FEDERAL REGISTER

VOLUME 22 NUMBER 179

Washington, Saturday, September 14, 1957

TITLE 7—AGRICULTURE

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

[Valencia Orange Reg. 119]

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

LIMITATION OF HANDLING

§ 922.419 *Valencia Orange Regulation 119*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), 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, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (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 Committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 12, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 15, 1957, and ending at 12:01 a. m., P. s. t., September 22, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 877,800 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: September 13, 1957.

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

[F. R. Doc. 57-7638; Filed, Sept. 13, 1957; 11:10 a. m.]

[Lemon Reg. 704]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.811 *Lemon Regulation 704*—(a) *Findings.* (1) Pursuant to the market-

(Continued on p. 7357)

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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.

ing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 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 handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (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 becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 11, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 15, 1957, and ending at 12:01 a. m., P. s. t., September 22, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 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: September 12, 1957.

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

[F. R. Doc. 57-7625; Filed, Sept. 13, 1957; 8:56 a. m.]

[Avocado Order 14, Amdt. 5]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, 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 of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. This amendment establishes maturity requirements for the listed varieties of avocados which will be applicable on and after the time the shipment of each such variety is permitted. A reasonable determination as to the time of maturity of a particular variety of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Administrative Committee until September 10, 1957; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at the meeting of said committee on September 10, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251, 5679, 6746, 7173) are hereby further amended as follows:

1. Amend Table I, paragraph (b) (2), by deleting from column 8 of such table the date "10-7-57" applicable to the Avon variety of avocados and insert in lieu thereof the date "10-22-57."

2. Amend Table I, paragraph (b) (2), by deleting therefrom the references and dates pertaining to the Booth 8, Nirody, Simpson, Rue, Black Prince, Lula, Booth 7, Sherman, Vaca, and Marcus varieties of avocados.

3. Amend Table II, paragraph (b) (3), by adding thereto the following:

TABLE II

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Nirody	Sept. 16, 1957	18 oz. 3 15/16 in.	Sept. 30, 1957	15 oz. 3 11/16 in.	Oct. 14, 1957	12 oz. 3 5/16 in.	Nov. 4, 1957
Simpson	Sept. 30, 1957	16 oz.	Oct. 14, 1957	14 oz.	Oct. 28, 1957	10 oz.	Nov. 18, 1957
Rue	Oct. 7, 1957	30 oz. 4 3/16 in.	do	24 oz. 3 15/16 in.	do	18 oz. 3 9/16 in.	Nov. 11, 1957
Black Prince	do	16 oz.	Oct. 21, 1957	14 oz.	Nov. 4, 1957	10 oz.	Nov. 25, 1957
Lula	do	18 oz. 3 19/16 in.	do	16 oz. 3 7/16 in.	do	14 oz. 3 5/16 in.	Nov. 18, 1957
Booth 7	Oct. 14, 1957	16 oz. 3 19/16 in.	Oct. 28, 1957	14 oz. 3 5/16 in.	Nov. 11, 1957	11 oz. 3 3/16 in.	Dec. 2, 1957
Sherman	do	16 oz.	do	14 oz.	do	10 oz.	Do.
Vaca	do	16 oz. 3 9/16 in.	do	14 oz. 3 7/16 in.	do	10 oz. 3 in.	Do.
Marcus	do	32 oz.	Nov. 25, 1957				

4. Amend paragraph (b) (5) to read as follows:

(5) During the period beginning at 12:01 a. m., e. s. t., October 28, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit weighs at least 10 ounces or measures at least $2^{15}/_{16}$ inches in diameter; and, during the period beginning at 12:01 a. m., e. s. t., November 18, 1957, and ending at 12:01 a. m., e. s. t., December 9, 1957, no handler shall handle any avocados of the Lula variety unless the individual fruit weighs at least 11 ounces or measures at least $2^{15}/_{16}$ inches in diameter: *Provided,* That up to 10 percent, by count, of the individual fruit contained in each lot of Booth 8 or Lula avocados may weigh less than the minimum weight specified in this subparagraph for such variety and may measure less than the minimum diameter so specified if such avocados weigh not more than two ounces less than the applicable specified weight.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., September 16, 1957.

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

Dated: September 12, 1957.

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

[F. R. Doc. 57-7603; Filed, Sept. 13, 1957; 8:53 a. m.]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 970.304 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby 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 in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) 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, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 23, 1957, through July 12, 1958, and except as otherwise provided in this section, no handler shall ship:

(i) Potatoes of the round white or red skin varieties unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter; or

(ii) Potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes are "generally fairly clean to clean, mostly clean", which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty and such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided,* that (*a*) any such potatoes that meet the requirements of the U. S. No. 1, or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight may be shipped, and (*b*) any such potatoes that are in packs of 50 pounds, or larger, may be shipped if at least 90 percent of such potatoes are "fairly clean."

(2) No handler shall ship potatoes for chipping unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, 1½ inches minimum diameter and 4 inches maximum diameter. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(3) No handler shall ship potatoes for processing into potato salad, fish cakes, or hash unless such potatoes grade 85 percent U. S. No. 1 quality, or better, 1½ inches minimum diameter and 2½ inches maximum diameter. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(4) No handler shall ship potatoes for export unless such potatoes meet the requirements of the U. S. No. 1 grade. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(5) Pursuant to § 970.54, each handler may ship not in excess of thirty (30) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65: *Provided,* That at least 90 percent of such potatoes are "fairly clean."

(6) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of potatoes for the following purposes: (i) For grading or storing in the production area; (ii) for planting within the production area; (iii) for dehydration, or manufacture into potato flakes; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; (vii) for distribution by the Federal Government; and (viii) for charitable purposes.

(7) Each handler making shipments of potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, or charitable purposes shall: (i) File an application pursuant to §§ 970.56 and 970.130 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, potato salad, fish cakes, hash, distribution by the Federal Government, and for charitable purposes. Further, each handler who ships potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, distribution by the Federal Government, or charitable purposes shall furnish a record of such shipments to the administrative committee. In addition, each application for a Certificate of Privilege to ship potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, canning or freezing, or charitable purposes shall be ac-

companied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. The buyer's or receiver's certification may, however, be furnished to the administrative committee within ten days from the date of shipment by said applicant handler. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. Each handler who applies for a Certificate of Privilege to ship potatoes for chipping shall at the same time or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in subparagraph (2) of this paragraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, for dehydration, potato flakes, or for livestock feed when shipped in barrels, in bulk, or in unsewn 100-pound burlap bags within the production area.

(8) No handler shall ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 through 970.75 and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 50-pound or larger packs.

(9) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(10) The term "fairly clean" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

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

Dated: September 10, 1957.

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

[F. R. Doc. 57-7569; Filed, Sept. 13, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 35]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MINIMUM AREA OF VISIBILITY IN THE FLIGHT CREW COMPARTMENT

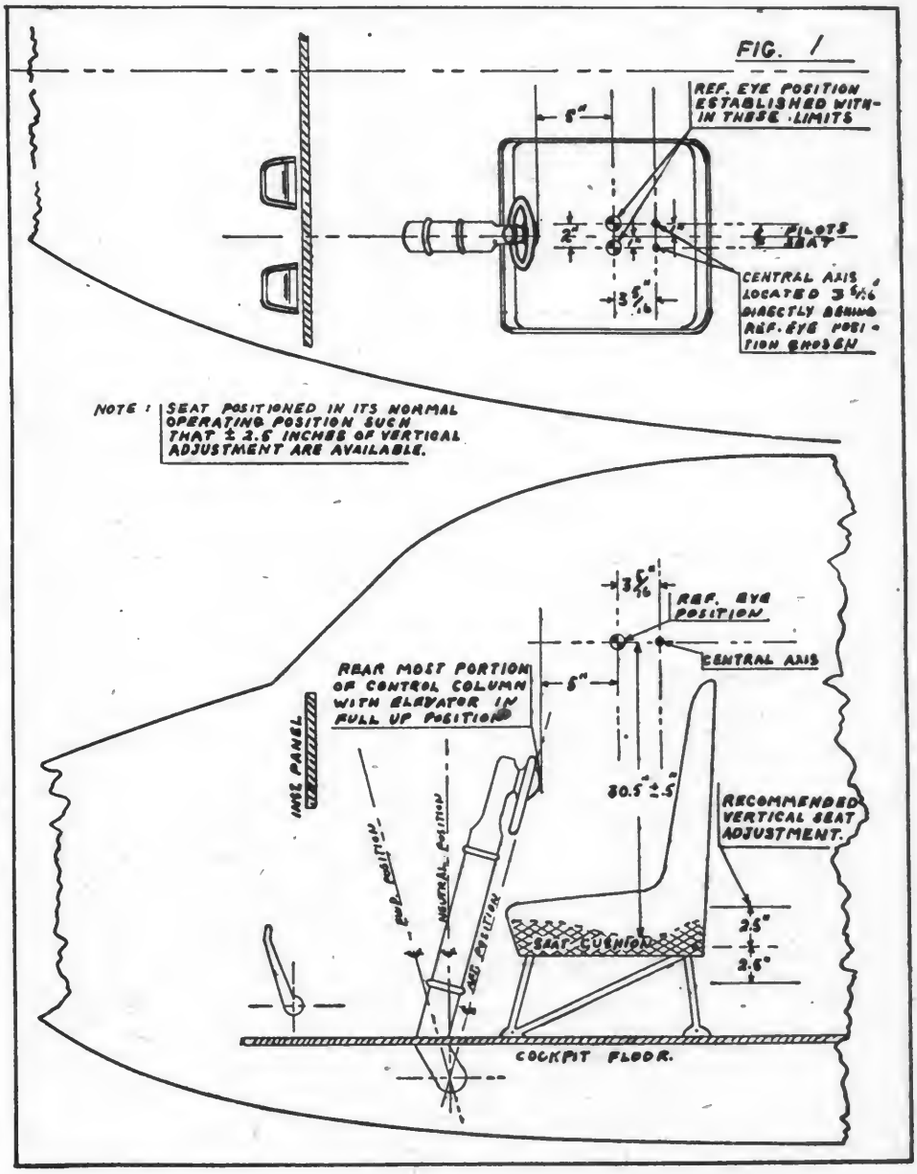
This supplement establishes the minimum areas of visibility to be provided to the pilot and copilot for compliance with the criteria set forth in § 4b.351. These areas are based upon binocular vision and azimuthal movement of the head and eyes at a specified eye level above the normal operating position of the seat. This eye level can be attained by a short or tall pilot using a seat having a vertical adjustment of 2.5 inches above or below the mean adjustment position.

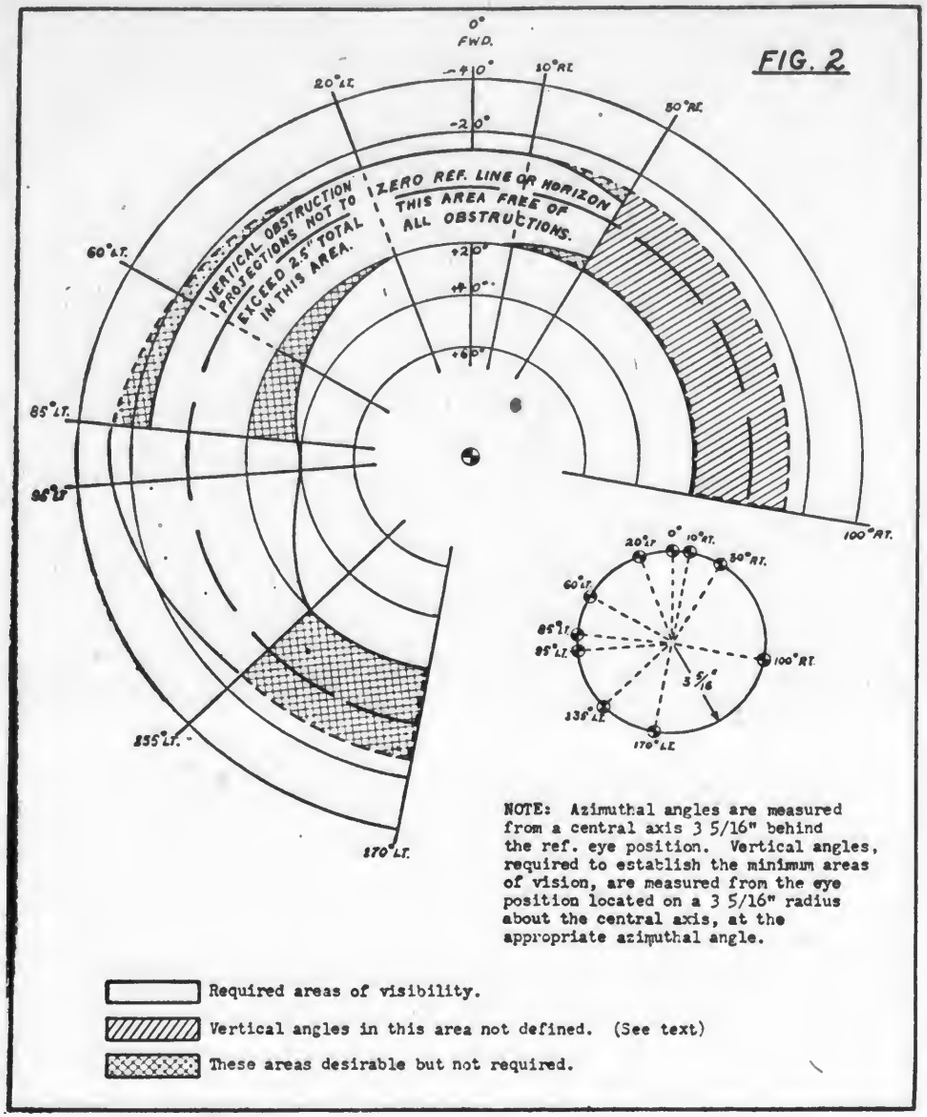
§ 4b.351-3 *Minimum area of visibility in the flight crew compartment (CAA policies which apply to § 4b.351 (a)).* The area of visibility established in this section for the pilot, and an equivalent area for the copilot, should be the minimum for showing compliance with the visibility provisions of § 4b.351 (a).

(a) *Reference eye position.* A single point established in accordance with the provisions of this paragraph constitutes the reference eye position (i. e., a point midway between the two eyes) from which the central axis may be located. The reference eye position is located 5 inches aft of the rearmost extremity of the elevator control device when the control is in its most rearward position (i. e., against the up elevator control stops), see figure 1, and 30.5 inches ±0.5 inch above the point of maximum depression of the seat cushion with:

(1) The pilot seat in a normal operating position from which all controls can be utilized to their full travel, by an average subject, and which will provide for vertical adjustment of the seat of not less than 2½ inches above and 2½ inches below this initial vertical position.

(2) The seat back in its most upright position.





(3) The seat cushion depression being that caused by a subject weighing 170 to 200 pounds.

(4) The longitudinal axis of the airplane level.

(5) The point established not beyond one inch to the left or right of the longitudinal center line of the pilot's seat. (See figure 1.)

(6) All measurements made from a single point established in accordance with this paragraph.

(b) *Clear areas of vision.* (1) With the reference eye position located as indicated in paragraph (a) of this section, and utilizing binocular vision and azimuthal movement of the head and eyes about a radius, the center of which is 3 5/16 inches behind the reference eye position (this point to be known as the central axis), the pilot should have the following clear areas of vision measured from the appropriate eye position with the aircraft's longitudinal axis level. The areas defined are based on the cardinal points of reference listed below and indicated in figure 2. A dual lens camera as photo recorder should be used in measuring the angles specified in this paragraph. Other methods, including the use of a goniometer, are acceptable if they produce equivalent areas to those obtained with the dual lens camera. When not using a dual lens camera compensation should be made for ½ the distance which exists between the eyes, or 1¼ inches as indicated in figure 4.

(i) 20° forward and up from the horizon between 20° left and 10° right allowed to diminish to 15° up at 30° right (this area unbroken).

(ii) 15° forward and down from the horizon between 20° left and 10° right allowed to diminish to 10° down at 30° right (this area unbroken).

(iii) 40° above horizon between 85° and 95° left.

(iv) 30° below horizon between 85° and 95° left.

(v) 20° up and 15° down from horizon at 135° left.

(2) There should be no obstruction to vision in the area indicated in subparagraph (1) (i) and (ii) of this paragraph and in figure 2. Beyond 20° left the angles indicated in subparagraph (1) (i) and (ii) of this paragraph should remain constant, or increase progressively until they reach the reference angles in subparagraph (1) (iii) and (iv) of this paragraph at 85° and should not be less than indicated in these subdivisions up to the 95° position, at which time they may diminish gradually to the angles shown in subparagraph (1) (v) of this paragraph, and should be governed by the limitations of paragraph (d) (2) of this section. The area beyond 135°, if any, should be as large as possible since the human eye does not present any limitation when the use of perceptive rather than binocular vision is the criterion.

(3) It is possible that in the symmetrical type pilot compartment, there may be an area about the center line of the windshield where the requirements governing pilot and copilot vision areas do not overlap. In this area the angles above and below eye level may diminish due to the increased distance between the appropriate eye position and the windshield, but the windshield dimensions established at the 30° right position, above and below the horizontal plane of the pilot's eye should be retained. This area should also be governed by the limitations of paragraph (d) (1) and (2) of this section. No attempt is made to define the angles of vision for the pilot, to the right of 30°, since it is assumed that the required vision for the copilot will govern this area. This area not defined by exact limits is indicated by shading in figure 2.

(c) *Optical properties of windshield.* The windshield should exhibit equivalent optical properties to those covered in

MIL–G–8602 dated June 29, 1953, for flat panels, and MIL–G–7767, dated Aug. 14, 1951, for curved panels or any applicable military specifications which may be published subsequent to these specifications. In addition, the optical properties of the windshield should not deteriorate under pressurization loads.

(d) *Impairments to vision.* (1) Any windshield post should not exceed 2.5 inches total obstruction in projected width on the pilot's eyes when located within a sector of 20° and 60° of azimuth to the left of the pilot's forward vision, when measured with head rotated so that the eyes are perpendicular to a vertical plane passing through the center line of the projected width as indicated in figure 3.

(2) The location of instruments, equipment, or structure should not impair any of the areas of vision established in this section. In addition, cockpit equipment should not obstruct a line of vision from a point two inches above the reference eye position to any point along the upper limit of the forward windshield panels, and similarly, a line of vision from a point two inches below the reference eye position to the lower limit of the forward windshield panels.

This supplement shall become effective September 20, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 3, 1957.

FIG. 3

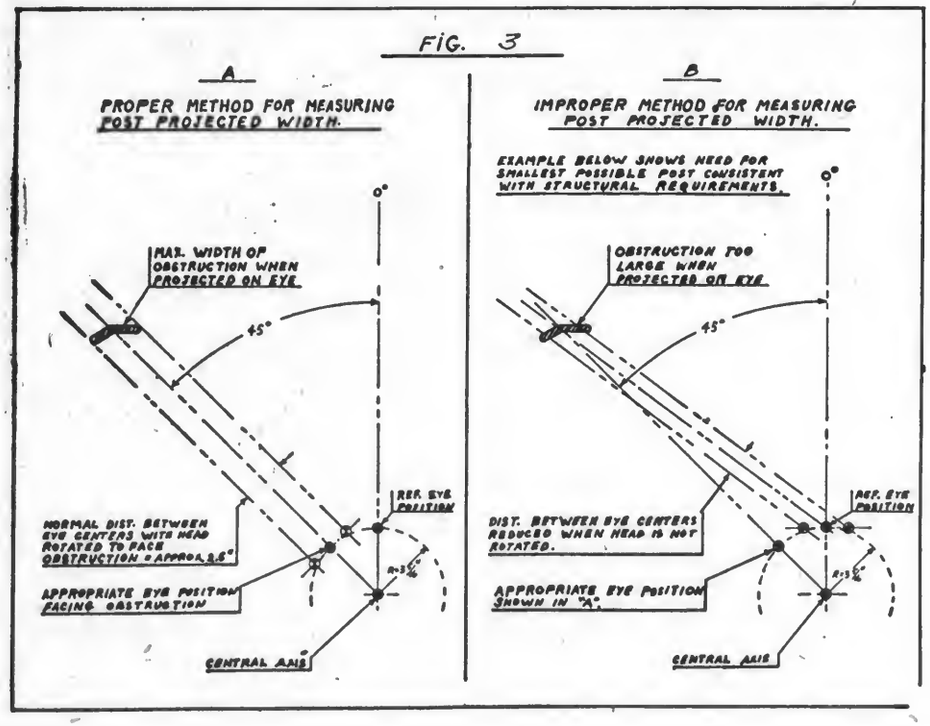
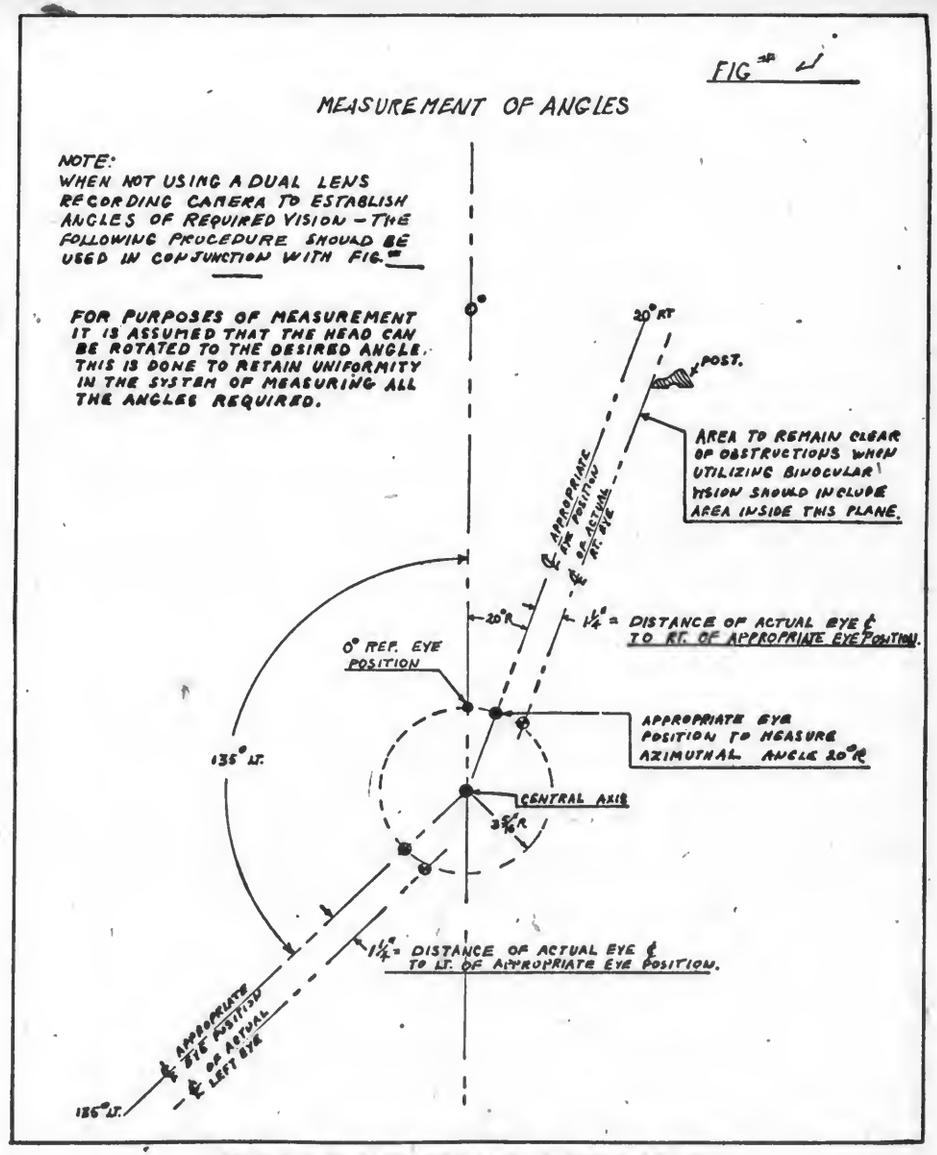


FIG. 4



[F. R. Doc. 57–7412; Filed, Sept. 13, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6784]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ARTISTIC MODERN, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* Usual as reduced, special, etc. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1825 *Usual as reduced or to be increased.*

(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, Artistic Modern, Inc., et al., New York, N. Y., Docket 6784, August 23, 1957]

In the Matter of Artistic Modern, Inc., a Corporation, and Harry Shapiro and Cyril Shapiro, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with advertising falsely that the price of chairs which regularly sold for $124.95 and $99.95 had been reduced to $44.95 and $39.95, respectively, with consequent savings to purchasers, when in fact the latter were the usual selling prices; and with representing falsely that the quantity of the chairs was limited.

Following an agreement between the parties providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Artistic Modern, Inc., a corporation, and its officers, and respondents Harry Shapiro and Cyril Shapiro, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, or distribution of chairs or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is the regular or usual price for merchandise when it is in excess of the price at which the merchandise offered is regularly and customarily sold in the normal course of business.

2. That any savings are afforded on the sale of merchandise, unless the represented savings are based upon the price at which the merchandise offered is regularly and customarily sold in the normal course of business.

3. That the supply of merchandise offered for sale is limited, unless such is the fact.

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: August 23, 1957.

By the Commission.

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

[F. R. Doc. 57-7575; Filed, Sept. 13, 1957; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NEPONSET RIVER, MASSACHUSETTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.75 is hereby amended to govern the operation of the New York, New Haven and Hartford Railroad Company bridge over Neponset River between Boston and Quincy, Massachusetts and the highway bridges at Neponset and Granite Avenues, changing paragraph references in paragraphs (c) and (f), and adding paragraph (k), as follows:

§ 203.75 *Boston Harbor, Mass., and adjacent waters; bridges.* * * *

(c) Except as otherwise provided in paragraphs (g) to (k), inclusive, * * *.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (k), inclusive, * * *.

(k) *Neponset River.* (1) The New York, New Haven and Hartford Bridge and the highway bridges at Neponset Avenue and Granite Avenue, shall not be required to be opened for the passage of vessels from November 1 to April 30, inclusive, between the hours of 10:00 p. m. and 6:00 a. m., except on at least a 24-hour notice in advance of the time an opening is required.

(2) The 24-hour advance notice will not apply to vessels owned or operated by the United States nor to vessels employed for police and fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owner or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(3) The owners or agencies controlling the bridges shall keep conspicuously posted on both sides of the bridges, in a position where it can be easily read at any time, a copy of the regulations of this section together with a notice stating to whom the advance notice should be given and directions for communicating with such person.

[Regs. August 28, 1957, 823.01 (Newport River, Mass.)—ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-7550; Filed, Sept. 13, 1957; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

PUNGO AND NORTHEAST RIVERS, N. C.; COLUMBIA RIVER, WASH. AND OREG.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 (g) (4) and (10–d) governing the operation of the North Carolina State Highway and Public Works Commission bridges across Pungo River at Leechville and Northeast River at Rocky Point, North Carolina, are hereby revoked, the bridges having been replaced by fixed bridges, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* * * *

(4) Pungo River, N. C.; North Carolina State Highway and Public Works Commission bridge at Leechville. [Revoked.]

* * * * * *

(10–d) Northeast River, N. C.; North Carolina State Highway and Public Works Commission bridge at Rocky Point. [Revoked.]

[Regs., August 23, 1957, 823.02 (Pungo River, N. C.)–ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.759a is hereby prescribed establishing special signals for the operation of the Spokane, Portland and Seattle Railway Company bridge across Columbia River between Wishram, Washington and Celilo, Oregon, as follows:

§ 203.759a *Columbia River; Spokane, Portland and Seattle Railway Company bridge between Wishram, Washington, and Celilo, Oregon.* (a) The owner of, or agency controlling the bridge, shall provide the necessary equipment, controls and personnel necessary for the safe, prompt and efficient opening of the draw upon signal at any time of the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draw.

(b) The call signal for opening the draw shall be one long blast of a whistle, siren, trumpet, horn or megaphone, followed immediately by one short blast. When the draw of the bridge can be opened immediately or if the draw is open and will be held open, for the passage of the vessel, the draw tender shall

reply by one long blast of a whistle, siren, trumpet, horn or megaphone, followed by one short blast. If the draw cannot be opened immediately the draw tender shall reply by a succession of short blasts on a whistle, siren, trumpet, horn or megaphone.

(c) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper condition for prompt operation.

(d) The owner of, or agency controlling the bridge, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations of this section.

[Regs., August 26, 1957, 823.01 (Columbia River, Wash.-Oreg.)-ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-7552; Filed, Sept. 13, 1957; 8:46 a. m.]

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

SALE OF LAND IN RESERVOIR AREAS FOR COTTAGE SITE DEVELOPMENT AND USE

Section 211.81 is amended to include six additional reservoir areas to which §§ 211.71 to 211.80 are applicable, effective upon date of publication in the FEDERAL REGISTER, as follows:

§ 211.81 *Reservoir Areas.* * * *

(h) Arkabutla Reservoir Area, Mississippi.

(i) Enid Reservoir Area, Mississippi.

(j) Sardis Reservoir Area, Mississippi.

(k) Narrows Reservoir Area, Arkansas.

(l) Wappapello Reservoir Area, Missouri.

(m) Norfork Reservoir Area, Arkansas and Missouri.

[Regs., September 5, 1957, ENGLT] (Sec. 2, 70 Stat. 1065; 16 U. S. C. 460f)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-7551; Filed, Sept. 13, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1497]

ALASKA

WITHDRAWING PUBLIC LANDS IN ALASKA FOR USE OF TERRITORIAL DEPARTMENT OF LANDS; REVOKING EXECUTIVE ORDER NO. 5300 OF DECEMBER 2, 1930

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

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Anchorage 027603]

KENNEY LAKE AREA

Beginning at a point 50 feet from the centerline of the Edgerton Cut-off Highway at approximately Milepost 26.85, and from which USGS–BM 09/1923 bears N. 39 W., 4.00 chains, thence,
N. 56° W., 3.00 chains;
N. 78° W., 8.00 chains;
South, 3.50 chains;
East, 4.00 chains approximately to a point on the shore of Kenney Lake;
Easterly and southeasterly along the shore of said lake to a point due south of the point of beginning;
North, 4.50 chains to point of beginning.

The tract described contains 2.55 acres.

2. Executive Order No. 5500 of December 2, 1930, which withdrew the following-described lands for use of the Alaska Road Commission, is hereby revoked:

[Anchorage 027578]

A TRACT OF LAND ON THE RICHARDSON HIGHWAY NORTH OF CHITINA, ALASKA, DESCRIBED AS FOLLOWS:

Beginning at Corner No. 1, 150 ft. south of the Richardson Highway at mile 26.85 from Chitina, and S. 8°56' E., 280.2 ft. from the southeast corner of Kenney Lake Roadhouse, in approximate latitude 61°44¼' N., and longitude 144°57' W.; thence N. 61° W., 1,325.6 ft., to Corner No. 2; thence N. 34°46' E., 350.0 ft., to Corner No. 3; thence S. 67°09' E., 1,205.1 ft., to Corner No. 4; thence S. 18°04' W., 486.9 ft., to Corner No. 1, the place of beginning, containing approximately 12 acres.

3. At 10:00 a. m. on October 15, 1957, the public lands released from withdrawal by this order, and not included in the withdrawal made by paragraph 1, shall become subject to settlement and other forms of appropriation under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II, the Korean Conflict, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and subject to the 90-day preference right of selection granted the Territory of Alaska by the act of July 28, 1956 (70 Stat. 709; 711; 48 U. S. C. 46).

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7554; Filed, Sept. 13, 1957; 8:46 a. m.]

[Public Land Order 1498]

ARIZONA

PARTIAL REVOCATION OF EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

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:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation No. 69 of June 16, 1928, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 3 E.,
Sec. 35, E½SW¼, W½SE¼.

The area described contains 160 acres.

The SW¼SE¼ has been patented.

2. The remaining lands (E½SW¼, NW¼SE¼) are located in Coconino County on the western edge of House Rock Valley. The general area is composed of rolling range lands with a heavy sod of grama grasses. The soil is of a sandy loam type.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 15, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and be-

fore 10:00 a. m. on January 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Portions of the SE¼SW¼ are occupied by persons who have constructed improvements thereon and who claim equitable rights in the lands, subject to allowance and confirmation.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7555; Filed, Sept. 13, 1957; 8:46 a. m.]

[Public Land Order 1499]

[10-1933556]

NEVADA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 627 OF JANUARY 11, 1950, WHICH WITHDREW LANDS FOR DEPARTMENT OF THE ARMY

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

1. Public Land Order No. 627 of January 11, 1950, withdrawing public lands for use of the Department of the Army in connection with the then Wendover Army Air Base, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 70 E.,
Sec. 15, lot 7 and that part of lot 8 lying north and east of a line extending from the southeast corner of lot 8, to a point on the west boundary of said lot 8 approximately 500 feet north of the southwest corner thereof.

The areas described aggregate approximately 11.8 acres.

2. Effective on 10:00 a. m. October 15, 1957, the lands described in paragraph 1, above, will become subject to application, petition, location, offer, or selection under the public land laws, including the mining and mineral leasing laws. This revocation is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g), as amended, which would provide lands within a planned watershed development program for soil and moisture conservation. Since this revocation is made in order to assist in a Federal land program, this opening is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284; 43 CFR Part 181), as amended, granting certain preference rights to veterans of World War II, the Korean conflict, and others.

3. No application for these lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits and the lands will not be subject to occupancy or disposition until they have been classified and the application allowed.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7556; Filed, Sept. 13, 1957; 8:47 a. m.]

[Public Land Order 1500]

[1299783]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 4873 OF MAY 3, 1928, CORRECTING OPENING ORDER OF MARCH 29, 1957

By virtue of the authority vested in the President and pursuant to section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4873 of May 3, 1928, reserving certain lands in Nevada for use by the Department of Commerce in the maintenance of Air Navigation facilities, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 50 E.,
Sec. 16, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 160 acres.

2. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposal until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager of the land office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 15, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 3 a (1) and 3 a (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph 3 a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claim. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., January 14, 1958.

4. The order of the Manager, Land Office, Bureau of Land Management, Reno, Nevada, dated March 29, 1957, and appearing at pages 2379–80 of the FEDERAL REGISTER of April 10, 1957, so far as it describes Air Navigation Site Withdrawal No. 10 as being dated May 24, 1928, is hereby corrected by changing the date to read "September 14, 1928".

Inquiries concerning these lands shall be addressed to the Manager, Nevada

Land Office, P. O. Box 1551, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7557; Filed, Sept. 13, 1957; 8:47 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter A—Archives and Records Management

PART 5—HARRY S. TRUMAN LIBRARY

Sec.
5.0 Scope.
5.1 Definitions.
5.2 Legal custody.
5.3 General conduct.
5.4 Photography by visitors.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

5.10 Inquiries regarding use.
5.11 Restricted materials.
5.12 Admission card. [Reserved]
5.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

5.50 Service of subpoena or other legal demand; compliance.

MUSEUM

5.60 Admission fee.
5.61 Free admissions.
5.62 Hours of admission.

AUDITORIUM

5.70 Primary uses.
5.71 Standards for assigned uses.
5.72 Application procedure.
5.73 General provisions.

AUTHORITY: §§ 5.0 to 5.73 issued under sec. 205, 63 Stat. 389, as amended; 40 U. S. C. 486. Interpret or apply 69 Stat. 695; 44 U. S. C. 397 (e), (f), (i).

§ 5.0 *Scope.* The provisions of this part apply to historical material in the Harry S. Truman Library.

§ 5.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the act approved August 12, 1955 (69 Stat. 695; 44 U. S. C. 397 (e), (f), (i)).

(b) The term "Library" means the Harry S. Truman Library, Independence, Missouri.

(c) The term "building" means the building occupied by the Library at Independence, Missouri.

(d) The term "Administrator" means the Administrator of General Services.

(e) The term "Archivist" means the Archivist of the United States.

(f) The term "Director" means the Director of the Harry S. Truman Library.

(g) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 5.2 *Legal custody.* The Administrator has legal custody of historical material in the Library.

§ 5.3 *General conduct.* All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator (Subpart A, Part 100 of this chapter).

§ 5.4 *Photography by visitors.* Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photo-lighting devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photo-lighting devices, tripods or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director. Applications for such permission should be made to the Director.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

§ 5.10 *Inquiries regarding use.* Historical material in the Library, except for items displayed in the exhibit rooms, will not be available for use until restricted material has been identified and segregated. Notice will be given publicly when unrestricted materials are opened to research, and this section will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director.

§ 5.11 *Restricted materials.* Materials on which restrictions on availability and use have been specified in writing by the donors under the provisions of section 507 (f) (3) of the Federal Property and Administrative Services Act of 1949 (44 U. S. C. 397 (f) (3)) will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

§ 5.12 *Admission card.* [Reserved]

§ 5.13 *Withdrawal of admission card.* [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

§ 5.50 *Service of subpoena or other legal demand; compliance.* When a subpoena duces tecum or other legal demand for the production of historical material in the Library is served upon the Administrator, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary, unless he determines that disclosure of the information is contrary to law or Executive order, would violate restrictions authorized by law and specified in writing by the donors of the material, or would prejudice the national interest or security of the United States. When a subpoena or demand for historical material is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and that the Administrator has not determined that production of the material is in accordance with the regulations in this part.

MUSEUM

§ 5.60 *Admission fee.* A charge of 50 cents, inclusive of tax, if any, will be collected from every person visiting and viewing the museum portion of the Library, except as provided in § 5.61.

§ 5.61 *Free admissions.* The following persons will be admitted to the museum free of charge: *Provided*, That the applicable tax, if any, will be collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct;

(2) Uniformed members of the Armed Forces of the United States;

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* (1) Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* (1) Persons engaged in business affecting the Library and other persons when specifically authorized by the Director.

§ 5.62 *Hours of admission.* The museum portion of the Library will be open from 9 a. m. to 4:30 p. m. Monday through Saturday, and from 2 p. m. to 5 p. m. Sunday, including Federal legal holidays except Thanksgiving Day, Christmas Day, and New Year's Day, and at such other times as the Director may authorize.

AUDITORIUM

§ 5.70 *Primary uses.* The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

§ 5.71 *Standards for assigned uses.* (a) Assignments will be made when the auditorium is not required for use by the Library, from time to time upon application, for the following uses:

(1) Meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by or related to the activities of the Library or the Harry S. Truman Library Institute.

(3) For the presentation to the public of lectures, concerts and similar performances by the Library or at which its employees participate.

(4) For other uses at the discretion of the Director.

(b) Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprise or commodities, or those having political, sectarian, or similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

§ 5.72 *Application procedure.* Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director and should include the following information:

(a) The name of the organization requesting the assignment;

(b) The date on which assignment is requested, and the hours of contemplated use;

(c) A brief description of the scheduled meeting or performance;

(d) The approximate number of persons expected to attend (capacity of the auditorium is 250);

(e) A statement as to whether or not it is the intention to exhibit at the meeting or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base; and

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

§ 5.73 *General provisions.* (a) No program will be permitted to continue beyond 10 p. m.

(b) No admission fee may be charged, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is not permitted.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director of the Library.

(g) The posting of any material about the premises is subject to the approval of the General Services Administration's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one is admitted to other parts of the building closed to the general public.

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7613; Filed, Sept. 13, 1957; 8:53 a. m.]

TITLE 50—WILDLIFE

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

PART 31—PACIFIC REGION

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that the taking of deer may be permitted by hunting on portions of the Malheur National Wildlife Refuge, Oregon, without interfering with the primary purpose of the area. Accordingly, a new centerhead note, as set forth above, and § 31.207, reading as follows, are added:

§ 31.207 *Hunting of deer permitted.* Deer may be taken solely by means of bow (except crossbow) and arrow during the period September 14, 15, and 16, 1957, only on the lands in that part of Malheur National Wildlife Refuge south of Witzel's Lane, being the line between secs. 10 and 15, T. 30 S., R. 31 E., subject to the following conditions, restrictions, and requirements:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Smoking on the refuge is prohibited except on the public campgrounds designated by posting.

(d) The possession or use of firearms on the refuge is prohibited.

(e) Dogs are not permitted on the refuge for use in the hunting of deer.

(f) Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established for the purpose of regulating the hunt.

(g) Not to exceed 300 hunters per day shall be permitted to hunt on the refuge, the determination of which number shall be established by controls at the checking stations.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property and has the effect of relieving restrictions applicable to the Malheur National Wildlife Refuge, notice and public procedure thereon are unnecessary, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 12, 1957.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-7624; Filed, Sept. 13, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

CERTAIN WATERS ADJACENT TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, IOWA, MINNESOTA, AND WISCONSIN

INTENTION TO DESIGNATE AS CLOSED AREAS

Correction

Federal Register Document 57-7419 appearing in the issue of September 11, 1957, at page 7243, as a Notice should have been published under the Proposed Rule Making section of the FEDERAL REGISTER.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 913, 980]

[Docket Nos. AO-182-A8, AO-23-A17]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Missouri, on April 2-5, 1957, pursuant to notice thereof issued on March 13, 1957 (22 F. R. 1725).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 14, 1957 (22 F. R. 6616) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record related to:

1. The merger of orders No. 13 and 80 regulating the handling of milk in the Greater Kansas City and Topeka, Kansas, marketing areas and the inclusion of certain additional territory in the marketing area;

2. The extent to which the present provisions of Order No. 13 (other than those involved in the issues listed below) would be appropriate for the merged and expanded marketing area;

3. The definition of producer-handler;

4. The definition of pool plant;

5. Provisions relative to unpriced milk;

6. The designation of a cooperative association as the handler on bulk tank milk;

7. The allocation of allowable shrinkage between receiving stations and bottling plants;

8. The classification of cream used for cottage cheese and of concentrated fluid milk;

9. Accounting for inventories of fluid milk products;

10. Classification of milk moved to nonpool plants;

11. Allowing cooperative associations to make unlimited diversion to nonpool plants;

12. Seasonal modification of the supply-demand adjustment;

13. Modification of the Class II price provisions;

14. Changing the location adjustments to handlers and producers;

15. Providing more time for the computation of the marketwide uniform price; and

16. Administrative changes.

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

1. *Marketing area.* Order No. 80 regulating the handling of milk in the Topeka, Kansas, marketing area should be consolidated with Order No. 13 regulating the handling of milk in the Greater Kansas City marketing area. The marketing area should also be expanded to include the northern part of Cass County, Missouri, those portions of Leavenworth and Johnson Counties, Kansas, which are not now included, all of Douglas and Morris Counties, Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

The consolidation of the Greater Kansas City and Topeka marketing areas is based primarily upon increasing competition between the two groups of distributors. The record discloses that there is a substantial, regular distribution of milk in the present Kansas City area by Topeka handlers. There is also a substantial and growing distribution by Kansas City handlers in the present Topeka area. The two groups of handlers also compete with each other in the sales territory between the two cities and at points as far away as Fort Riley. There is every prospect that competition between the two groups of handlers will continue to grow in response to improvement in roads (including the new turnpike connecting Kansas City, Topeka, and Emporia), improvements in refrigeration, and the general trend toward larger bottling plants and wider distribution territories.

There is also considerable competition between the two markets in the procurement of milk. There are now twelve counties from which producers ship to both markets. Health regulations applicable to the production and processing of milk are substantially similar as is evidenced by the cross distribution of milk.

These similarities are reflected in the two present orders. They have a common Class I price. Most other major provisions, including the base-rating plan of distributing returns to producers, are also similar in the two orders. The major producer organizations in the two markets support a merger of the Topeka and Greater Kansas City orders to place the entire area under one regulation. The principal advantage of this action will be the stability provided to producers by reflecting in one uniform price the Class I sales of all handlers rather than dividing these sales into two separate pools. Handlers will also have greater freedom to move milk within the entire area without distinction as to the individual pools affected.

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in the administrative marketing service and producer-settlement funds under the Topeka order should be merged with assets in similar funds under the Greater Kansas City order when the merger is effected. To distribute such funds under the Topeka order to Topeka producers and handlers, would unduly burden handlers and producers now regulated by the Greater Kansas City order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

The reasons for expanding the consolidated marketing area to include the northern portion of Cass County, Missouri, and all of those portions of Leavenworth and Johnson Counties, Kansas, which are not now included under regulation are essentially similar. There have been substantial increases of population in these territories as they have become a part of the Greater Kansas City residential area. The greater bulk of the milk sold in these counties is by presently regulated handlers. A survey of all the wholesale outlets in the presently unregulated portions of the three counties discloses that regulated handlers sell 55 percent of all milk in Cass County, 74 percent in Johnson County, and 92 percent in Leavenworth County. In addition to the wholesale business, the regulated handlers sell a substantial volume of milk on retail routes, although it is not possible to ascertain from the record their precise proportion of the total retail sales.

That portion of Cass County, Missouri, which is south of State Highway No. 2, should not be included in the area. This will exclude the population centers of Drexel, Archie, Garden City, Creighton, and Dayton. The wholesale outlets in these centers are served primarily by unregulated handlers. In fact, presently regulated handlers have outlets in only two of the named centers and there was no evidence that there is any serious competitive problem which would require the extension of regulation to this southern portion of Cass County.

Douglas County, Kansas, should be included in the marketing area. The City of Lawrence is the county seat and principal center of population. A handler whose plant is located in Lawrence has an estimated 70 percent of the total volume of milk sales in the county. He also sells milk at locations in Johnson and Leavenworth Counties and since these counties are recommended for regulation, therefore, he would be either wholly or partly subject to order regulation whether or not Douglas County were included. Three of the presently regulated Kansas City handlers and one from Topeka have regular sales in Douglas County. These close competitive relationships in the distribution of milk require that Douglas County be included in the combined marketing area.

That proportion of Riley County, Kansas, which lies outside the Fort Riley Military Post should be included in the marketing area. The county seat and largest center of population is Manhattan. Inclusion of the county was proposed by an association of producers supplying two handlers whose plants are located in Manhattan. The only other handler who would become subject to regulation is the dairy at Kansas State College. This dairy utilizes milk from the college herd to supply on-campus outlets. It also sells some milk through a local distributor off-campus in the City of Manhattan.

The producer's association has been unable to negotiate satisfactory arrangements for the marketing of member milk at the local plants. In fact, relationships are so strained that one of the member producers who testified on the first day of the hearing was notified by his handler that same day that his milk was no longer acceptable to the handler. Other instances of unsatisfactory marketing conditions include evidences of incorrect weights and tests which the handlers had refused to negotiate. One of the handlers operated a base-rating plan and the other paid for surplus milk at a manufactured price whenever his receipts from local farmers exceeded his Class I needs. In neither case were producers able to verify the data involved. Milk is also distributed in Riley County by presently regulated handlers from Kansas City and Topeka and by a partially regulated handler at Council Grove who would become fully regulated under the recommendations made herein.

The order should be expanded to include Riley County in order to provide producers supplying the local handlers with a classified price plan for the sale of their milk, to give the assurance that their milk will be properly weighed and tested, and to provide them with authentic market information. Also, all handlers distributing milk in the county will be placed on an equal competitive basis in the procurement of milk.

Fort Riley should not be included in the marketing area. The Fort extends into both Riley and Geary Counties, and

the major milk consumption centers are, in fact, in Geary County. The contracts to supply the various installations on the post are now split between regulated and partially regulated handlers and a totally unregulated handler whose plant is located at Junction City in Geary County. Geary County was not included in the notice of hearing and no specific mention of Fort Riley, as such, was included in the notice. It is clear that the handler at Junction City, did not, in fact, consider his sales outlets at Fort Riley potentially subject to regulation and did not submit any proposals regarding his own primary sales territory. In the circumstances, no part of Fort Riley should be made subject to the order.

All of Morris County should be included in the marketing area. Council Grove is the county seat and principal center of population in this County. Inclusion of the County was proposed by the handler operating a plant at Council Grove, the only one in the County. This handler is currently partially subject to the Topeka milk marketing order as the operator of a nonpool plant. He also has sales in Douglas and Riley Counties and would become subject to complete regulation if these Counties are added to the area. He distributes the bulk of the milk sold in Morris County. The most substantial volume of sales by other handlers are those by a presently regulated Topeka handler and those by a Manhattan handler who would become fully subject to regulaton by the inclusion of Riley County in the marketing area. The association of producers supplying this handler's plant also favored expansion of the combined order to include Morris County.

The marketing area should not be expanded to include those northern portions of Platte and Clay Counties in Missouri which are not now included in the Greater Kansas City area. The previously mentioned survey of wholesale milk distribution covered eleven population centers in the northern portion of Platte County and four in the unregulated portion of Clay County. Most of these centers were served by handlers whose plants are located in St. Joseph, Missouri, and the St. Joseph handlers have the great bulk of the distribution in northern Platte County. Since there was no proposal to regulate St. Joseph as such, the problem is to determine a reasonable boundary between the St. Joseph and Kansas City sales territories. It appears that the present boundary most appropriately accomplishes this division. Any northward extension of the marketing area in Platte and Clay counties would directly involve several of the St. Joseph handlers. It is concluded, therefore, that since regulation in St. Joseph was not at issue, the present boundaries should be maintained.

2. *Applicability of provisions of Greater Kansas City order to merged order.* The Greater Kansas City and Topeka orders contain the same Class I price provisions and are highly similar in most other important respects. It was proposed that the Kansas City order, with certain amendments, be used to regulate the handling of milk in the consolidated and enlarged area. Each section of the Greater Kansas City order was specifically considered at the hearing. The application of each section to marketing conditions in the present Topeka area and in the territories proposed to be included were open for consideration. There are relatively few substantive differences in the two orders. The majority of the provisions of a milk marketing order apply to the operations of individual handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

Aside from the obvious differences in marketing area, the Kansas City and Topeka orders differ significantly with respect to pool plants, cooperative associations as handlers on diverted milk, the extent of the surplus disposal area, the level of the Class II price and butterfat differential, the application of location adjustments to handlers, and some of the payment dates. All of these issues are the subject of specific amendment proposals. Each will be discussed below under separate headings.

Other differences between the orders are primarily administrative in nature. The Kansas City order uses the terms "quota" and "excess" in connection with the plan for encouraging level production, while the Topeka order uses the terms "base" and "excess" for an identical plan. "Base" is the most frequently used term for similar plans in other orders. It appeared to be acceptable to the Kansas City groups at the hearing and should be used. The Kansas City order contains more specific requirements relating to certain reports by partially exempt handlers. These provisions, rather than the more general ones used in Topeka, should apply.

3. *Producer-handler.* Under the terms of the present order a producer-handler is exempt from the pricing and payment provisions. He does not pay the administrative assessment, nor is his own production included in the marketwide utilization pool.

The simplest form of producer-handler operation, is a person whc sells only the milk produced on his own farm. Other operations may be carried on by producer-handlers, and the order should be made more specific with regard to the types of activities which can be followed without terminating a person's status as a producer-handler.

The proponents were particularly concerned that a producer-handler not be allowed to utilize other source milk for Class I purposes. Conceivably, a producer-handler could rely primarily on other source milk, including reconstituted solids, and thereby avoid the pricing and payment provisions of the marketing order. This should not be permitted. It was pointed out at the hearing, however, that a producer-handler should be permitted to purchase Class II products from unregulated sources for distribution on his routes. This permission should be extended to the purchase of other source milk, as well as products, for manufacturing uses.

The producer-handler definition should, therefore, be amended to provide that milk be received from no other dairy farm than the farm(s) of the producer-handler, that he distribute milk in the marketing area, and that he may purchase supplemental milk for Class I use only from pool plants under this order.

4. *Pool plants.* Pool plant standards should be provided for the three functionally different types of plants serving the market. Distributing plants should qualify as pool plants if they sell 20 percent or more of their total receipts of milk from approved dairy farmers as Class I in the marketing area and if in addition their total Class I sales are equal to 30 percent or more of such receipts during the months of March through June, to 35 percent of such receipts during December, January and February, and to 45 percent during July through November. Supply plants should qualify as pool plants in any month during which 50 percent of the total "available" receipts at such plant are shipped to distributing pool plants. Furthermore, if such plant qualifies as a pool plant in each of the months of August through December, it shall remain a pool plant without making shipments during the subsequent flush production months of January through July unless nonpool status is requested. A "stand-by" supply plant operated by a cooperative association of producers should qualify as a pool plant if 65 percent or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

The distributing plant percentages provided herein are the same as those contained in the present Greater Kansas City order but they are somewhat lower percentages than those contained in the Topeka order. All of the plants which presently qualify as pool plants under either order, therefore, will qualify as pool plants.

The supply plant definition contained herein corresponds to that contained in the present Topeka order and is only slightly different from the Greater Kansas City definition. Under both orders, any supply plant from which 50 percent or more of receipts are shipped to distributing plants during each of the months of August through December can remain a supply plant during the following months of January through July. The Topeka order also provides that any supply plant not previously qualified can become a pool plant during the first month in which 50 percent of its available receipts are shipped to distributing plants. In view of the expansion of marketing area herein provided, it is particularly important that supply plants which may be serving distributors newly subject to the regulation be able to qualify immediately as pool plants. Since the amendments provided herein are not effective by August 1, any supply plant which qualifies as a pool plant during the period from the effective date of these amendments through December 1957, should remain qualified

through the months of January through July 1958. The Topeka order also provides that shipments to distributing plants be computed as a percentage of the "available" supply rather than of the total supply of milk from approved dairy farmers. The "available" supply is that remaining after subtraction of any milk regularly disposed of as Class I on routes. The "available" supply concept recognizes that it is an increasingly common occurrence for supply plants to develop route sales in the local territory. Such sales represent regular outlets for Class I milk and are reported as such under the order. The milk so sold is not actually available to distributing plants in the market and should be subtracted to determine the quantity of milk which can be shipped to distributing plants.

Pool plants standards for a cooperative association-operated "stand-by" supply plant are provided in the present Kansas City order but not in the Topeka order. However, the percentage of total member milk which must be delivered to other pool plants should be reduced from 75 to 65. This reflects the fact the principal bargaining association of producers in the Kansas City portion of the market has recently acquired a supply plant formerly operated by a proprietary handler. This will reduce the proportion of milk delivered directly to other plants. Moreover, the demands on supply plant sources of milk are becoming more variable as a result of the adoption of bulk tanks by producers, the shift to fewer working days at the bottling plants, and the negotiation of contracts under which the cooperative associations undertake to supply distributors with their full requirements of milk for Class I use and to dispose of all the milk not so needed. It appears that these changes in market arrangements can be adequately cared for by reducing the percentage of delivery to other plants.

5. *Provisions relating to unpriced milk.* The pricing provisions of the order apply to that milk which is defined as producer milk. Producer milk includes that which is received from dairy farmers at plants qualifying as pool plants as described in the preceding topic. There are two major categories of nonproducer, or "other source", milk. One consists of the supplementary milk received at a pool plant from unregulated supply plants. The second consists of milk distributed on routes in the marketing area from plants which do not qualify as pool plants. Several aspects relating to unpriced milk were reviewed at the hearing. These include a more detailed definition of other source milk, the obligations of handlers operating nonpool plants with particular reference to administrative expense, the status of milk priced under other Federal orders, and the determination of circumstances in which compensatory payments should not apply.

Other source milk. The definition of "other source milk" should be revised. It should include all products utilized by the handler in his operations except fluid milk products received from pool plants and inventory and receipts of producer milk. Under this definition, manufactured products which are reprocessed or converted at the plant into fluid milk products would be considered as other source milk. However, Class II products disposed of in the same form in which received, without further processing or packaging by the handler would not be considered as other source milk. The market administrator could require that they be reported, as a memorandum entry, in order to provide a full accounting.

Nonpool handler. The application of administrative expense to the operations of a nonpool handler should also be modified. If the nonpool handler chooses to pay the difference between class prices on his in-area sales, administrative expense should be charged only on the volume sold in the area. Such limitation of administrative expense recognizes that the administrator's verification process consists essentially of a determination of the quantity sold in the marketing area. On the other hand, if the handler chooses the payments-to-dairy-farmer's option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, this second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests, of receipts from dairy farmers, and of the product sold as well as an audit of the books and records.

Milk from other Federal order markets. The present Kansas City and Topeka orders give almost complete exemption to milk from plants disposing of more Class I milk in another Federal order area. This exemption should be clarified to apply only to plants which are fully subject to the pricing and payment provisions of another order and from which a larger quantity of milk is disposed of in the other Federal marketing area. The present orders also provide for an equalizing payment in the event the Class I price under the other order is lower than that prevailing during the month under the Kansas City or Topeka orders. It was proposed by producers that this equalizing payment be deleted. This proposal should be adopted. Any evidence of more than temporary misalignments of Class I prices between Federal orders should be dealt with by appropirate changes in Class I prices rather than by the imposition of equalizing payments.

The Topeka order specifies that other source milk received at a pool plant from unregulated plants be allocated to Class II before milk received from a plant subject to another Federal order. This order of allocation should be specified in the combined order so as to provide the highest utilization of producer milk under the other order.

Exemption from compensatory payments. Operators of pool plants are not obligated for compensatory payments on other source milk classified as Class I in circumstances where producer milk is not available. Instead of leaving the determination of availability to the subjective judgment of the market administrator, an objective measure should be provided. This should be done by making the payments inapplicable whenever producer receipts are equal to 120 percent or less of Class I sales.

6. *Designation of cooperative association as handler on bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

The cooperative associations in the Kansas City market have various types of programs for collecting bulk tank milk. They range from a cooperative association which owns and operates tank trucks to associations which have little or no control over the tank trucks. Recently there has been a considerable expansion in the number of bulk cooling tanks being installed on the farms supplying the Kansas City market. In January 1955 only 1.9 percent of the total milk was received from bulk tank shippers. In January 1956, the percentage had risen 6.9 and in February 1957 to 14.67 and this trend is continually increasing.

The transportation of milk from farm to market in insulated tank trucks owned or operated by, or under contract to, cooperative associations has created a problem with respect to the determination of the responsibility to the individual producer. When milk comes to market in cans, the milk of individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by, or under contract to, the cooperative association, the weight of each producer's milk is checked by, and a sample of milk for butterfat testing is taken by, a person who is an employee of, or a person directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no direct way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries make up the load, except as such information may be reported to him by the cooperative. In some instances, particularly in case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

When a cooperative is in control of the transportation, it is more appropriate to permit the cooperative association to qualify as a handler under the order and to report for such milk handled. In such case the cooperative should be required to report to the pool for it. On the milk for which it is a handler, the cooperative association would be required to charge class prices to the plant operator for such milk. The cooperative association in turn would be required to make monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

Cooperative associations may also be handlers in their capacity as operators of pool plants. Sales by such cooperatives to other handlers should also be at not less than class prices. However, the cooperative should not be the handler on producer milk which is delivered in cans to more than one pool plant during the delivery period. The handlers on such milk should be the operators of the different pool plants to which the milk was delivered.

There was some consideration at the hearing to limiting the designation of a cooperative as a handler on any given load of bulk tank milk to those months in which such load was split between two or more receiving pool plants. Clearly, however, the basic aspect of the bulk technique is that the person responsible for the producers' weights and tests should be designated as the handler. On cooperative association routes, the cooperative would be responsible for weight and test, regardless of whether the milk was delivered to one or several bottling plants.

With respect to milk received from producers' farms in cans or tank trucks owned and operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or cooperative association at the applicable uniform price. In situations in which a cooperative does not choose to be a handler on the bulk tank milk or in which a proprietary handler controls the tank trucks, a bulk load might be split between handlers on any given day or be delivered to more than one handler during the month. In such case the operator of the first pool plant at which the tank is physically received each day should be the responsible handler.

It is concluded, therefore, that the cooperative association may become a handler on that bulk tank milk which is collected in trucks the cooperative owns or operates, or has under contract.

7. *Shrinkage.* A handler proposed that the order be amended to recognize that milk incurs relatively little shrinkage in its receipt and relatively much more in its processing, bottling, and distribution. Testimony indicated that receiving plants experience approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling.

It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phase of milk distribution. Up to one-half of one percent shrinkage should be allowed on that milk which is received at one plant and transferred to another plant for bottling and distribution. The bottling plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from another plant.

8. *Classification of cream used for cottage cheese and of concentrated fluid milk.* It was proposed at the hearing that cream used in creaming cottage cheese be classified as a Class II product. The present order provides that cream used in the creaming of cottage cheese be classified as a Class I product.

Evidence introduced at the hearing showed that creamed cottage cheese is manufactured under two different health ordinances. In Kansas the health ordinances require that creamed cottage cheese be made with Grade A cream while in the most parts of Missouri the health ordinances allow cottage cheese to be creamed with ungraded cream. In such a situation inequity exists among handlers who manufacture under different health ordinances, and compete for sales in the same market. To provide equality to all handlers who manufacture creamed cottage cheese under the Kansas City order, the cream used in creaming cottage cheese should be placed in Class II. The net effect on the blend price would be negligible as only two-tenths of one percent of the total pooled cream is used in this classification.

Whole fluid concentrated milk should be included in the Class I classification as it is in the present Topeka order. Although this product is not being sold in the market at the present time, it would be well to guard against any future problems which might arise in regard to the classification of concentrated milk and include it in the Class I classification now.

9. *Inventory accounting.* The month-end inventories of Class I items should be accounted for in accordance with the provisions of the present Topeka rather than the Kansas City order. The Topeka order provides that producer milk from the previous month's closing inventory, which was classified as Class II, have prior claim over other source milk on the Class I utilization for the current month. This can be accomplished in the accounting procedure by considering the opening inventory as a receipt. Under the allocation provisions, the opening inventory would be subtracted from Class II skim milk and butterfat after the subtraction of receipts from other sources. A reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month if opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk the previous month after allocating other source milk and shrinkage. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month.

10. *Disposal of milk to nonpool plants.* Milk not needed for bottling purposes is frequently transferred or diverted to nonpool plants. Both the Kansas City and Topeka orders utilize the concept of a surplus marketing area. This area should be large enough to include all the nonpool manufacturing plants to which Class II milk might reasonably be moved for manufacturing purposes. Milk is so bulky and perishable that handlers will not ordinarily incur the expense of moving it beyond a reasonable distance except for Class I purposes. In the Kansas City order, the surplus marketing area extends 250 miles from the city hall in Kansas City, Missouri. Under the Topeka order, it extends 100 miles from the pool plant from which the milk is transferred or diverted.

It was proposed that the surplus disposal area for the combined order be established at 200 miles from the boundary of the marketing area. Since the marketing area provided herein is not continuous, it appears that the proposed objective can be better accomplished by defining the area as 200 miles from the principal outlying points of the marketing area, namely, Kansas City, Missouri, and Manhattan and Emporia, Kansas. Both of the present orders permit cream to be moved for unlimited distances at Class II if it is clearly designated for manufacturing purposes and this should be continued.

A second difference between the two orders in regard to the classification of milk moved to nonpool plants relates to possible retransfers from the nonpool plant first receiving the milk. These differences should be reconciled by providing that the same rules of allocation and classification should apply to any movements of milk from the nonpool plant as to the original movement from a pool plant to the nonpool plant.

11. *Diversion to nonpool plants.* The two largest cooperative associations in the market proposed that cooperatives be allowed to divert milk from a pool plant to a nonpool plant any time during the year, while the proprietary handlers be limited to the present Kansas City diversion privilege. This provides that both a cooperative association and a proprietary handler may divert milk any time during the months of January through August but during the months of September through December they may divert milk for not more than 10 days to a nonpool plant. The present Topeka order provides that both a cooperative association and a proprietary handler may divert milk any time during the year.

The fundamental problem involved in unlimited diversion is that some groups of producers may be pooled as part of the regular market supply, yet never establish any objective association with the market. The record clearly indicates that there is no need for unlimited diversion by cooperatives at the present time. However, there is evidence that the present 10-day limitation during the month of September through December should be increased to 16 days production. It has been shown that the handlers have been experiencing difficulties diverting milk to nonpool plants during the fall months, especially during the months of November and December. With December becoming a higher production month this change would eliminate some of the problems that are resulting in uneconomic movements of milk.

The wording of the diversion provisions should be changed so that it will be limited to not more than 16 days production of a producer diverted to a nonpool plant in the fall months. This clarifying change is desirable because of the increased number of bulk tank shippers whose milk is delivered every other day.

If a producer's milk is diverted by a proprietary handler or a cooperative association for more than 16 days, only that portion which is over 16 days should be treated as other source milk. Otherwise such producer's milk would not be pooled for the entire period it was diverted and he would lose both the advantages of the uniform price and his base-making credit. A producer should not incur such drastic penalties for a marketing condition over which he has very little control.

The recommended decision provided for a 15-day limit on diversion during the months of September through December. In their exceptions, producers pointed out that 15 days did not constitute a half-month during October and December. In their judgment, a half-month represents the minimum diversion period which would accommodate current and prospective milk marketing conditions.

It is concluded, therefore, that the diversion provision should be amended so as to limit the diversion period during the months of September through December to not more than 16 days production.

12. *Seasonal modification of the supply-demand adjustment.* It is recommended that the present type of supply-demand adjustment be retained. However, the standard utilization percentages should be changed to reflect the changes in seasonality in the market.

A proposal to revise the present supply-demand adjustment factors would have provided two adjustments, one based on a 12-month moving average and the other on a two-month moving average. Use of the 12-month moving average, either by itself or in conjunction with the two-month moving average, will not provide sufficient response to changing market conditions. A change of 8 percent or more in the supply-demand ratio is necessary in any one month before any change in the 12-month moving average would occur. Thus, it would be several months before a substantial and continuing change in supply-demand conditions would be reflected in any sizable adjustment in price. While this would eliminate the month-to-month variations which would have occurred, it would be so slow to respond to changed conditions of supply and demand that its effectiveness would be materially reduced. The most recent 2-month experience provides a more current indication of utilization prospects than a 12-month factor.

Producers submitted revised standard utilization percentages for use in the two-month portion of their proposed supply-demand adjuster. The revised standards were developed from Kansas City and Topeka data for the years 1954, 1955, and 1956, weighting them by one, two, and three, respectively. The heavier weighting of the most recent years reflects the probability that seasonality of production will continue to level off in response to the base-rating plan. The proposed standard percentages have been further modified to reflect the same annual average utilization percentage.

The seasonal pattern of utilization in the Kansas City market in the past two years has varied significantly from standard percentages presently set forth in the order. The present standard utilization percentages do not represent the seasonal pattern of utilization presently expected under normal conditions and has resulted in erratic pricing. It is quite obvious that the seasonal pattern of production in the past few years has changed significantly. This is shown in the increased receipts of producer milk during the fall and winter months and especially the months of November, December, January, and February. While the seasonal pattern of production has changed substantially, the seasonality of Class I sales has remained relatively stable.

The proposed standard utilization percentages proposed by the producers appropriately reflects the changes in the seasonality of supply and demand and they also appear to correct certain deficiencies which were caused by erratic pricing. The proposed percentages have been slightly reduced so as to retain the same annual average as the present percentages. One would expect that the use of the revised standard utilization percentages with the same annual average as the present percentages would result in the same annual average Class I price. This would be true over any extended period of time in which the market went through equal cycles of undersupply and oversupply. However, in the Kansas City market supplies have tended to be larger than normal in recent years. Also, the poor seasonal pattern of the present standard percentages has resulted in rather large price adjustments especially in the late fall and winter months. These have persisted long enough to bring the cumulative price feature into operation to a much greater extent than would have occurred if the revised standards had been in effect.

The following are the present and revised standard utilization percentages:

Delivery period for which price applies	Delivery period used in computations	Standard utilization percentages			
		Present		Revised	
		Min.	Max.	Min.	Max.
January	November-December	122	128	134	141
February	December-January	124	130	134	141
March	January-February	125	131	130	137
April	February-March	127	134	129	136
May	March-April	130	137	132	140
June	April-May	144	153	145	153
July	May-June	150	160	143	151
August	June-July	146	154	133	140
September	July-August	138	146	123	130
October	August-September	127	133	119	125
November	September-October	117	123	120	126
December	October-November	120	126	128	135

If the revised standard utilization percentages had been in effect in 1955, the range of price adjustment would have been from a minus 11 cents to a zero adjustment with the average adjustment being only minus 1.7 cents. The present supply-demand adjustment went in effect May 1, 1955, but projecting it back to January 1, 1955, the range of the price adjustment for the full year would have been from a minus 27 cents to a plus 10 cents with an average adjustment of minus 4.2 cents. In the year 1956 using revised percentages the range of price adjustment would have been from a minus 18 cents to a zero adjustment with an average of minus 7.5 cents. Under the present percentage the range of price adjustment was from a minus 27 cents to a zero adjustment with the average being a minus 11.5 cents. In the first six months of 1957 (official notice is hereby taken of the supply-demand figures announced by the market administrator for the months of March, April, and May) the price adjustment for the recommended percentages would have ranged from a minus 10 cents to a plus one cent with the average being a minus 4.5 cents. Under the present percentages the range of price adjustment was from a minus 38 cents to a zero adjustment with the average being a minus 17.8 cents.

It is concluded that the recommended standard utilization percentages would have provided a much better pattern of pricing during the last two and a half years than the ones which now are in effect and that they will provide appropriate adjustment of the Class I price under the conditions now prevailing in the market.

13. *Class II price.* The level of the Class II prices in the combined order should be approximately the same as under the present Kansas City order but should have less seasonal variation. This can be accomplished by establishing the Class II price each month at the higher of (1) the average of prices paid for manufacturing milk at five local manufacturing plants plus 15 cents or (2) a butter-powder formula consisting of the price of 93-score butter at Chicago multiplied by 4.60 (a yield factor of 1.21 and the basic butterfat content of 3.8) plus the price of spray-process nonfat dry milk, f. o. b. manufacturing plants in the Chicago area, multiplied by a yield of 8.2, less a "make" allowance of 78 cents.

This is essentially the same Class II price formula as was proposed by producers. The principal change is that the proposed list of local plants has been altered to avoid listing plants operated by handlers regulated under the order. Four of the local plants chosen have been used for pricing purposes under the Topeka order and the fifth is a large-scale manufacturing plant located in Missouri. The addition of 15 cents per hundredweight to the average of the

local plant pay prices reflects the premium which is commonly paid by manufacturing plants for milk which has been cooled by means of mechanical refrigeration. The Class II milk diverted or transferred to manufacturing plants would, of course qualify for such a premium.

The butter-powder formula is closely similar to the formula for Class IV milk under the Chicago order except for a slightly higher make allowance. At the current levels of support prices, it is 11 cents per hundredweight lower than the basic butter-powder formula in the Kansas City order.

The annual average level of Kansas City Class II prices appears to have been appropriate. It has returned producers somewhat more than the average prices paid for manufacturing grade milk at local plants. However, the Class II prices have not been so high as to impede the marketing of Class II milk. The 20-cent seasonal variation in the present Kansas City prices is currently less applicable than when it was first included in the order. Supplies of milk are now so nearly uniform throughout the year that Class II volume is no longer concentrated primarily in the months of March through August. It is more appropriate, therefore, to utilize a Class II price formula which will contain only such seasonality as results from the normal fluctuation in pay prices at manufacturing plants or in the market prices of the major manufactured dairy products.

One handler, whose plant is located in Topeka, pointed out that the Class II price has been substantially lower in that market than in Kansas City. He contended that the Kansas City price was not equally applicable to the western portions of the combined area. However, the cooperative associations which bear the ultimate responsibility for marketing their members' milk, testified that outlets could be found for their milk at the proposed prices.

14. *Location adjustments.* The conclusions reached on the major aspects of location adjustments may be summarized as follows:

1. Uniform Class I price should apply throughout the combined and expanded marketing area;

2. Distances should be measured from Lawrence, Manhattan, and Council Grove, Kansas, as well as from the presently designated points of Kansas City, Missouri, and Topeka and Emporia, Kansas;

3. The market area zone should continue at 50 miles from the named points rather than being expanded to 55 miles as proposed; and

4. Location adjustments should not apply to excess milk.

Expansion of the marketing area westward to include Riley and Morris Counties involves determining what prices at these points would be appropriate in relation to those in Kansas City. The inclusion in a combined order of Shawnee and Lyon Counties, which comprise the present Topeka marketing area, also calls for a review of price relationships at these points with those prevailing at Kansas City.

It is recognized that Kansas City, Missouri, and Kansas City, Kansas, comprise the greatest concentration of population in this region. To the extent that such points as Lawrence, Topeka, Emporia, Manhattan, and Council Grove are secondary markets within the Kansas City milkshed, lower prices would be appropriate, in direct relation to the distance of each point from Kansas City. However, these points are not, in fact, secondary markets in this sense. For example, there is some overlapping of the Topeka and Kansas City milksheds, but it is not complete. The same is true of Manhattan, Council Grove, and Emporia.

There are, however, offsetting influences which would tend to require prices to increase at locations west of Kansas City. The basis for this tendency is that the primary sources of supplemental milk are to the east, at such centers as Wisconsin and the Ozarks.

In establishing prices at the points west of Kansas City, one must judge the relative importance of these conflicting influences. Federal order Class I prices in the Topeka market (which was expanded to include Lyon County and Emporia effective October 1, 1956) have been set at exactly the same level as in Kansas City. At the hearing, it was proposed that this price be continued and applied in all of the other territories proposed to be added to the combined marketing area. Historically, prices paid to producers in these localities have approximated the Kansas City and Topeka Blend prices. Adequate supplies of producer milk have been maintained at these price levels in both the Kansas City and Topeka markets. It is concluded, therefore, that extension of the Kansas City Class I price to the entire combined area will be appropriate. If it develops that shortages or surpluses of milk develop in any portion of the marketing area, consideration should be given to providing price differentials for such territories.

A second major aspect of the location adjustment is to determine the distance at which they should begin to apply. At present this distance is 50 miles under each of the orders, but producers proposed that it should be changed to 55 miles in the combined order. The principal practical result of extending the "city" zone to a 55-mile radius would be its effect on the computation of compensatory payments applicable to partially regulated handlers whose plants are located at St. Joseph, Missouri. The plants of the St. Joseph handlers are more than 50 but less than 55 miles from Kansas City. Location adjustments are now applied in the computation of the compensatory payments but would not apply under a 55-mile city zone. The point has been made previously that the extension of Federal regulation to the St. Joseph market should be considered on its own merits so far as possible. Unless regulation of that entire market is to be considered, it is not appropriate that the status of those few handlers who may become partially subject to the Kansas City order should be affected. It is concluded that the city zone should be continued at 50 miles from designated points rather than 55 miles.

Under the Greater Kansas City order, the 50-mile radius is measured from city hall in Kansas City, Missouri. Under the Topeka order, the 50 miles is measured from the city hall in either Topeka or Emporia, whichever is closer. To accommodate the expansion of the marketing area, it is concluded that Lawrence, Manhattan, and Council Grove, all in Kansas, should also be designated as points from which the 50 miles should be measured. The same Class I prices will then apply throughout the marketing area and any supply plants from which distributors in the added territory obtain milk will be on the same basis regarding location allowances as those supplying the present area.

Location adjustments will no longer apply to one of the two supply plants serving the Greater Kansas City market. This plant is located at Ottawa, Kansas. The handler operating this plant will no longer be allowed credit against the cost of hauling milk to distributing plants in Kansas City or elsewhere in the marketing area, but will be able to draw from the pool the full city zone uniform price for the payment of producers. The handler has paid premiums equal to the location adjustment at this plant in order to hold his supply. It now appears that the necessity of paying such premiums has become virtually permanent as a result of competition for milk for direct shipment to Kansas City and other nearby markets.

The premium to producers is paid on their total deliveries of milk while the transportation credit on milk moved to market applies only to a portion of the total receipts. One result, as has been pointed out in a prior decision of the Secretary regarding location adjustments at this point, is that elimination of location adjustments relieves the handler of the necessity of paying premiums on milk manufactured at the plant. The corollary result is that continuation of location adjustments at Ottawa imposes a greater financial burden to the operator of the plant than would elimination of the adjustments. At the hearing, producers specifically proposed that the adjustments be eliminated at this point. They testified that the plant serves two important objectives, one being as a receiving station for milk collected from farms in cans and the other being the manufacture of excess milk into dairy products. The plant is so located that it can readily perform both the assembly and manufacturing functions for most of the combined and expanded marketing area. It must also be recognized that this plant performs virtually the same functions as the supply plant at Valley Falls, Kansas, which became pooled under the Topeka order 1956 and is located within the present "city" zone of that order.

A third aspect of the location adjustment problem consists of the application of adjustments to excess milk. At present, both orders apply location adjustments to producers on both the base and excess milk during the months of February through July. Under usual circumstances the price paid to producers for excess milk is equal to the Class II price. At the hearing, producers pro-

posed that the location adjustment not apply to excess milk during such months. They maintained that the minimum value of excess milk is the manufacturing value, which does not vary significantly with distance from market. The manufacturing value of pooled milk is, of course, reflected in the Class II price. It is concluded that excess milk should not be subject to location adjustments.

15. *Specified dates.* The market administrator should be allowed two additional days for the computation of the marketwide uniform price, and handlers should be allowed one additional day for the subsequent payment to producers or cooperative associations.

Under the present Kansas City order the handlers' reports of receipts and utilization of milk are due on the 7th day of the month following the delivery month. The administrator then has only until the 10th to check the reports, compute and announce the blend price and the Class I price. The problem of meeting the deadline is complicated by the fact that the pool cannot be completed until the last report is in; unavoidable incidents frequently delay one or another report past the due date. The occurrence of a Sunday or holiday between the 7th and 10th creates a further problem.

Similarly, handlers are required to pay cooperatives on the 11th and individual nonmember producers on the 12th. This is an exceptionally brief period for such functions.

Both the producers and handlers present at the hearing recognized that the unduly short time available added considerably to the expense of performing these functions and favored a more adequate schedule. Allowing the market administrator two additional days for computing the pool and the handlers one more day for payment functions after the uniform price announcement, should be adequate. It is likely that the administrator will be able to announce the uniform price before the specified date in most months, thereby allowing a greater margin of time for making payments.

16. *Administrative provisions.* Certain changes of a primarily administrative nature should be made in the order.

Equivalent prices. The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failures to report, termination of market quotations resulting from changes in dairy marketing and, combining or termination of other Federal orders.

Price computations. In order to simplify subsequent computations, class prices and butterfat differentials should be computed to the nearest tenth of a cent.

Bases at newly qualified pool plants. It is always possible that plants may qualify as pool plants subsequent to the base forming months of September through December. This is particularly likely with respect to contract business. In such event the producers supplying such plant should have bases, computed from their deliveries to such plant during the base making period. These can be computed from plant records, or other evidence acceptable to the market administrator, under the same rules as would have applied had the plant been a pool plant during the base-forming months.

Nonpool plants. Provision in the order should be made for a definition of a "nonpool plant". Throughout the order reference is made to the word "nonpool plant" without the word being defined in the order. For the sake of clarity the definition section of the order should contain a provision which states that a nonpool plant is any plant other than a pool plant.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' associations, the handlers in the market and those affected by proposed amendments. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area 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 of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

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

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled, respectively, "marketing agreement regulating the handling of milk in the Greater Kansas City marketing area", and "order amending the order regulating the handling of milk in the greater Kansas City marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1957 is hereby determined to be the representative period for the conduct of such referendum.

Edward L. St. Clair is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this decision is issued.

Issued at Washington, D. C. this 10th day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

[1] This order shall not become effective unless and until the requirements of § 900.14 of this chapter of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 913.0 to 913.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 913.0 *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 Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City 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

§ 913.1 *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.).

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

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

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; those portions, excluding Platte City, Missouri, of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U. S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County, thence east along the north section lines of Sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; that part of Cass County, Missouri, which is north of Highway 2; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, and Morris in the State of Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 20 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of, as Class I milk in total an amount equal to not less than the applicable percentage of such receipts, as follows:

(i) March through June, 30 percent;

(ii) December through February, 35 percent; or

(iii) July through November, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which, during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months from the effective date hereof through December 1957, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 913.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.); or

(d) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.)

§ 913.12 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The buttterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers.

§ 913.13 *Producer milk.* "Producer milk" means all milk produced by a producer, which is received at a pool plant directly from such producer.

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

(a) Receipts during the delivery period of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; 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.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 913.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 913.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 913.65.

§ 913.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

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

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof 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.

§ 913.21 *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.

§ 913.22 *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 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such 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 funds provided by § 913.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.87) 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 herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection 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;

(h) Publicly announce, at his discretion, 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:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the delivery period immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

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

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 913.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk.

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 913.61 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

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

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

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

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

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 23rd day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 913.61 (a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of base milk and excess milk,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler and each handler making payments pursuant to § 913.61 (a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 933.80 (c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23rd day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (base milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 913.86.

§ 913.33 *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 and such facilities as are necessary or the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

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

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

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

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products except those classified pursuant to pararaph (b) (5) of this section, or (2) not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce any products other than fluid milk products; (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in inventory of fluid milk products on hand at the end of the month; (6) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 913.11 (c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and (7) in shrinkage allocated to receipts of other source milk.

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

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

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 913.11 (c) and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 913.43 *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.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both plants 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 producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I Grade A milk, receipts of skim milk and butterfat at such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for Grade A usage of such nonpool plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second nonpool plant under paragraph (d), the same conditions of audit, classification, and allocation shall apply.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 913.41 (b) (6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

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

(5) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association pursuant to § 913.11 (c) according to its classification as determined pursuant to § 913.44 (a);

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

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

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

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for

which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, and rounded to the nearest one-tenth of a cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage": *Provided,* That, in making this computation for the first month immediately following the effective date of this subpart, there shall be used the combined receipts of producer milk and the combined applicable gross volumes of Class I milk as reported under Part 980 of this chapter regulating the handling of milk in the Topeka, Kansas, marketing area and as reported under this subpart during the first and second months immediately preceding the effective date of this subpart, and in making such computation for the second month following the effective date of this subpart, there shall be used the applicable combined figures for the two markets for the month immediately preceding the effective date of this subpart.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	November–December	134	141
February	December–January	134	141
March	January–February	130	137
April	February–March	129	136
May	March–April	132	140
June	April–May	145	153
July	May–June	143	151
August	June–July	133	140
September	July–August	123	130
October	August–September	119	125
November	September–October	120	126
December	October–November	128	135

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second delivery periods immediately preceding.

(b) *Class II milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 15 cents:

Present Operator and Location

Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift & Co., Parsons, Kans.

or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.60 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under (i) and (ii) above, subtract 78 cents.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3, divide the result by 10; and round to the nearest one tenth of a cent.

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 913.53 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a plant as defined in § 913.10 (b) or (c) to a plant as defined in § 913.10 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided,* That if milk is received by a plant defined in § 913.10 (a) from more than one plant, the milk so classified as

Class I shall be deemed to have been transferred from the transferor plants in the order of their lowest applicable location adjustment.

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

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.88 shall not apply to a producer-handler.

§ 913.61 *Handlers operating a nonpool plant.* In lieu of the payments required pursuant to §§ 913.80 through 913.89, each handler, other than a producer-handler or one exempt pursuant to § 913.62, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the delivery period the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 913.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 913.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 913.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 913.88 had such plant been a pool plant.

§ 913.62 *Milk subject to other orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF BASE

§ 913.65 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding.

§ 913.66 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (7) by the applicable respective class prices;

(c) Add an amount computed by 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 as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 913.46 (a) (5) and (b), whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), and pursuant to § 913.46 (a) (5) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided,* That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month;

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers specified in § 913.11 (a), (c), or (d) and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

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

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

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

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants f. o. b. marketing area.

§ 913.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

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

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers at pool plants, f. o. b. marketing area.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.87, and (3) any deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) On or before the 14th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 913.11 (c), not less than the value of such milk as classified pursuant to § 913.44 (a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81 and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers pursuant to § 913.80 (a), for all milk received during the months of August through January and for base milk received during the months of February through July, at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *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 §§ 913.61 (a) (1) and (b) (1) and 913.84 and all appropriate payments pursuant to § 913.86 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to § 913.86: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer: *Pro-*

vided, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shal reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.87 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* 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, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.88 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order 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 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 order, to make available to the market administrator or his representative all books and records required by this order 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 obligations 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 part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment 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

§ 913.90 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.91.

§ 913.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

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

§ 913.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, 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 assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.100 *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 hereof.

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

[F. R. Doc. 57-7568; Filed, Sept. 13, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

REGULATIONS FOR ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXTENSION OF TIME FOR FILING VIEWS AND COMMENTS ON PROPOSED AMENDMENT OF DEFINITION OF "CHEMICAL PRESERVATIVE" AND PROPOSED EXEMPTION OF FRUITS AND VEGETABLES BEARING CHEMICAL PRESERVATIVES APPLIED PRIOR TO HARVEST FROM LABELING REQUIREMENTS

In the matter of amending the definition of "chemical preservative" and exempting fruits and vegetables bearing chemical preservatives applied prior to harvest from labeling requirements:

A request has been received for extension of the date for filing views and comments in the above-identified matter, which was published in the FEDERAL REGISTER of July 31, 1957 (22 F. R. 6019).

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 403 (k), 701 (a), 52 Stat. 1048, 1055; 21 U. S. C. 343 (k), 371 (a)) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until December 1, 1957, the time for filing views and comments upon the proposal to amend the definition of "chemical preservative" and to exempt fruits and vegetables bearing chemical preservatives applied prior to harvest from labeling requirements.

Dated: September 10, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7553; Filed, Sept. 13, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 37, Revised]

AUTHORITY TO ADMINISTER OATHS AND TO CERTIFY

1. The following officers and employees of the Internal Revenue Service are designated to administer such oaths or affirmations and to certify to such papers as may be necessary under the internal revenue laws or regulations made thereunder except that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive:

(a) Regional Commissioners and District Directors.

(b) Inspection: Assistant Commissioner; Director and Assistant Directors, Internal Security Division; Regional Inspectors; and all Internal Security Inspectors.

(c) Alcohol and Tobacco Tax: Assistant Regional Commissioners; Chiefs; Aides to Chiefs; Supervisors in Charge; Assistant Supervisors in Charge; Special Investigators; Investigators and Inspectors.

(d) Intelligence: Director; Assistant Director; Assistant Regional Commissioners; Executive Assistants to Assistant Regional Commissioners; Chiefs, Review and Conference Staff; Reviewer-Conferees; and all Chiefs and Assistant Chiefs of Divisions, Branches and Sections, Group Supervisors, and Special Agents, of the National, regional and district offices.

(e) International Operations: Director; Assistant Director; Chiefs of Branches and Sections; Special Agents; Internal Revenue Agents; Estate Tax Examiners; Officers in Charge; Treasury Representatives (Taxation); Assistant Treasury Representatives (Taxation); and Special Procedures Officers.

(f) Collection: Chiefs of the Collection Divisions; Chiefs of the Delinquent Accounts and Returns Branches; Group Supervisors, and Collection Officers.

(g) Audit: Chiefs of Divisions and Branches; Group Supervisors; Internal Revenue Agents; and Estate Tax Examiners.

2. The following officials are authorized to designate additional officers and employees under their jurisdiction to perform the functions described in paragraph 1 hereof: Assistant Commissioner (Inspection), all Regional Commissioners, Assistant Regional Commissioners (Alcohol and Tobacco Tax), Assistant Regional Commissioners (Intelligence), District Directors and the Director of International Operations.

3. Redelegations of authority or designations of officers and employees to administer oaths and to certify heretofore made shall continue in effect unless and until revoked by proper order or directive.

4. This order supersedes Delegation Order No. 37 (Revised), effective January 8, 1957 (22 F. R. 386).

Date of issue: September 3, 1957.

Effective date: September 3, 1957.

[SEAL] O. GORDON DELK,
Acting Commissioner.

[F. R. Doc. 57-7576; Filed, Sept. 13, 1957; 8:50 a. m.]

POST OFFICE DEPARTMENT

DELEGATIONS OF AUTHORITY COVERING CONTRACTUAL AND MAIL MESSENGER SERVICES

The following are excerpts from Regional Circular No. 334 of the Post Office Department, dated August 19, 1957:

I. *Purpose.* A. To restate in one issuance all authority previously delegated to regions to handle matters relating to highway service, powerboat service and air star route service.

B. Delegate additional authority to Regional Directors, Regional Transportation Managers, and District Transportation Managers to handle matters relating to star routes, air star routes, water routes, highway post office routes, mail messenger routes and panel body routes.

* * * * *

D. All authorizations to regions are subject to regulation by the Bureau of Transportation.

II. *Authority relating to star routes and water routes.* A. Each Regional Director is authorized to appoint a committee (each fiscal year) of persons under his jurisdiction to open and mark proposals for carrying the mail pursuant to Section 425 of Title 39, United States Code.

B. Subject to prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Advertise, award and sign contracts, and approve orders for air star routes.

2. Advertise, award and sign contracts, and approve orders for establishment of new star routes and water routes, in instances where diversion from other media of transportation results in an annual reduction in compensation of the affected carrier in excess of $1,000.

3. Approve orders—

a. Removing contractors for failure to comply with terms of contract.

b. Recognizing surety(ies) in charge of route due to death, removal or insanity of contractor.

c. Recognizing the legal representative of the estate of a deceased (or insane) contractor in charge of route.

d. Authorizing readjustments in annual compensation to contractors for reasons other than the Highway Revenue Act of 1956 (70 Stat. 374), and similar State laws.

C. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Advertise, award and sign contracts, and approve orders for:

a. New star routes and water routes, not including air star routes, except in instances where diversion from other media of transportation results in an annual reduction in compensation of the affected carrier in excess of $1,000. Successive diversions from a specific route may not be authorized in any one year, the total of which would reduce the carrier's compensation in excess of $1,000.

b. New star routes and water routes, not including air star routes, made necessary by discontinuance of railroad service by railroad companies.

c. Service on existing star routes and water routes, including air star routes.

2. Sign renewal contracts.

3. Sign contracts entered into with subcontractors.

4. Reject requests of contractors for increased compensation based on changed economic conditions that do not

meet minimum standards established by the Bureau of Transportation.

5. Approve orders—

a. Recognizing subcontracts entered into according to law; also terminating the recognition of subcontracts for good and sufficient reasons; * * * and removing subcontractors for failure to comply with terms of contract, and requiring contractors to assume charge of service.

b. Assessing or remitting fines against star and water route contractors for failure to comply with terms of contracts, other than failures to perform full service for which deductions may be made.

c. Authorizing deductions from compensation to contractors for service omissions, other than those caused by catastrophe or Act of God, which may be passed.

d. Discontinuing service.

e. Extending or curtailing service.

f. Changing and restating service.

g. Increasing or decreasing frequency of service.

h. Announcing establishment, discontinuance and site changes of terminals, post offices, stations and branches, affecting the routes.

i. Authorizing additional emergency trips.

j. Approving payment for additional trips performed upon authorization of District Transportation Managers and postmasters.

k. Authorizing additional pay to contractors for extra mileage traveled because of detours.

l. Approving contractors' applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956, and similar state tax laws.

m. Authorizing payment to temporary carriers upon abandonment of routes by contractors.

D. Each District Transportation Manager is authorized to:

1. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Approve orders changing schedules, provided no change in distance or pay is involved.

3. Issue instructions to omit or change the frequency of the supply of intermediate post offices served, provided no change in distance or pay is involved.

4. Authorize additional trips during the month of December each year to relieve congestion in post offices, railroad stations, and terminals.

III. *Authority relating to highway post office routes.* (This authority does not apply to routes under negotiated contracts with railroads, paid out of railway transportation funds.)

A. Each regional committee, appointed by the Regional Director, is authorized to open and mark bids.

B. Subject to prior approval of the Bureau of Transportation, each Regional Director and each Regional Transportation Manager is authorized to:

1. Advertise, award and sign contracts, and approve orders for the establishment of new routes and for service on existing routes; sign renewal contracts.

2. Approve orders:

a. Authorizing readjustments in annual compensation to contractors for reasons other than the Highway Revenue Act of 1956 and similar State laws.

b. Removing contractors for failure to comply with terms of contract.

c. Recognizing surety(ies) in charge of route due to death, removal or insanity of contractor.

d. Recognizing the legal representative of the estate of a deceased (or insane) contractor in charge of a route.

e. Discontinuing routes.

C. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Reject requests for increase compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Approve orders:

a. Recognizing subcontracts entered into according to law; also terminating the recognition of subcontracts for good and sufficient reasons; and removing subcontractors for failure to comply with terms of contract, and requiring contractors to assume charge of service.

b. Approving contractors' applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956 and similar State laws.

c. Authorizing additional pay to contractors for extra mileage traveled because of detours.

d. Authorizing extra trips required during the month of December each year to relieve congestion in post offices, railroad stations and terminals.

e. Authorizing additional emergency trips not provided for in the contract.

f. Assessing or remitting fines against contractors for failure to comply with terms of contract, other than failure to perform full service for which deductions may be made.

g. Authorizing deductions from compensation to contractors for service omissions, other than those caused by catastrophe or Act of God, which may be passed.

h. Extending or curtailing service.

i. Changing and restating service.

j. Increasing or decreasing frequency of service.

k. Announcing establishment, discontinuance, and site changes of terminals, post offices, stations and branches, affecting the routes.

D. Each District Transportation Manager is authorized to:

1. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Issue instructions to omit or change the frequency of the supply of intermediate post offices served, provided no change in distance or pay is involved.

3. Authorize additional emergency trips during the month of December to relieve congestion in post offices, railroad stations, and terminals.

IV. *Authority relating to mail messenger and side-mail messenger service.* (This authority does not apply to special contracts with railroad companies and others for mail messenger service which include space and labor in the handling of non-rail mail at railroad stations or terminals.)

A. Subject to prior approval by the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to approve requests for readjustments in annual compensation to mail messengers and side-mail messengers involving changed conditions, or the supply of new or additional points.

B. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Issue advertisements.

2. Designate mail messengers and side-mail messengers.

3. Establish, modify or discontinue routes.

4. Assess and remit fines for unsatisfactory service.

5. Remove mail messengers and side-mail messengers for cause.

6. Handle death claims.

7. Approve applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956, and similar State tax laws.

V. *Authority relating to panel body routes.* A. Each regional committee, appointed by the Regional Director, is authorized to open and mark bids.

B. Subject to prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Approve orders:

a. Removing contractors for failure to comply with terms of contract.

b. Recognizing surety(ies) in charge of route due to death, removal or insanity of contractor.

c. Recognizing the legal representative of the estate of a deceased (or insane) contractor in charge of route.

d. Authorizing readjustments in annual compensation to contractors for reasons other than the Highway Revenue Act of 1956, and similar State laws.

C. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Approve orders:

a. Recognizing subcontracts entered into according to law; also terminating the recognition of subcontracts for good and sufficient reasons; and removing subcontractors for failure to comply with terms of contract, and requiring contractors to assume charge of service.

b. Approving contractors' applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956, and similar State laws.

c. Discontinuing service.

d. Extending or curtailing service.

e. Changing and restating service.

f. Announcing establishment, discontinuance and site changes of terminals, post offices, stations and branches, affecting panel body routes.

g. Authorizing payment to temporary carriers upon abandonment of routes by contractors.

2. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

D. Each District Transportation Manager is authorized to:

1. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Approve orders changing schedules, provided no change in pay is involved.

VI. *Authority superseded.* All previous delegations of authority to handle matters relating to star routes, air star routes, water routes, highway post office routes, and mail messenger routes are rescinded.

* * * * *

VIII. *Effective date.* Delegation of authority contained herein is effective immediately.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

ABE MCGREGOR GOFF,
General Counsel,

[F. R. Doc. 57–7562; Filed, Sept. 13, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[55840]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 10, 1957.

Plat of survey of the land described below, accepted July 31, 1950, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 18, 1957.

TALLAHASSEE MERIDIAN, FLORIDA

T. 44 S., R. 22 E.,
Sec. 31, Lot 1, 1.30 acres.

This plat represents the survey of an island in Pine Island Sound which was not included in the original survey of the township, as represented on the plat approved February 23, 1876.

According to the field notes, the island is of a hard shell mound formation rising sharply to an average height of 8 to 10 feet above mean high tide and is unsuitable for agricultural purposes because of no appreciable surface soil. There is a rank growth of wild grasses, yucca and prickly pear cactus on the island. Timber is scarce and consists of six gumbo limbo trees over 12 inches in diameter.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on October 18, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 22, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 22, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57–7558; Filed, Sept. 13, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845; March 9, 1957, 22 F. R. 1578.

A. Deletions: None.

B. Additions: Standard Industries, Stanwell Gas & Oil.

This statement is made as of August 27, 1957.

RICHMOND LEWIS.

SEPTEMBER 4, 1957.

[F. R. Doc. 57–7570; Filed, Sept. 13, 1957; 8:50 a. m.]

JOSEPH P. CROSBY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; August 31, 1956, 21 F. R. 6585; March 5, 1957, 22 F. R. 1346.

A. Deletions: Colonial Life Insurance Company.

B. Additions: Federal Insurance Company.

This statement is made as of August 24, 1957.

JOSEPH P. CROSBY.

AUGUST 24, 1957.

[F. R. Doc. 57–7571; Filed, Sept. 13, 1957; 8:50 a. m.]

AL SERAFIN MINETTI

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 9, 1957, 22 F. R. 1578.

A. Deletions: No changes.

B. Additions: No changes.

This statement is made as of September 1, 1957.

AL SERAFIN MINETTI.

SEPTEMBER 1, 1957.

[F. R. Doc. 57–7572; Filed, Sept. 13, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CATEGORIES OF EQUIPMENT HAVING SANITARY SIGNIFICANCE, USED OR INTENDED TO BE USED ON INTERSTATE CARRIERS, IN THEIR SERVICING AREAS, OR IN THEIR CATERING ESTABLISHMENTS

NOTICE OF SCHEDULING FOR REVIEW

SEPTEMBER 4, 1957.

For the purposes of the Interstate Quarantine Regulations, 42 CFR, Part 72, adopted pursuant to the Public Health Service Act, P. L. 410, 78th Congress as amended, notice is hereby given that the Public Health Service has scheduled for review the following category of equipment having sanitary sig-

nificance, used or intended to be used on interstate carriers, in their servicing areas, or in their catering establishments: Food Slicing, Chopping, Mixing and Grinding Equipment.

Dated: September 4, 1957.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: September 10, 1957.

E. L. RICHARDSON,
Acting Secretary.

[F. R. Doc. 57-7578; Filed, Sept. 13, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8734]

CALIFORNIA EASTERN AVIATION, INC.; JORGE CARNICERO INTERLOCKING RELATIONSHIPS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on September 17, 1957, at 2:00 p. m., e. d. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., September 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7588; Filed, Sept. 13, 1957; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-61]

JAMES LOUDON & CO., INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on September 7, 1957, issued license XR-12 to James Loudon & Company, Inc., authorizing the export of a 50-kilowatt solution-type research reactor to the Senate of the Land Berlin, West Berlin, Germany. Notice of the proposed issuance was filed with the Federal Register Division on August 22, 1957, 22 F. R. 6880.

Dated at Washington, D. C., this 9th day of September 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-7548; Filed, Sept. 13, 1957; 8:45 a. m.]

[Docket No. 50-85]

UNIVERSITY OF OKLAHOMA

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that The University of Oklahoma, Norman, Oklahoma, on August 30, 1957, filed an application for a license to construct, possess and operate on the University's campus a nuclear reactor designated by the manufacturer, North American Aviation, Inc., as Model L-47 and designed to operate at a maximum power level of 5 watts. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 5th day of September 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-7549; Filed, Sept. 13, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11645, 11646; FCC 57M-833]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service.

The Hearing Examiner having under consideration the Motion of General Services Administration filed August 28, 1957, requesting a modification of the Prehearing Order (Order After Second Prehearing Conference, released August 13, 1957) so as to permit the movant to have access to the data and conferences referred to in paragraph 6b of the Prehearing Order, together with separate responses to the GSA motion timely filed by AT&T and United Press; and

It appearing that the above pleadings were filed pursuant to paragraph 14 of the Prehearing Order which includes a provision that opposing contentions will be resolved after oral argument; and

It further appearing that the matters presented ought to be determined prior to the informal conference scheduled in paragraph 9f of the Prehearing Order;

Now therefore, it is ordered, This 10th day of September 1957, pursuant to the provisions of the Prehearing Order, that the pending motion and responses are set for oral argument on the record before the Hearing Examiner at the offices of the Commission at 10:00 a. m. on Tuesday, September 17, 1957; and

It is further ordered, That any interested party may but no party is required to, appear and participate in the scheduled oral argument.

Released: September 10, 1957.

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

[F. R. Doc. 57-7586; Filed, Sept. 13, 1957; 8:52 a. m.]

[Docket Nos. 12102, 12103; FCC 57M-831]

MUSIC BROADCASTING CO. (WGRD) AND GREAT TRAILS BROADCASTING CORP. (WING)

ORDER AFTER PREHEARING CONFERENCE INCLUDING CONTINUANCE OF HEARING

In re applications of Music Broadcasting Company (WGRD), Grand Rapids, Michigan, Docket No. 12102, File No. BML-1638; for authority to operate specified pre-sunrise hours. Great Trails Broadcasting Corporation (WING), Dayton, Ohio, Docket No. 12103, File No. BR-292; for renewal of license.

A prehearing conference was held on September 3, 1957. The transcript is incorporated by reference. The following timetable was agreed to: [1]

(a) September 10, 1957, 2 p. m., in the offices of the Commission: Informal engineering conference.

(b) October 17, 1957: Applicants to furnish proposed exhibits.

(c) October 28, 1957: Respondents to furnish proposed exhibits, if they feel it necessary.

(d) November 5, 1957, 10 a. m., in the offices of the Commission, Washington, D. C.: Further conference.

(e) November 18, 1957, 10 a. m., in the offices of the Commission, Washington, D. C.: Hearing begins (continued from October 7, 1957).

So ordered, this 9th day of September, 1957.

Released: September 10, 1957.

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

[F. R. Doc. 57-7587; Filed, Sept. 13, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6337]

SOUTHWESTERN POWER ADMINISTRATION, DEPARTMENT OF THE INTERIOR

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

SEPTEMBER 10, 1957.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission for confirmation and approval pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887). the rates and charges for the sale of electric power and energy contained in a proposed supplemental agreement between SWPA and the Public Service Company of Oklahoma and Oklahoma Gas and Electric Company (Companies). The proposed supplemental agreement amends the basic agreement between SWPA and the Companies dated July 13, 1950, and the rates and charges contained therein heretofore approved by the Commission which approval expires August 9, 1958.

[1] Pending before the Commission is a Petition for Enlargement of the Issues.

The major revisions in the basic agreement as provided in the proposed supplement are as follows:

(1) The Government shall sell and deliver and the Companies shall purchase and receive (a) during each particular month, an amount of capacity equal to 1.65 times the greater of either the sum of the maximum 30-minute integrated demands established at each point of delivery to the Government during the 12-month period ending on the last day of such particular month or the total power which the Companies are obligated to deliver to the Government and (b) during the contract year, an amount of energy equal to 1800 hours times such amount of capacity determined in (a) above. In the event such amount of capacity is increased or decreased during the contract year, the total number of kilowatt hours due the Companies during the contract year shall be prorated for the remaining number of months in the contract year following such increase or decrease.

(2) In addition to the capacity and energy sold above, the Government shall sell and deliver and the Companies shall purchase and receive, as mutually agreed upon, capacity, with or without accompanying energy, which in its sole judgment the Government may have available in excess of its obligations to the Companies or its other customers.

(3) Payments by the companies: (a) The Companies shall compensate the Government each month for power and energy purchased pursuant to (1) above as follows:

Capacity charge. $1.20 per kw per month
Energy charge. $0.002 per kwh for each kwh scheduled and received during each month

(b) The Companies shall compensate the Government each month for excess power and energy purchased pursuant to (2) above, as follows:

Excess capacity charge. $0.0045 per kw per day for each kw scheduled and received during any month in excess of the amount determined in (1) above.
Accompanying energy charge. $0.002 per kwh for each kwh scheduled and received during each month.

(c) The Companies shall compensate the Government ecah month for energy purchased in excess of the energy in (3) (a) and (3) (b) above as follows:

Excess energy charge. $0.0015 per kwh for each kwh scheduled and received during the month.

(4) Payments by Government: (a) The Government shall compensate the Companies each month for power and energy delivered to the Government and/or for its account as follows:

Capacity charge. $1.60 per kw per month of the greater of either the sum of the maximum 30-minute integrated demands at each point of delivery to the Government during the past 12 months or the total power which the Companies are obligated to deliver to the Government.
Energy charge. $0.0035 per kwh for each kwh delivered to the Government and/or for its account during the month.

(b) The Government shall compensate the Companies for "Off Peak" energy purchased, as follows:

Off peak energy charge. $0.00365 per kwh for each kwh delivered to the Government.

(5) The proposed supplement further provides that the term of the basic agreement shall be extended until July 1, 1977.

Any person desiring to make comments or suggestions with respect to the foregoing should submit the same in writing on or before October 1, 1957, to the Federal Power Commission, 441 G Street, NW., Washington 25, D. C. The proposed rates and the supplemental agreement in its entirety are on file with the Commission and are available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7559; Filed, Sept. 13, 1957; 8:47 a. m.]

[Docket No. E-6774]

NORTHERN STATES POWER CO. (MINNESOTA) ET AL.

NOTICE OF APPLICATION

SEPTEMBER 10, 1957.

In the matter of Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), Wisconsin Hydro Electric Company; Docket No. E-6774.

Take notice that on September 3, 1957, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Northern States Power Company (NSP (Minn)), its subsidiary, Northern States Power Company (NSP (Wis)), and Wisconsin Hydro Electric Company (Wisconsin Hydro) seeking an order or orders authorizing (a) NSP (Minn) to issue 176,300 shares of its common stock and to acquire 60,398 shares of common stock of NSP (Wis); (b) NSP (Wis) to acquire the properties of Wisconsin Hydro; and (c) Wisconsin Hydro to convey its properties, all as provided for in an Agreement of Sale, dated July 24, 1957, by and between Wisconsin Hydro, NSP (Minn), and NSP (Wis), whereby (1) Wisconsin Hydro will convey all its assets, except certain cash amounts, to NSP (Wis) in consideration of Wisconsin Hydro's receipt of 176,300 shares of common stock of NSP (Minn), redemption and payment by NSP (Minn) of Wisconsin Hydro's bonds, debentures, and notes payable to banks, and assumption of Wisconsin Hydro's other liabilities by NSP (Wis); (2) NSP (Minn) will acquire 60,398 shares of common stock of NSP (Wis) in consideration of NSP (Minn) issuing 176,300 shares of its common stock to Wisconsin Hydro or its nominees, depositing in trust sufficient moneys to redeem and pay Wisconsin Hydro's bonds and debentures, and prepaying Wisconsin Hydro's notes payable to banks; and (3) NSP (Wis) will acquire the assets of Wisconsin Hydro in consideration of the delivery by NSP (Wis) of 60,398 shares of its common stock to NSP (Minn) and the assumption by NSP (Wis) of Wisconsin Hydro's liabilities, except long-term debt and notes payable to banks. The Agreement provides that the closing date shall not be earlier than October 1, 1957 or later than December 1, 1957.

NSP (Minn) is a Minnesota corporation and is domesticated in the States of North Dakota and South Dakota, with its principal business office at Minneapolis, Minnesota. NSP (Wis) is a Wisconsin corporation and is domesticated in Minnesota, with its principal business office at Eau Claire, Wisconsin. Wisconsin Hydro is a Wisconsin corporation, with its principal business office at Amery, Wisconsin. The assets which NSP (Wis) proposes to acquire from Wisconsin Hydro include facilities used in generating, transmitting, and distributing electricity in and around Amery, Clear Lake, Colfax, and Durand, and in manufacturing and distributing gas in Monroe and Menomonie, all in Wisconsin. There will be no change in the use of such facilities after their acquisition by NSP (Wis), which will undertake all duties and legal obligations respecting the facilities and their operations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7560; Filed, Sept. 13, 1957; 8:47 a. m.]

[Docket No. E-6775]

NORTHERN STATES POWER CO. (MINNESOTA)

NOTICE OF APPLICATION

SEPTEMBER 10, 1957.

Take notice that on September 3, 1957, an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Northern States Power Company (NSP (Minn)) seeking an order authorizing it to purchase and acquire any or all of the presently issued shares of Cumulative Preferred Stock, 5 percent, par value $100 per share, of its subsidiary, Northern States Power Company (NSP (Wis)), consisting of 1773 shares outstanding in the hands of the public and 1598 shares in the treasury of NSP (Wis).

NSP (Minn) is a Minnesota corporation and is domesticated in the States of North Dakota and South Dakota, with its principal business office at Minneapolis, Minnesota. NSP (Wis) is a Wisconsin corporation and is domesticated in Minnesota, with its principal business office at Eau Claire, Wisconsin. According to the application, NSP (Minn) will offer all holders of the issued Preferred Stock, including NSP (Wis), $121 per share for their holdings. NSP (Minn) in purchasing such shares of Preferred Stock may in addition to the $121 per share pay to the holders an amount equivalent to the accrued dividends on such shares and may also pay any customary and usual fees to

brokers in connection with the purchase of any such shares from other than NSP (Wis). This offer will remain open until December 13, 1957 and at the end of such period, or an authorized extension thereof, NSP (Wis) may hold a meeting of its shareholders to vote on an amendment to its Articles of Incorporation to provide that the Preferred Stock shall be redeemable at the option of NSP (Wis) at $121 per share plus accrued dividends. The application also states that it is desirable that the Preferred Stock be eliminated from the capitalization of NSP (Wis) and from the NSP system.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7561; Filed, Sept. 13, 1957; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

J. B. FISK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 22, 1957 (22 F. R. 1094).

Dated: August 1, 1957.

J. B. FISK.

[F. R. Doc. 57-7579; Filed, Sept. 13, 1957; 8:51 a. m.]

MORRIS A. LIEBERMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Same as in last statement with following changes:
Delete: Maremont Automotive Products.
Add: Glen Alden Coal Co.

This amends statement previously published in the FEDERAL REGISTER March 31, 1957 (22 F. R. 1918).

Dated: September 6, 1957.

MORRIS A. LIEBERMAN.

[F. R. Doc. 57-7581; Filed, Sept. 13, 1957; 8:52 a. m.]

CARLTON S. DARGUSCH

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Carlton S. Dargusch, attorney at law, self-employed, Columbus, Ohio, as an advisor in the manpower area in the Office of Defense Mobilization. Mr. Dargusch's statement of his business interests is set forth below.

Dated: September 5, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The following are the corporations in which I was an officer or director within sixty days preceding my appointment:

The Sunday Creek Coal Co., The Clark Grave Vault Co., The Ohio Tuberculosis & Health Assn., Columbus Town Meeting, The Ohio State University, The Ohio State University Research Foundation, The Ohio State University Development Fund, The Ohio Land & Railway Co., The Buckeye Coal & Railway Co., The Ohio National Bank, all of Columbus, Ohio.

The Granville Inn & Golf Course, Inc., Granville, Ohio.

Henrite Products Corp., Ironton, Ohio.

Ohio Agricultural Experiment Station, Wooster, Ohio.

Gem Coal Co., Drydock Coal Co., The Carbondale Coal Co., all of Nelsonville, Ohio.

I own stocks in the following companies:
The Ohio National Bank.
The Clark Grave Vault Company.
Henrite Products Corporation.
The Sunday Creek Coal Company.
The Granville Inn & Golf Course, Inc.

I am a member of the law partnership, dba Carlton S. Dargusch, which represents a substantial number of clients largely on an annual retainer basis, and am trustee or executor of several estates holding various securities.

Dated: September 5, 1957.

CARLTON S. DARGUSCH.

[F. R. Doc. 57-7580; Filed, Sept. 13, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3610]

COLUMBIA HYDROCARBON CORP. AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF FILING AND ORDER FOR HEARING WITH RESPECT TO PROPOSED ACQUISITION BY HOLDING COMPANY OF SECURITIES OF NEW SUBSIDIARY

SEPTEMBER 6, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Hydrocarbon Corporation ("Hydrocarbon") have filed a joint application pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") seeking approval of the acquisition by Columbia of the securities proposed to be issued by Hydrocarbon, a company to be newly organized.

All interested persons are referred to the joint application which is on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to organize Hydrocarbon as a Delaware corporation with authorized capital stock of 140,000 common shares (par value $25 per share) to engage in the business of fractionating and selling liquid hydrocarbons (such as natural gasoline, butane, propane, and ethane) and related activities. Columbia estimates the maximum investment required for Hydrocarbon's operations at $5,700,000, as follows: Fractionation plant (including utilities and off-sites) $3,500,000 land $100,000, products pipeline $1,300,000, working capital $800,000.

To raise the required funds, Columbia proposes to acquire at par value 114,000 shares of Hydrocarbon's common stock, and thereafter, as further funds are required, up to $2,850,000 principal amount of Hydrocarbon's installment promissory notes. The notes will be payable in 23 equal installments on October 1 of each of the years 1960 to 1982 inclusive, with interest payable semi-annually at the rate of 5½ percent per annum (Columbia's approximate cost of money in respect of its most recent sale of senior debentures).

It is stated that Columbia's subsidiary United Fuel Gas Company ("United Fuel") has substantial reserves of Appalachian natural gas, rich in heavy hydrocarbons; that it now has five plants in the eastern Kentucky-western West Virginia area for removing natural gasoline, butane and part of the propane from the natural gas streams, which extracted hydrocarbons it has heretofore sold for fuel purposes; that until recently it had a contract with a non-affiliated corporation to extract ethane and the remaining propane from such gas streams for petrochemical uses; that United Fuel now proposes to construct at Kenova, West Virginia, at an estimated cost of $7,180,000, a modern and more efficient plant to extract all the heavier hydrocarbons from its Appalachian gas; that the residual gas will satisfy the quality specifications for the sale of natural gas as a fuel; that the stream of heavier hydrocarbons will be sold to Hydrocarbon for fractionation and utilization in the petrochemical industry. It is represented that the problems of fractionating hydrocarbons for petrochemical uses are considerably different from their sale as liquid fuel, and it has been concluded that the ownership and operation of the fractionation plant and facilities, and the development of markets for sale of the resultant hydrocarbons, can most efficiently be conducted by a new subsidiary concentrating exclusively in this field.

The proposed site of Hydrocarbon's

fractionation plant is at Siloam, Kentucky, approximately 35 miles from United Fuel's proposed new extraction plant at Kenova, West Virginia. Hydrocarbon proposes to build a pipeline connecting the two plants. A site of 160 acres has already been purchased for Hydrocarbon's plant, and a 3-year option has been taken (by Preston Oil Company, another subsidiary of Columbia) on an adjacent 396-acre tract in order to preserve its availability for the possible future construction of petrochemical facilities to utilize the raw materials produced by Hydrocarbon.

Columbia anticipates that the effect of the general program, of which its presently proposed acquisition of Hydrocarbon's common stock and installment notes is a part, will be (1) to obtain for United Fuel an advantageous market for the large quantities of heavier hydrocarbons available to it; (2) to eliminate the present uneconomic use of valuable natural resources as fuel; (3) to obtain for Columbia's investors an appropriate realization of the economic values contained in the natural gas reserves available to the operating subsidiaries.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transaction and that such application should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held on said matter on September 23, 1957, at 10:00 a. m. at the office of the Commission, 425 Second Street, NW., Washington, D. C. Any person desiring to be heard in connection with this proceeding shall file with the Secretary of the Commission on or before September 20, 1957, a request relative thereto, as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Sidney L. Feiler or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the joint application, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the entry of Columbia into the proposed new enterprise will be detrimental to the public interest or the interest of investors or consumers or to the proper functioning of its holding company system.

(2) Whether the reasonably anticipated returns from the proposed new enterprise will justify the amounts proposed to be invested by Hydrocarbon and United Fuel in connection therewith.

(3) Whether the proposed new enterprise is reasonably incidental, or economically necessary or appropriate to the operations of Columbia's holding company system.

(4) Whether the proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act.

(5) Whether the issue and sale by Hydrocarbon of its securities is solely for the purpose of financing its business; and, if so, whether any terms and conditions should be imposed in the public interest or for the protection of investors or consumers.

(6) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7563; Filed, Sept. 13, 1957; 8:48 a. m.]

[File No. 70-3612]

BROCKTON EDISON CO. AND FALL RIVER ELECTRIC LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES TO BANKS

SEPTEMBER 9, 1957.

Notice is hereby given that Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"), public-utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company, have filed with this Commission a joint declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding proposals to issue and sell short-term notes to banks. Declarants have designated sections 6 (a) and 7 of the act and Rules U-50 (a) (2) and U-42 (b) (2) as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions proposed, which are summarized as follows:

As at June 30, 1957, Brockton and Fall River had outstanding bank loans in the amounts of $1,040,000 and $460,000, respectively. To meet requirements to September 30, 1958 for construction and for additional investments in Montaup Electric Company ("Montaup"), an indirect public utility subsidiary of EUA, it is estimated that Brockton and Fall River will require additional funds in the amounts of $8,846,000 and $4,241,000, respectively. Prior to September 30, 1958, Brockton and Fall River contemplate the issuance and sale of the following permanent securities:

	Brockton	Fall River
Bonds	$3,000,000	$3,000,000
Preferred stock	3,000,000	
Common stock	2,686,000	976,000
	8,686,000	3,976,000

The companies propose to borrow from various banks during the period ending September 30, 1958 such amounts as are needed and are not supplied through the sale of permanent securities. The proposed borrowings are to be evidenced by unsecured notes, dated as of the date of issuance, maturing not later than 90 days from the date of issue, and bearing interest at an annual rate not greater than the prime rate existing on the respective dates of issuance plus one-fourth of one per cent. The notes are to be prepayable at any time without penalty. The aggregate maximum amounts of short-term indebtedness to be issued by each company during the period ending September 30, 1958 will not exceed $10,000,000; and the maximum amounts to be outstanding at any one time for each company will not exceed $2,500,000.

The banks from which the borrowings are expected to be made and the maximum amounts to be outstanding at any one time with each bank are shown below:

Company	List of banks	Maximum amount to be outstanding at any one time
Brockton	National Bank of Plymouth County, Brockton, Mass.	$150,000
	Home National Bank of Brockton, Brockton, Mass.	120,000
	The First National Bank of Boston, Boston, Mass.	1,115,000
	Second Bank-State Street Trust Company, Boston, Mass.	1,115,000
		2,500,000
Fall River	B. M. C. Durfee Trust Co., Fall River, Mass.	500,000
	The Fall River National Bank, Fall River, Mass.	100,000
	Citizens Savings Bank, Fall River, Mass.	150,000
	Fall River Trust Co., Fall River, Mass.	230,000
	The First National Bank of Boston, Boston, Mass.	1,520,000
		2,500,000

The proceeds from the proposed bank loans are to be used to pay outstanding short-term bank loans, to pay for construction expenditures, or to purchase securities of Montaup.

The declaration states that if any permanent financing is done by either company prior to September 30, 1958, such company will use the proceeds therefrom to purchase Montaup securities and in partial or total payment of its short-term indebtedness then outstanding, except that the contemplated payment of short-term indebtedness may be temporarily reduced by that part, if any, of the proceeds which may be deposited with the mortgage trustee as required by indenture provision, and the $2,500,000 of short-term indebtedness

that each company may have outstanding at any one time hereunder shall thereafter be reduced by the amount of the proceeds applied to the payment of short-term indebtedness, except that such reduction shall not limit the amount of short-term indebtedness permitted by the provisions of section 6 (b) of the act.

It is also stated that no State or Federal commission, other than this Commission has jurisdiction over the proposed borrowings and that no fees, expenses, or other remunerations are to be paid in connection therewith except legal fees and disbursements of counsel, the amounts of which will be supplied by amendment.

Notice is further given that any interested person may not later than September 24, 1957, at 5:30 p. m., request in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such hearing, and the issues of fact or law raised by the declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7564; Filed, Sept. 13, 1957; 8:48 a. m.]

[File No. 70-3613]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF DEBENTURES

SEPTEMBER 9, 1957.

Notice is hereby given that The Columbia Gas System, Inc., ("Columbia"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 of the act and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of — percent Debentures, Series I due 1982. The interest rate (a multible of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the Debentures (not less than 98½ percent nor more than 101½ of the principal amount) will be determined by the bidding.

The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, dated as of June 1, 1950, as heretofore supplemented and as to be further supplemented by an Eighth Supplemental Indenture, dated as of October 1, 1957.

This debenture issue constitutes the third step in Columbia's 1957 financing program—the prior steps having been a common stock issue in April, producing net proceeds of $25,914,000, and a debenture issue in June, producing net proceeds of $19,956,000. The funds raised by public financing will be supplemented by other funds available within the system to meet expenditures estimated as follows: (1) 1957 construction program, $84,000,000; (2) advance to Gulf Interstate Gas Company, non-affiliated pipeline company which transports gas to the system from the southwest, $6,000,000; (3) construction of facilities for extracting and fractionating the heavier hydrocarbon components of the system's Appalachian natural gas reserves, $4,000,000, or approximately one-third of the total estimated expenditures for such purpose.

The present declaration relates only to the sale of the new debentures. The other matters above referred to are or will be the subject of separate declarations, and Columbia states that the action of the Commission on this matter will not be considered in any way as evidencing approval by the Commission of the proposed expenditures listed as (2) and (3) next above.

It is stated that no other regulatory commission has jurisdiction over the proposed transaction.

A list of the fees and expenses to be paid in connection with this matter will be filed by amendment.

Notice is further given that any interested person may, not later than September 24, 1957 at 5:30 p. m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commisison, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7565; Filed, Sept. 13, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

A/S HAUSTRUPS FABRIKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

A/S Haustrups Fabriker, Odense, Denmark; Claim No. 58764, Vesting Order No. 290; Property described in Vesting Order No. 290 (7 F. R. 9833—November 26, 1942) relating to Patent Application Serial No. 280,189 (now United States Letters Patent No. 2,313,198).

Executed at Washington, D. C., September 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7582; Filed, Sept. 13, 1957; 8:52 a. m.]

RODA WIESER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Roda Wieser, Vienna, Austria; Claim No. 56582, Vesting Order No. 104; $151.46 in the Treasury of the United States.

Executed at Washington, D. C., on September 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7583; Filed, Sept. 13, 1957; 8:52 a. m.]

IDA MARX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Ida Marx, individually and as executrix under the will of Emanuel Hess, deceased, London, England; Claim No. 42798, Vesting Order Nos. 8711 and 9068; $3,696.60 in the Treasury of the United States: $156.66 thereof to Mrs. Ida Marx individually and $3,539.94 thereof to Mrs. Ida Marx as execu-

trix under the will of Emanuel Hess, deceased.

Executed at Washington, D. C., on September 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-7584; Filed, Sept. 13, 1957; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 164]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of August, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Arkansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Conway, Greene, Johnson, Logan, Perry, Pope, Searcy, Van Buren, Faulkner, Clay, Cleburne and Stone (excessive rainfalls beginning on or about August 12).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex. Small Business Administration Branch Office, U. S. O. Building, 217 Main Street, Little Rock, Ark.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1958.

Dated: August 30, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-7566; Filed, Sept. 13, 1957; 8:49 a. m.]

[Delegation of Authority 30-IV-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-IV-1 (22 F. R. 6389) is hereby amended by: Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may not be redelegated with the exception of I. C.

Dated: August 23, 1957.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 57-7567; Filed, Sept. 13, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 11, 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. 34156: *Fertilizers and materials between points in Illinois territory.* Filed by H. R. Johnson, Agent, (Agent Raasch's No. 633), for interested rail carriers. Rates on fertilizers and fertilizer materials, dry, carloads between points in Illinois territory for distances to and including 110 miles.

Grounds for relief: Establishment and maintenance of a minimum rate and charge between points in Illinois for distances to and including 110 miles through higher-rated intermediate points between which the distances are greater and for which rates based on a short-line distance formula are currently maintained.

Tariff: Supplement 9 to Agent Raasch's tariff I. C. C. 877.

FSA No. 34157: *T. O. F. C. class and commodity rates between points in the southwest.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7109), for interested rail carriers. Rates on property moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars, and loaded in demountable trailer bodies and transported in open-top rail equipment, between stations on railroads in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, also between such points, on the one hand, and Memphis, Tenn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 33 to Agent Kratzmeir's tariff I. C. C. 4251.

FSA No. 34158: *Sugar, corn and sorghum grain, Texas points to southern points.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7110), for interested rail carriers. Rates on sugar, corn and sorghum grain, carloads from Corpus Christi, Tex., and specified intermediate points in Texas to specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 372 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34159: *Soda ash—Louisiana points to Nashville, Tenn.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7112), for interested rail carriers. Rates on soda ash (other than modified soda ash, in bulk), carloads from Baton Rouge, Lake Charles, and North Baton Rouge, La., to Nashville, Tenn.

Grounds for relief: Barge competition.

Tariffs: Supplement 251 to Agent Kratzmeir's tariff I. C. C. 4087; Supplement 56 to Agent Spaninger's tariff I. C. C. 1526.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7574; Filed, Sept. 13, 1957; 8:50 a. m.]