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 23, 1957, in Washington, D. C.

Released: April 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3443; Filed, Apr. 26, 1957; 8:52 a. m.]

[Docket No. 12003; FCC 57M-405]

TRI-STATE RADIO CORP. (WKYV)

ORDER SCHEDULING HEARING

In re application of Tri-State Radio Corporation (WKYV), Loyall, Kentucky, Docket No. 12003, File No. BP-10836; for construction permit.

It is ordered, This 23d day of April 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 23, 1957, in Washington, D. C.

Released: April 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-3444; Filed, Apr. 26, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6667]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF AMENDMENT TO APPLICATION

APRIL 22, 1957.

Take notice that on April 17, 1957, an amendment to its application in the above-entitled matter was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Montana-Dakota Utilities Co. (Applicant), seeking a supplemental order authorizing it to extend to September 1, 1957, the maturity dates of two short-term promissory notes issued by it under the Commission's order issued April 25, 1956, in the above-entitled docket. The notes in question consist of Promissory Note No. 1 due June 1, 1957, and Promissory Note No. 2, due August 1, 1957, both in the principal amount of $1,500,000, with an interest rate of 3¾ percent and payable within one year from their respective dates of issuance to The First National City Bank of New York. Applicant states that it plans to issue securities in the approximate amount of $10,000,000 in the early summer of 1957 and will apply the proceeds from such issuance toward payment of all promissory notes issued (now aggregating $6,500,000, out of an authorized principal amount of $8,500,000) pursuant to the Commission's order of April 25, 1956, as well as toward partial payment of the current year's construction expenditures. Inasmuch as the aforementioned issuance of securities may not be completed until August 1, 1957, Applicant requests permission to renew the two aforesaid promissory notes as indicated above.

Any person desiring to be heard or make any protest with reference to said amendment to the application should on or before the 17th day of May 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commissions' rules of practice and procedure. The amendment to the application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-3403; Filed, Apr. 26, 1957; 8:45 a. m.]

[Docket No. G-9916]

CITY OF CENTRAL CITY, KENTUCKY

NOTICE OF HEARING

APRIL 22, 1957.

The City of Central City, Kentucky (Applicant), a Kentucky municipal corporation, has heretofore filed, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Gas Transmission Corporation to establish physical connection of its natural gas transportation facilities with Applicant's proposed natural gas system and to sell natural gas to Applicant for resale and distribution to customers in Central City, South Carrolton, Bremen, Sacramento and Rumsey, Kentucky, and environs and to customers located along Applicant's proposed lateral transmission line, all as more fully represented in the application. Notice of the filing of this application was issued on February 5, 1957, and published in the FEDERAL REGISTER on February 12, 1957 (22 F. R. 871). This notice fixed February 28, 1957, as the last day for filing protests or petitions to intervene in this proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on May 9, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-3404; Filed, Apr. 26, 1957; 8:45 a. m.]

[Docket No. G-11465]

HUMPHREYS COUNTY UTILITY DISTRICT

NOTICE OF HEARING

APRIL 22, 1957.

The Humphreys County Utility District, a municipal corporation, organized under the laws of the State of Tennessee, filed on November 13, 1956, an application and on January 14, 1957 a supplement thereto seeking an order directing Tennessee Gas Transmission Company to establish physical connections with Applicant's proposed facilities and the sale of natural gas to Applicant for resale in volumes sufficient to meet the requirements of Applicant for an initial period of three years, all as more fully described in the application on file with the Commission and as set out in the Notice of Application.

Due notice of the filing of the application, as supplemented, has been given, including publication thereof in the FEDERAL REGISTER on February 26, 1957, and the time for filing protests or petitions to intervene was fixed therein for on or before March 8, 1957.

On March 8, 1957, Tennessee Gas Transmission Company made and filed an answer to the said application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 20, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-3405; Filed, Apr. 26, 1957; 8:45 a. m.]

[Docket No. G-11541 etc.]

OIL AND GAS PROPERTY MANAGEMENT, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 22, 1957.

In the matters of Oil and Gas Property Management, Inc. and Beacon Building Corporation, Operators, et al., Docket No. G-11541; Natural Gas Pipeline Company of America, Docket No. G-11542; Lamar Hunt Trust Estate, Docket No. G-11543; Oil Development Company of Texas, Docket No. G-11544; Colorado Oil and Gas Corporation, Docket No. G-11547; Sinclair Oil & Gas Company, Operator, Docket No. G-11587.

Take notice that on November 28, 1956, Natural Gas Pipeline Company of America (Natural Gas) filed an application (Docket No. G-11542) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of (1) approximately 8.0 miles of 6-inch and 4.2 miles of 4-inch pipe lines together with metering and other appurtenant facilities to be located in the Twin Field, Hansford County, Texas, and (2) Two main line taps, a 4-inch and a 6-inch, on its existing 26-inch main transmission line in Hansford County, Texas, all as more fully described in the application on file with the Commission and open to public inspection. The purpose of the proposed facilities is to enable Natural Gas to take into its transmission system natural gas produced by five independent producers named in the above caption who are engaged in the production of natural gas in the Twin Field, Hansford County, Texas, to serve existing customers now being served by the transmission system. The estimated total cost of the proposed facilities described in (1) above is $328,600 and for those facilities described in (2) above is $5,600, which costs will be financed by available company funds.

On November 28, 1956, Fulton Development Company, Operator, a Delaware corporation and R. H. Fulton, Individual, with their principal office at Lubbock, Texas, filed their joint application in Docket No. G-11541 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction of approximately 1200 feet of 2-inch pipe line and the sale of natural gas produced by them in interstate commerce, subject to the jurisdiction of the Commission, to Natural Gas for resale. The pipeline to be constructed is for the purpose of effectuating the sale of gas as aforesaid, all as more fully described in the application

on file with the Commission and open to the public inspection. On February 18, 1957, the above named parties filed an amended application, which was joined in by Oil and Gas Property Management Inc., and Beacon Building Corporation. In the amended application the parties last named, as the assignees of the Fulton Development Company and R. H. Fulton are subrogated as applicants with consent of the first named parties.

On November 28, 1956, Lamar Hunt Trust Estate, of Dallas, Texas, filed an application in Docket No. G–11543 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas produced from several locations in the Twin Field, Hansford County, Texas, in interstate commerce to Natural Gas, above named, for resale, all as more fully described in the application on file with the Commission and open to public inspection.

On November 28, 1956, Oil Development Company of Texas, a Texas corporation, with its principal office at Amarillo, Texas, filed an application in Docket No. G–11544 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas produced by it from certain leaseholds in the Twin Field, Hansford County, Texas, in interstate commerce to Natural Gas, above named, all as more fully described in the application on file with the Commission and open to public inspection.

On November 28, 1956, Colorado Oil and Gas Corporation, a Delaware corporation, with its principal office at Denver, Colorado, filed an application in Docket No. G–11547 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing sale in interstate commerce of natural gas produced from certain leaseholds in the Twin Field, Hansford County, Texas, to Natural Gas, above named, all as more fully described in the application on file with the Commission and open to public inspection.

On December 12, 1956, Sinclair Oil & Gas Company, Operator, a Maine corporation, with its principal office at Tulsa, Oklahoma, filed an application in Docket No. G–11587 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale in interstate commerce of natural gas produced from interests in lease holds operated by it and located in Hansford County, Texas, all as more fully described in the application on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the 23d day of May 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and issues presented by such applications; *Provided, however,* that the Commission may after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 13th, 1957. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–3406; Filed, Apr. 26, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 150–45]

COMMISSIONER OF INTERNAL REVENUE

AUTHORIZATION TO PRESCRIBE RULES AND REGULATIONS FOR ENFORCEMENT OF FEDERAL FIREARMS ACT

The Commissioner of Internal Revenue is hereby authorized to prescribe all needful rules and regulations for the enforcement of the Federal Firearms Act (15 U. S. C. 18), subject to approval by the Secretary or his delegate.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

APRIL 22, 1957.

[F. R. Doc. 57–3429; Filed, Apr. 26, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3534]

NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

APRIL 22, 1957.

New England Electric System ("NEES"), a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 7, 10, and 12 (e) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-50 and U-62 promulgated thereunder, regarding a proposal whereby, among other things, NEES proposes to acquire shares of the common stock of Lynn Gas and Electric Company ("Lynn"), a non-affiliated public-utility company, from the holders thereof by offering in exchange therefor two shares of its own common stock for one share of Lynn common stock.

A public hearing having been held after appropriate notice, the Commission having considered the record and having this day issued its findings and opinion herein, on the basis of such findings and opinion:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional terms and conditions.

1. That NEES charge its general reserve relating to investments in the common stocks of its subsidiaries and credit Account No. 171—Other Deferred Credits—with an amount equal to the excess of the underlying book value of the Lynn stock at the date of acquisition over the recorded cost thereof on the books of NEES.

2. That, at the time NEES offers to exchange its stock for the common stock of Lynn, NEES send a copy of these findings and opinion and order to each Lynn common stockholder of record.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–3410; Filed, Apr. 26, 1957; 8:47 a. m.]

[File No. 8–3334]

DENTON & CO., INC.

ORDER SUSPENDING FROM MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION

APRIL 22, 1957.

In the matter of Denton & Company, Incorporated, 805 Main Street, Hartford, Connecticut; File No. 8–3334.

Proceedings having been instituted pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Denton & Company, Incorporated, or to suspend or expel registrant from membership in the National Association of Securities Dealers, Inc.;

A hearing and recommended decision having been waived, a stipulation of facts having been entered into, proposed findings and briefs and oral argument having been waived;

The Commission having this day issued its findings and opinion herein; on the basis of said findings and opinion

It is ordered, That Denton & Company, Incorporated, be, and it hereby is, suspended from membership in the National Association of Securities Dealers, Inc. for a period of 30 days, effective at the close of business May 3, 1957 and it is found that Harry D. Cohan, Samuel Cohen and Robert C. Cohan are each a cause of this order of suspension.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–3411; Filed, Apr. 26, 1957; 8:47 a. m.]

[File No. 8-4593]

SEABOARD SECURITIES

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

APRIL 19, 1957.

In the matter of Seaboard Securities, 1 Cutter Mill Road, Great Neck, New York; File No. 8-4593.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Seaboard Securities, a partnership ("registrant") and whether, under section 15A (b) (4) of that act, Martin W. Swirsky, Bess S. Swirsky and Milton Cohen, partners in registrant, are each a cause of any order of revocation which may be issued.[1]

After appropriate notice a hearing was held before a hearing examiner at which no appearance was made on behalf of registrant or any of its partners. The filing of a recommended decision by the hearing examiner was waived by our Division of Trading and Exchanges.

Registrant and each of its three partners, Martin M. Swirsky, Bess S. Swirsky and Milton Cohen, are permanently enjoined from engaging in the securities business while insolvent by a judgment, dated October 25, 1956, of the United States District Court for the Eastern District of New York. The complaint in that action and the affidavits filed in support of an order to show cause why the injunction should not be granted, copies of which were included in the record in this proceeding, recite that registrant transacted business with customers while its liabilities exceeded its assets and that its books and records were so incomplete that our inspector was unable to determine definitely the amounts of such liabilities and assets. In these circumstances the public interest requires the revocation of registrant's registration.

Accordingly, it is ordered, That the registration of Seaboard Securities as a broker and dealer be, and it hereby is, revoked and it is found that Martin M. Swirsky, Bess S. Swirsky and Milton Cohen is each a cause of such revocation.

By the Commission.

[SEAL] ORVAL L. BUBOIS, *Secretary.*

[F. R. Doc. 57-3412; Filed, Apr. 26, 1957; 8:47 a. m.]

[1] Section 15 (b), as here pertinent, provides that we may revoke the registration of a broker and dealer if we find that it is in the public interest and such broker or dealer or any partner thereof is enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any securities.

Under Section 15A (b) (4) in the absence of our approval or direction, no broker or dealer may be admitted to or continued in membership in a national securities association if such broker or dealer or any partner, officer, or director, or any person controlling or controlled by such broker or dealer was a cause of any order of revocation which is in effect.

WESTERN EMPIRE BROKERAGE CO., INC. AND JOHN R. WEERTS

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATIONS

APRIL 19, 1957.

In the matter of Western Empire Brokerage Company, Inc., 303 Newhouse Building, Salt Lake City, Utah; John R. Weerts doing business as John R. Weerts Investment Broker, 233 Plaza Building, 245 S. E. First Street, Miami, Florida.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("act") to determine whether Western Empire Brokerage Company, Inc., and John R. Weerts, doing business as John R. Weerts Investment Broker ("registrants"), registered brokers and dealers, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

Copies of the notice and order in the proceedings against Western Empire Brokerage Company, Inc. were sent by registered mail to the addresses last furnished to us by that registrant.[2] These registered articles were returned to us by the Post Office Department with notations indicating that registrant could not be found at the addresses given. The registrant did not appear in person or by representative on the date set for hearing. However, on February 1, 1957, a statement was received from James W. Beliss, Jr., reciting that in proceedings in the Utah State Courts he had been appointed receiver of all of the real and personal property of the registrant, that he had received a copy of our order for proceedings and notice of hearing, and did not desire to appear or otherwise participate in these proceedings and had no objection to any action that this Commission might take.

A copy of our notice and order for proceedings against Weerts was served upon him by registered mail but he did not appear in person or by representative on the date set for hearing.

Rule X-17A-5 adopted pursuant to section 17 (a) of the act provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year. Upon review of the records in these proceedings, we find that registrants failed to file the required reports of financial condition for the year 1955 and thereby violated section 17 (a) of the act and Rule X-17A-5 thereunder. We conclude also that their violations were willful within the meaning of section 15 (b).

On the basis of the foregoing, we are of the opinion that it is in the public interest to revoke the registration of each registrant.

Accordingly, it is ordered, That the registrations as brokers and dealers of Western Empire Brokerage Company, Inc. and of John R. Weerts, doing business as John R. Weerts Investment Broker, be, and they hereby are, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-3413; Filed, Apr. 26, 1957; 8:47 a. m.]

[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] The order and notice was also published in the FEDERAL REGISTER of June 21, 1956, 21 F. R. 4373.

[File No. 70-3517]

IROQUOIS GAS CORP. AND NATIONAL FUEL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE SALE OF GAS UTILITY ASSETS

APRIL 22, 1957.

National Fuel Gas Company ("National"), a registered holding company, and its wholly-owned public utility subsidiary, Iroquois Gas Corporation ("Iroquois"), have filed a declaration and an amendment thereto with this Commission pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder, regarding certain proposed transactions which are summarized as follows:

Iroquois proposes to sell to New York State Electric & Gas Corporation ("NYSEGC"), a non-affiliated public utility company, its natural gas distribution facilities in the towns of Portage, Nunda and West Sparta, New York and the eastern portion of its distribution system in the town of Genesee Falls, New York, together with the gas transmission line running from Genesee Falls to Dansville, New York, for a price equivalent to the original cost of such distribution and transmission properties less accrued depreciation as shown on the books of Iroquois, which depreciated cost at June 30, 1956 amounted to $200,925. A formal agreement for the purchase and sale of these properties has been executed and delivered by the representative parties.

The proposed sale by Iroquois has been approved by the New York Public Service Commission and certain aspects of the transaction have been approved by the Federal Power Commission. No State or Federal commission in addition to those named above, other than this Commission, has jurisdiction over the proposed transaction.

No brokers are involved in this transaction and no commissions will be payable to any persons, firm or corporation. No fees will be payable in connection with the proposed transaction except legal fees which are estimated at $500 to Messrs. Stryker, Tams & Horner, attorneys for National, and $1,500 to Messrs. Kenefick, Bass, Letchworth, Baldy & Phillips, attorneys for Iroquois.

Due notice of the filing of the declaration having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13278) and a hearing not having been requested of or ordered by the Commission; and the

Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees are not unreasonable, and that the declaration as amended should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-3415; Filed, Apr. 26, 1957; 8:47 a. m.]

[File No. 1-2237]

VERDI DEVELOPMENT CO.

ORDER AND NOTICE OF HEARING

APRIL 19, 1957.

I. Verdi Development Company (hereinafter called "registrant"), a company organized and incorporated under the laws of the State of Nevada, filed applications for registration of its non-assessable common capital stock, 10¢ par value, with the San Francisco Mining Exchange ("the Exchange") on August 8, 1942, and June 17, 1946, on Forms 8-A pursuant to section 12 of the Securities Exchange Act of 1934 ("the 1934 act") and the rules and regulations adopted by the Commission thereunder, and filed duplicate originals of such forms with the Commission. The registration of such securities on the Exchange became effective on October 9, 1942, and July 1, 1946, respectively.

II. The Commission has reasons to believe that the registrant has failed to comply with the provisions of section 13 of the 1934 act in that the registrant has failed to file with the Exchange and with the Commission any current report on Form 8-K since the filing on July 12, 1956, of a Form 8-K for the month of June, 1956. The Commission has reason to believe that the following events of material importance have occurred subsequent to June 31, 1956, each of which should have been reported on Form 8-K filed with the Exchange and with the Commission within the time prescribed by Form 8-K and Rule X-13A-11:

(1) On December 15, 1956, registrant defaulted in the payment of interest due on that date on its outstanding issue of $200,000 of 5 percent Convertible Debentures and the default has not been cured.

(2) On or about October 6, 1956, registrant disposed of a significant asset, to wit, its uranium mill near Rosamond, California, by virtue of a joint venture agreement with Nuclear Industries, Inc.

(3) On or about February 25, 1957, registrant disposed of a significant asset, to wit, reserved oil royalty payments from the "Tapo" leasehold, by sale of such asset for $40,000.

(4) On or about October 6, 1956, registrant issued options for the purchase of 990,000 shares of its common stock, constituting in excess of 5 percent of its outstanding common stock, which options were issued as follows: to Nuclear Industries, Inc., 500,000 shares; to Mitchell Kovaleski, 160,000 shares; to Bayard Weibert, 160,000 shares; to Murray Ross, 160,000 shares; to Frank R. Wicks, 10,000 shares. In February, 1957, registrant issued additional options for the purchase of 300,000 shares of its common stock as follows: to Mitchell Kovaleski, 150,000 shares; to Wendell P. Busnack, 50,000 shares; to Edward Mazzarino, 50,000 shares; to William M. Puharich, 50,000 shares.

(5) On or about July 18, 1956, MacAfee & Co. filed suit against registrant in the Superior Court of California, in and for the County of Los Angeles, for $21,000 alleged to be unpaid for engineering and technical services in connection with the construction of registrant's uranium mill and its mining and milling operations. The action is still pending.

(6) On or about January 18, 1957 a lawsuit brought against registrant by John McQuaid on June 29, 1956 in the Superior Court of the State of California, in and for the County of Los Angeles, the commencement of which was reported by registrant on its Form 8-K for June 1956 filed with the Commission on July 12, 1956, was dismissed with prejudice.

III. *It is ordered,* That a public hearing, pursuant to section 19 (a) (2) of the 1934 act, be held at 10:00 a. m., P. d. s. t., on May 27, 1957, at 821 Market Street, San Francisco, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period of not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, as set forth in paragraph II above.

It is further ordered, That Sidney L. Feiler is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and to perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further person desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before May 24, 1957, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-3414; Filed, Apr. 26, 1957; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 60]

WOOL FELTS, NON-WOVEN

ORDER FOR PUBLIC HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on July 23, 1957, in Investigation No. 60 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to felts, not woven, wholly or in chief value of wool, provided for in paragraph 1112 of the Tariff Act of 1930. Notice of the institution of this Investigation No. 60 was previously given (22 F. R. 2871).

Requests to appear. All parties interested will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Parties desiring to appear at this hearing should notify the Secretary of the Tariff Commission in writing at its office in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: April 24, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-3430; Filed, Apr. 26, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33606: *Cement—Giant, S. C., to Savannah, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cement, carloads from Giant, S. C., to Savannah, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 82 to Agent Spaninger's tariff I. C. C. 1447.

FSA No. 33607: *Cleaning compounds—Eastern points to South Atlantic ports.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on cleaning, scouring and washing compounds, carloads from Baltimore, Md., Jersey City and Edgewater, N. J., to Charleston, S. C., Jacksonville and South Jacksonville, Fla.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 42 to Agent C. W. Boin's tariff I. C. C. A-1079.

FSA No. 33608: *Cleaning compounds—North Newark, N. J., to Jacksonville, Fla., group.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on cleaning, scouring and washing compounds, also soap, carloads from North Newark, N. J., to Jacksonville and South Jacksonville, Fla.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 42 to Agent C. W. Boin's I. C. C. A–1079.

FSA No. 33609: *Potatoes—Colorado points to Lower Mississippi River points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on potatoes, other than sweet, carloads, from specified points in the San Luis Valley of Colorado, including Denver, Colorado Springs, Pueblo, and Trinidad to Baton Rouge and New Orleans, La., points on the Illinois Central Railroad between Baton Rouge and New Orleans, also Helena, Ark.

Grounds for relief: Circuitous routes.

Tariff: Supplement 148 to Agent Kratzmeir's tariff I. C. C. 3722.

FSA No. 33610: *Alcoholic liquors—Louisville, Ky., to Birmingham and New Orleans.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on alcoholic liquors, including vermouth and wine, carloads from Louisville, Ky., to Birmingham, Ala., and New Orleans, La.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariff: Supplement 19 to Agent Spaninger's tariff I. C. C. 1519.

FSA No. 36611: *Alcoholic liquors—New England points to Central and Illinois territories.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on alcoholic liquors, including vermouth and wine, carloads from specified points in Connecticut and Massachusetts to specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio and Wisconsin.

Grounds for relief: Motor truck competition, differential routes and circuity.

Tariff: Supplement 8 to Agent C. W. Boin's tariff I. C. C. A–1117.

FSA No. 36612: *Cryolite—New Orleans, La., group to Ravenswood, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cryolite, carloads from Chalmette and New Orleans, La., to Ravenswood, W. Va.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 230 to Alternate Agent J. H. Marque's tariff I. C. C. 417.

FSA No. 33613: *Ammonium sulphate—New Orleans, La., to St. Louis, group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ammonium sulphate, in bulk, carloads from New Orleans, La., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition with Houston, Tex., and circuitous routes.

Tariff: Supplement 7 to Agent Spaninger's tariff I. C. C. 1568.

FSA No. 33614: *Cement—Lake Charles, La., group to southern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cement and related articles, carloads from Lake Charles and West Lake Charles, La., to specified points in southern territory.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 19 to Agent Kratzmeir's tariff I. C. C. 4185.

FSA No. 33615: *T. O. F. C. Service, commodities—Chicago to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on preserved fruits, olives, and flavored beverages, noibn, straight or mixed shipments, in trailers, loaded on railroad flat cars from Chicago, Ill., to Dallas, Ft. Worth and Houston, Tex.

Grounds for relief: Motor-truck compelled rates over circuitous routes.

Tariff: Supplement 48 to Agent Kratzmeir's tariff I. C. C. 4181.

FSA No. 33616: *Vegetable oils—Southern ports to central territory.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on vegetable oils, carloads from south Florida ports, Gulf and South Atlantic ports, application only on import traffic to destinations in central territory including Ohio River crossings.

Grounds for relief: Port competition, port relations and circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57–3421; Filed, Apr. 26, 1957; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 81, Amdt. 1]

NEW YORK, ONTARIO AND WESTERN RAILWAY

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 81 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 81 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., May 11, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., April 26, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 22, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57–3422; Filed, Apr. 26, 1957; 8:49 a. m.]