THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 233

Washington, Tuesday December 3, 1957

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. A new § 485.153a is added immediately following § 485.153, as follows:

§ 485.153a *Farms under new ownership.* Effective with respect to contracts under which 1958 or a subsequent year would be the first year of the contract period, a farm as to which the ownership has changed shall not be eligible to be placed in the conservation reserve during the first twelve months of the new ownership unless the county committee determines that the farm would continue to be farmed by the new owner in the absence of the Soil Bank Program.

2. Section 485.156 (c) (7) is amended to read as follows:

(7) If the contract provides that any conservation reserve acreage is to be established in tree or shrub cover under practice A–8 for shelter belt or windbreak purposes or in tree or shrub cover under practice G–1, G–2, or G–3, the contract period shall be 5 or 10 years for such acreage at the election of the producer. Any 10-year contract period established for conservation reserve acreage to be established in tree or shrub cover for which 1956 or 1957 is the first year of the contract period may be reduced to 5 years at the election of the producer where such tree or shrub cover was established for shelter belt or windbreak purposes or as a part of practice G–1, G–2, or G–3.

3. Section 485.156 (c) (8) is amended to read as follows:

(8) Notwithstanding any other provision of this paragraph, if additional land is designated as conservation reserve under an existing contract, the contract period for the land previously placed in the conservation reserve may be increased to 4, 5, 6, 7, 8, or 9 years, or the contract period for the additional land placed in the conservation reserve may be established at 4, 5, 6, 7, 8, or 9 years, if it is necessary to increase the contract period to, or establish such period at, such number of years in order to make the contract periods for all the land on the farm in the conservation reserve (except land planted to forest trees under practice A–7) expire simultaneously, except that the contract period may not be less than the minimum required period for any of the approved conservation uses to which any of the land is devoted.

4. Section 485.156 (c) is amended by adding a new subparagraph (9) to the end thereof as follows:

(9) Contract periods previously established for conservation reserve acreage, other than acreage planted to forest trees under practice A–7, which are less than the maximum contract periods authorized under this section may be increased at the request of the producer to such maximum contract periods authorized in this section provided the county committee approves such longer period as being in the interest of the program.

5. Section 485.156 (d) is amended to read as follows:

(d) *Modification and termination of contracts.* (1) Contracts previously entered into with producers shall be modied as required by § 485.159 or to permit the contract signers to increase the acreage in the designated conservation reserve. Contracts also may be modified upon mutual agreement of the contract signers and the county committee in the following respects: (i) To correct erroneous entries in the contract; (ii) to permit the producer to change the conservation use of the designated conservation reserve; (iii) to permit a change as authorized in paragraph (c) (8) and (9) of this section, of the previously established contract period; and (iv) to permit a producer to reduce the amount of land in the conservation reserve at the regular rate in the case of

(Continued on p. 9643)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

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.

a contract for which the first year of the contract period is 1956 or 1957, if the $3,000.00 limitation on 1958 acreage reserve payments contained in § 485.315 (c) (1958 acreage reserve regulations, as amended, 22 F. R. 6397, 7652), results in the producer not being permitted to place as many acres in 1958 acreage reserve agreements as he placed in 1957 acreage reserve agreements. In case of a modificaton under subdivision (iv) of this subparagraph, the acreage in the conservation reserve at the regular rate shall not be reduced by an acreage which exceeds the sum of the farm acreage allotments for commodities to which the 1958 acreage reserve program applies less the maximum acreage on the farm which may be placed in 1958 acreage reserve agreements and less the acreage permitted to be devoted to soil bank base crops for 1958; cost-share payments paid or payable on the land removed from the conservation reserve shall be forfeited or refunded; and the land in the conservation reserve for which no cost-share payment has been earned shall be removed from the conservation reserve before the producer will be permitted to remove land therefrom for which cost-share payments have been earned. No other modification may be made unless specifically approved by the Administrator, CSS.

(2) Contracts previously entered into with producers may be terminated upon mutual agreement of the contract signers and the county committee and approval of the State committee if the county committee determines (i) that the operator of the farm has become physically handicapped after entering into the contract to such an extent that he could not reasonably be expected to carry out the terms and conditions of the contract and that to require him to do so would work an undue hardship on him; or (ii) that the operator of the farm is or was at the time he signed the contract mentally unstable to such an extent that he could not reasonably be expected to comply with the terms and conditions of the contract. In case of such termination, no annual payment will be made for the year in which the contract is terminated, but cost-share payments earned prior to termination of the contract will be paid. Contracts previously entered into with producers may be terminated by the producer in any case in which the county is included in the commercial corn-producing area after the contract is executed, provided an "old farm" corn allotment is established for the farm covered by the contract. In case of such termination, no annual payment will be made for the year in which the contract is terminated and all cost-share payments earned in connection with the contract shall be forfeited or refunded. A contract shall not be terminated for any other reason unless specifically approved by the Administrator, CSS.

6. Section 485.156 is amended by adding a new paragraph (e) at the end thereof to read as follows:

(e) *Land added to previously existing contracts.* Eligible land for which the first year of the contract period will be 1958 or a subsequent year may be added to the conservation reserve on a farm for which a conservation reserve contract is already in existence under the following conditions: (1) A new contract, Form CSS–811 (Soil Bank) (8–28–57), must be entered into covering the land under the existing contract as well as the land being added; (2) any change in the regulations pertaining to eligibility of land which was made after the existing contract was entered into will not affect the eligibility of the land which was previously designated under the existing contract; (3) the soil bank base for the farm under the new contract will be established in accordance with the provisions of § 485.158 (a) (3); (4) the maximum number of acres on the farm which may be devoted to soil bank base crops under the new contract will be determined in accordance with the provisions of § 485.158 (b) and (c); (5) the payment rates and the maximum limitations on such rates previously established for the land under the existing contract will remain in effect for such land for the rest of the contract period; (6) practices which are approved on or after the date the new land is added for the land under the existing contract as well as the land being added shall be subject to the provisions of the contract and regulations applicable to practices on the land being added; (7) beginning with the first year of the contract period for the land being added, all other terms and conditions of the contract and regulations in effect at the time the new land is added shall apply to all the land under the contract; (8) any changes in the terms and conditions because of the addition of the new land shall not affect payments earned for prior years.

7. Section 485.157 (d) (2) is amended by changing the wording for practices A–7 and A–8 to read as follows:

A–7—Initial establishment of a stand of trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes. For land for which the first year of the contract period is 1958 or a subsequent year, practice A–7 shall be: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

A–8—Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion. Prevention of wind or water erosion on farmland shall consist of the use of (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat. This practice shall be applicable only to land for which the first year of the contract period is 1958 or a subsequent year.

8. Section 485.158 (a) (3) is amended to read as follows:

(3) If the contract is modified to include additional land in the conservation reserve, other than through reconstitution of the farm, and there has been no change in the classification of a crop grown on the farm as a soil bank base crop since the soil bank base under the existing contract was established, the soil bank base established for the farm under the original contract shall remain the same under the contract as modified. If there has been a change in the classification of a crop grown on the farm, the farm soil bank base for the new contract shall be adjusted to reflect such change in the classification of the crop.

9. Section 485.158 (b) is amended to read as follows:

(b) If the farm soil bank base for any year of the contract period is more than 30 acres, the producers (1) shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops (i. e., the crops included in determining the farm soil bank base) in excess of the farm soil bank base less the number of acres in the conservation reserve at the regular rate and, in the case of contracts which include land for which 1958 or a subsequent year is the first year of the contract period, less the number of acres in the acreage reserve which is deducted from the soil bank base in arriving at the number of acres which may be devoted to soil bank base crops in accordance with the acreage reserve regulations, and (2) may place an acreage in the conservation reserve in excess of the number of acres in the farm soil bank base only if the entire eligible land on the farm is placed in the conservation reserve, in which event the non-diversion rate specified in § 485.163 (c) shall apply to the acreage in the conservation reserve in excess of the number of acres in the farm soil bank base. Notwithstanding the provisions of subparagraph (2) of this paragraph, if the reconstitution of a farm under contract results in all or a part of the conservation reserve for the reconstituted farm being in excess of the soil bank base for such farm, the part of the conservation reserve in excess of the soil bank base may be continued in the conservation reserve for the duration of the contract at the non-diversion rate specified in § 485.163. Notwithstanding any other provisions of this paragraph, beginning with contracts which include land for which the first year of the contract period is 1958 or a subsequent year, there may be placed in the conservation reserve on any farm (i) an acreage at the non-diversion rate up to but not in excess of the acreage on such farm placed in the conservation reserve at the regular rate; and (ii) any acreage at the non-diversion rate which is to be devoted to forest trees under practice A–7.

10. Section 485.158 (c) is amended to read as follows:

(c) If the farm soil bank base for each year of the contract period is not more than 30 acres, (1) the producers may enter into a contract under which the entire conservation reserve is placed in the conservation reserve program at the non-diversion rate specified in § 485.163 (c), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the soil bank base, and in the case of contracts which include land for which 1958 or a subsequent year is the first year of the contract

period, less the number of acres in the acreage reserve which is deducted from the soil bank base in arriving at the number of acres which may be devoted to soil bank base crops in accordance with the acreage reserve regulations; or (2) the producers may enter into a contract under which a specified acreage of the conservation reserve, not to exceed the number of acres in the farm soil bank base, is placed in the conservation reserve program at the regular rate specified in § 485.163 (b) (such acreage may be in addition to acreage placed in the conservation reserve program at the non-diversion rate), in which event they they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the farm soil bank base less the number of acres placed in the conservation reserve at the regular rate less, in the case of contracts which include land for which the first year of the contract period is 1958 or a subsequent year, any acreage in the acreage reserve which is deducted from the soil bank base in arriving at the number of acres which may be devoted to soil bank base crops in accordance with the acreage reserve regulations.

11. Section 485.163 (d) (2) is amended by adding at the end thereof the following: "Notwithstanding the foregoing provision, a producer will not be considered in violation of his conservation reserve contract even though the acreage devoted to soil bank base crops on the farm is in excess of the acres permitted to be devoted to such crops if the county committee determines that the farm operator was not given a notice of such excess acreage or was given an erroneous notice of such excess acreage, provided the producer could not have been reasonably expected to know that the acreage permitted to be devoted to such crops was being exceeded and the producer made reasonable efforts by measuring or otherwise not to exceed the acres permitted. In the event the producer is considered not in violation of the contract, the annual payment for the contract for such year will be reduced by an amount equal to the number of excess acres times the regular annual payment rate per acre established for the contract."

12. Section 485.164 is amended as follows:

a. For purposes of clarification, the last sentence of the section is amended to read as follows: "For purposes of this provision, members of the family include husband or wife of the settlor, children of the settlor, their husbands and wives, and members of the immediate household of the settlor; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust."

b. A new sentence is added at the end of the section reading as follows: "Effective with respect to contracts entered into on or after November 15, 1957, for purposes of this section, a family shall include grandchildren of the settlor, stepchildren of a child of the settlor, and any minor related to the settlor by blood or marriage."

13. Section 485.168 (c) is amended to read as follows:

(c) (1) Effective with respect to contracts under which 1958 or a subsequent year is the first year of the contract period, if there is a change in the ownership of a farm which was previously farmed by a tenant or sharecropper, such farm shall not be eligible to be placed in the conservation reserve for at least twelve months after the change in ownership, unless the land continues to be farmed by a tenant or sharecropper, or the county committee determines that the new owner would normally farm the land without a tenant or sharecropper.

(2) In addition to the grounds for not approving a contract specified in paragraph (a) of this section, the county committee shall disapprove a contract where such action is for any other reason determined by the county committee to be necessary to protect the interests of tenants and sharecroppers.

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

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10001; Filed, Dec. 2, 1957; 8:50 a. m.]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT II—SPRING-PLANTED COMMODITIES

The regulations in §§ 485.375 to 485.380 contain specific provisions applicable to spring wheat and other spring-planted commodities and supplement the general regulations governing the 1958 acreage reserve part of the Soil Bank Program.

Sec.
485.375 Eligible commodities.
485.376 National acreage reserve goals.
485.377 Maximum acreage limitations on extent of participation.
485.378 Closing date for filing agreements.
485.379 Unit rates per pound for tobacco.
485.380 County rates of compensation per acre.

AUTHORITY: §§ 485.375 to 485.380 issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Intrepret or apply secs. 101–107, 114–126, 70 Stat. 188; 7 U. S. C. 1801–1813, 1821–1824, 1831.

§ 485.375 *Eligible commodities.* Each of the commodities for which a national acreage reserve goal is established under § 485.376 shall be considered an eligible commodity.

§ 485.376 *National acreage reserve goals.* There are hereby established 1958 national acreage reserve goals for commodities as follows:

Commodity		1958 goal (acres)
Corn		4,000,000 to 5,000,000.
Cotton (Upland)		2,700,000 to 3,700,000.
Rice		170,000 to 210,000.
Tobacco: *Kind*	*Type*	
Flue-cured	11–14	50,000 to 70,000.
Fire-cured	21	1,000 to 2,000.
Fire-cured	22–23	5,000 to 10,000.
Burley	31	15,000 to 24,000.
Maryland	32	6,000 to 9,000.
Dark air-cured	35–36	2,300 to 5,300.
Virginia sun-cured	37	700 to 2,300.
Cigar-filler	42–44	400 to 600.
Cigar-binder	51	3,700 to 4,300.
Cigar-binder	52	3,600 to 4,000.
Cigar-binder	54	400 to 1,000.
Cigar-binder	55	1,900 to 2,500.
Total		90,000 to 135,000.
Wheat (both winter and spring wheat).		4,500,000 to 5,500,000.

(This revises the national acreage reserve goal for wheat set forth in Supplement I to the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program.)

§ 485.377 *Maximum acreage limitations on extent of participation.* There are no additional maximum acreage limitations on the extent of participation beyond those maximum limits set forth in § 485.308, as amended, of the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program except as follows: The acreage which may be placed in the acreage reserve for a farm or for a county may not exceed limitations determined by the State committee to be necessary in order to give producers a fair and equitable opportunity to participate in the program or to prevent serious adverse effect on the economy of any county or area. Information as to any acreage limitations so established shall be available in the office of the county committee and shall be obtained by the farm operator from such office.

§ 485.378 *Closing date for filing agreements.* The closing date for filing an agreement with respect to spring wheat and other spring-planted commodities shall be March 7, 1958. If a farm is in an area in which wheat is normally planted in the fall, the producers may participate in the program for spring wheat only if wheat was planted on the farm in the spring of 1955, 1956, or 1957.

§ 485.379 *Unit rates per pound for tobacco.* The unit rates per pound for tobacco are specified below.

Tobacco		Unit rate (cents per pound)
Kind	Type	
Flue-cured	11–14	18
Fire-cured	21	13
Fire-cured	22–23	13
Burley	31	18
Maryland	32	17
Dark air-cured	35–36	12
Virginia sun-cured	37	13
Cigar-filler	42–44	09
Cigar-binder	51	19
Cigar-binder	52	18
Cigar-binder	54	08
Cigar-binder	55	11

§ 485.380 *County rates of compensation per acre.* The county rates of com-

pensation per acre for wheat are set forth in Supplement I to the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program. The county rates of compensation per acre for corn will be specified in an amendment to this Supplement II. The county rates of compensation per acre for cotton and rice are specified below:

COUNTY RATES OF COMPENSATION PER ACRE FOR 1958 ACREAGE RESERVE PROGRAM

ALABAMA

Cotton

County	Dollars per acre	County	Dollars per acre
Autauga	64	Houston	60
Baldwin	67	Jackson	70
Barbour	53	Jefferson	63
Bibb	65	Lamar	56
Blount	67	Lauderdale	52
Bullock	50	Lawrence	60
Butler	59	Lee	52
Calhoun	59	Limestone	61
Chambers	54	Lowndes	59
Cherokee	74	Macon	54
Chilton	69	Madison	66
Choctaw	51	Marengo	56
Clarke	51	Marion	57
Clay	61	Marshall	77
Cleburne	50	Mobile	69
Coffee	60	Monroe	72
Colbert	61	Montgomery	58
Conecuh	57	Morgan	63
Coosa	54	Perry	64
Covington	62	Pickens	56
Crenshaw	56	Pike	51
Cullman	74	Randolph	59
Dale	58	Russell	47
Dallas	62	St. Clair	62
De Kalb	75	Shelby	64
Elmore	70	Sumter	53
Escambia	81	Talladega	51
Etowah	67	Tallapoosa	52
Fayette	58	Tuscaloosa	61
Franklin	53	Walker	56
Geneva	67	Washington	62
Greene	49	Wilcox	57
Hale	62	Winston	61
Henry	59		

ARIZONA

Cotton

Cochise	82	Pima	137
Gila	146	Pinal	147
Graham	122	Santa Cruz	120
Greenlee	119	Yavapai	142
Maricopa	160	Yuma	143
Mohave	76		

ARKANSAS

Cotton

Arkansas	63	Garland	42
Ashley	77	Grant	40
Baxter	38	Greene	62
Benton	41	Hempstead	50
Boone	46	Hot Spring	36
Bradley	41	Howard	37
Calhoun	45	Independence	50
Chicot	75	Izard	38
Clark	47	Jackson	61
Clay	61	Jefferson	77
Cleburne	33	Johnson	70
Cleveland	40	Lafayette	65
Columbia	36	Lawrence	56
Conway	50	Lee	72
Craighead	69	Lincoln	72
Crawford	79	Little River	57
Crittenden	87	Logan	63
Cross	76	Lonoke	60
Dallas	42	Marion	36
Desha	81	Miller	49
Drew	63	Mississippi	79
Faulkner	45	Monroe	63
Franklin	52	Montgomery	36
Fulton	35	Nevada	32

ARKANSAS—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Newton	41	Scott	32
Ouachita	36	Searcy	41
Perry	57	Sebastian	44
Phillips	77	Sevier	40
Pike	38	Sharp	39
Poinsett	78	Stone	30
Polk	46	Union	33
Pope	53	Van Buren	25
Prairie	56	Washington	41
Pulaski	62	White	41
Randolph	63	Woodruff	65
St. Francis	75	Yell	67
Saline	35		

CALIFORNIA

Cotton

Butte	34	San Benito	103
Fresno	123	San Bernardino	52
Glenn	77	San Diego	86
Imperial	136	San Joaquin	82
Kern	142	San Luis Obispo	49
Kings	109	Stanislaus	66
Los Angeles	48	Tehama	64
Madera	93	Tulare	103
Merced	102	Yuba	34
Riverside	127		

FLORIDA

Cotton

Alachua	56	Lafayette	50
Baker	52	Leon	41
Bay	69	Levy	34
Calhoun	53	Liberty	40
Clay	57	Madison	48
Columbia	42	Nassau	58
Dixie	37	Okaloosa	65
Duval	52	Orange	45
Escambia	65	Santa Rosa	62
Gadsden	52	Suwannee	59
Gilchrist	41	Taylor	44
Hamilton	47	Union	45
Holmes	56	Walton	58
Jackson	44	Washington	56
Jefferson	36		

GEORGIA

Cotton

Appling	59	Coweta	50
Atkinson	59	Crawford	58
Bacon	58	Crisp	63
Baker	49	Dade	54
Baldwin	50	Dawson	45
Banks	67	Decatur	38
Barrow	61	De Kalb	52
Bartow	76	Dodge	51
Ben Hill	59	Dooly	64
Berrien	56	Dougherty	46
Bibb	72	Douglas	45
Bleckley	67	Early	62
Brantley	51	Echols	40
Brooks	60	Effingham	59
Bryan	47	Elbert	67
Bulloch	58	Emanuel	51
Burke	53	Evans	57
Butts	58	Fayette	53
Calhoun	59	Floyd	62
Camden	50	Forsyth	60
Candler	51	Franklin	71
Carroll	56	Fulton	59
Catoosa	66	Gilmer	46
Charlton	49	Glascock	45
Chatham	66	Gordon	70
Chattahoochee	32	Grady	63
Chattooga	61	Greene	48
Cherokee	54	Gwinnett	60
Clarke	62	Habersham	62
Clay	59	Hall	58
Clayton	47	Hancock	49
Clinch	54	Haralson	56
Cobb	50	Harris	50
Coffee	51	Hart	71
Colquitt	63	Heard	58
Columbia	44	Henry	58
Cook	62	Houston	53

GEORGIA—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Irwin	57	Putnam	54
Jackson	57	Quitman	46
Jasper	59	Randolph	57
Jeff Davis	58	Richmond	46
Jefferson	49	Rockdale	49
Jenkins	52	Schley	56
Johnson	48	Screven	50
Jones	45	Seminole	67
Lamar	54	Spalding	60
Lanier	53	Stephens	62
Laurens	51	Stewart	50
Lee	52	Sumter	70
Liberty	42	Talbot	45
Lincoln	46	Taliaferro	41
Long	57	Tattnall	53
Lowndes	58	Taylor	63
Lumpkin	60	Telfair	49
McDuffie	46	Terrell	71
McIntosh	38	Thomas	57
Macon	63	Tift	59
Madison	64	Toombs	59
Marion	50	Treutlen	56
Meriwether	59	Troup	47
Miller	57	Turner	60
Mitchell	56	Twiggs	47
Monroe	48	Upson	54
Montgomery	51	Walker	54
Morgan	62	Walton	64
Murray	58	Ware	57
Muscogee	44	Warren	50
Newton	60	Washington	54
Oconee	61	Wayne	59
Oglethorpe	62	Webster	46
Paulding	54	Wheeler	54
Peach	75	White	64
Pickens	44	Whitfield	52
Pierce	57	Wilcox	54
Pike	61	Wilkes	49
Polk	59	Wilkinson	41
Pulaski	54	Worth	63

ILLINOIS

Cotton

Alexander	56	Massac	53
Jefferson	52	Pulaski	52
Madison	52	Williamson	50

KANSAS

Cotton

Cowley	26	Montgomery	26

KENTUCKY

Cotton

Ballard	47	Graves	57
Calloway	53	Hickman	77
Carlisle	57	McCracken	48
Fulton	90	Marshall	47

LOUISIANA

Cotton

Acadia	75	Iberia	57
Allen	54	Iberville	62
Ascension	57	Jackson	38
Assumption	65	Jefferson	58
Avoyelles	95	Jefferson Davis	54
Beauregard	41	Lafayette	79
Bienville	44	Lafourche	52
Bossier	77	La Salle	67
Caddo	86	Lincoln	36
Calcasieu	54	Livingston	59
Caldwell	70	Madison	90
Cameron	57	Morehouse	85
Catahoula	71	Natchitoches	71
Claiborne	34	Orleans	60
Concordia	91	Ouachita	76
De Soto	42	Plaquemines	60
East Baton Rouge	56	Pointe Coupee	89
East Carroll	87	Rapides	112
East Feliciana	62	Red River	71
Evangeline	84	Richland	64
Franklin	61	Sabine	41
Grant	77	St. Bernard	53
		St. Helena	56

LOUISIANA—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
St. James	62	Vermilion	71
St. John the Baptist	54	Vernon	42
St. Landry	86	Washington	65
St. Martin	82	Webster	46
St. Mary	57	West Baton Rouge	79
St. Tammany	59	West Carroll	66
Tangipahoa	59	West Feliciana	69
Tensas	87	Winn	38
Union	46		

MARYLAND

Cotton

Caroline	50

MISSISSIPPI

Cotton

County	Dollars per acre	County	Dollars per acre
Adams	60	Leflore	86
Alcorn	62	Lincoln	61
Amite	61	Lowndes	56
Attala	69	Madison	75
Benton	66	Marion	63
Bolivar	81	Marshall	66
Calhoun	76	Monroe	64
Carroll	76	Montgomery	79
Chickasaw	65	Neshoba	61
Choctaw	67	Newton	58
Claiborne	74	Noxubee	64
Clarke	57	Oktibbeha	48
Clay	60	Panola	79
Coahoma	93	Pearl River	61
Copiah	65	Perry	60
Covington	63	Pike	61
De Soto	77	Pontotoc	72
Forrest	64	Prentiss	67
Franklin	53	Quitman	85
George	67	Rankin	77
Greene	64	Scott	69
Grenada	82	Sharkey	82
Hancock	61	Simpson	63
Harrison	61	Smith	65
Hinds	65	Stone	61
Holmes	91	Sunflower	77
Humphreys	81	Tallahatchie	82
Issaquena	77	Tate	89
Itawamba	63	Tippah	69
Jackson	65	Tishomingo	53
Jasper	57	Tunica	88
Jefferson	63	Union	67
Jefferson Davis	65	Walthall	72
Jones	69	Warren	87
Kemper	54	Washington	79
Lafayette	64	Wayne	62
Lamar	66	Webster	75
Lauderdale	61	Wilkinson	64
Lawrence	60	Winston	65
Leake	71	Yalobusha	66
Lee	65	Yazoo	83

MISSOURI

Cotton

Bollinger	39	Oregon	34
Butler	57	Ozark	38
Cape Girardeau	56	Pemiscot	77
Carter	36	Ripley	45
Dunklin	72	Scott	67
Howell	34	Stoddard	79
Jefferson	47	Vernon	60
Mississippi	78	Wayne	36
New Madrid	71		

NEVADA

Cotton

Clark	126	Nye	77

NEW MEXICO

Cotton

Bernalillo	41	Dona Ana	123
Chaves	124	Eddy	123
Curry	35	Grant	62
De Baca	88	Guadalupe	38

NEW MEXICO—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Hidalgo	102	Roosevelt	36
Lea	86	Sierra	120
Luna	126	Socorro	76
Otero	97	Valencia	41
Quay	53		

NORTH CAROLINA

Cotton

Alamance	62	Jones	54
Alexander	61	Lee	70
Anson	63	Lenoir	63
Beaufort	72	Lincoln	65
Bertie	66	Martin	69
Bladen	57	Mecklenburg	65
Brunswick	58	Montgomery	59
Burke	59	Moore	57
Cabarrus	65	Nash	57
Caldwell	66	New Hanover	56
Camden	74	Northampton	74
Carteret	57	Onslow	60
Catawba	65	Orange	62
Chatham	57	Pamlico	57
Chowan	74	Pasquotank	61
Cleveland	72	Pender	58
Columbus	61	Perquimans	76
Craven	56	Person	54
Cumberland	64	Pitt	62
Currituck	62	Polk	67
Davidson	64	Randolph	61
Davie	63	Richmond	53
Duplin	66	Robeson	65
Durham	61	Rockingham	62
Edgecombe	59	Rowan	67
Forsyth	54	Rutherford	67
Franklin	53	Sampson	69
Gaston	64	Scotland	57
Gates	72	Stanly	70
Granville	54	Tyrrell	75
Greene	62	Union	71
Guilford	62	Vance	60
Halifax	65	Wake	56
Harnett	70	Warren	56
Hertford	65	Washington	74
Hoke	61	Wayne	69
Hyde	57	Wilkes	56
Iredell	64	Wilson	63
Johnston	65	Yadkin	64

OKLAHOMA

Cotton

Adair	22	Kingfisher	28
Alfalfa	24	Kiowa	32
Atoka	25	Latimer	22
Beaver	23	Le Flore	46
Beckham	30	Lincoln	25
Blaine	33	Logan	29
Bryan	34	Love	32
Caddo	39	McClain	39
Canadian	38	McCurtain	59
Carter	24	McIntosh	37
Cherokee	21	Major	27
Choctaw	39	Marshall	42
Cleveland	44	Mayes	35
Coal	32	Murray	38
Comanche	21	Muskogee	46
Cotton	27	Noble	27
Craig	36	Nowata	25
Creek	25	Okfuskee	26
Custer	34	Oklahoma	29
Delaware	34	Okmulgee	28
Dewey	27	Osage	40
Ellis	26	Pawnee	32
Garfield	26	Payne	28
Garvin	42	Pittsburg	36
Grady	42	Pontotoc	28
Grant	26	Pottawatomie	32
Greer	28	Pushmataha	17
Harmon	32	Roger Mills	27
Harper	21	Rogers	32
Haskell	35	Seminole	22
Hughes	34	Sequoyah	57
Jackson	39	Stephens	24
Jefferson	25	Texas	26
Johnston	30	Tillman	40
Kay	37	Tulsa	42

OKLAHOMA—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Wagoner	39	Washita	35
Washington	25	Woodward	20

SOUTH CAROLINA

Cotton

Abbeville	60	Greenwood	54
Aiken	57	Hampton	64
Allendale	57	Horry	58
Anderson	66	Jasper	60
Bamberg	57	Kershaw	50
Barnwell	53	Lancaster	63
Beaufort	57	Laurens	64
Berkeley	60	Lee	70
Calhoun	70	Lexington	57
Charleston	50	McCormick	53
Cherokee	60	Marion	61
Chester	65	Marlboro	67
Chesterfield	56	Newberry	61
Clarendon	64	Oconee	76
Colleton	63	Orangeburg	64
Darlington	62	Pickens	72
Dillon	58	Richland	63
Dorchester	72	Saluda	67
Edgefield	74	Spartanburg	60
Fairfield	60	Sumter	69
Florence	60	Union	57
Georgetown	49	Williamsburg	61
Greenville	71	York	71

TENNESSEE

Cotton

Bedford	49	Lewis	48
Benton	56	Lincoln	62
Bradley	53	Loudon	46
Cannon	49	McMinn	46
Carroll	66	McNairy	71
Chester	69	Madison	65
Coffee	69	Marion	64
Crockett	79	Marshall	52
Cumberland	46	Maury	49
Davidson	50	Meigs	46
Decatur	49	Monroe	42
De Kalb	45	Montgomery	50
Dyer	81	Moore	56
Fayette	69	Obion	83
Franklin	71	Perry	54
Gibson	72	Polk	58
Giles	52	Rhea	46
Grundy	63	Roane	38
Hamilton	52	Robertson	50
Hardeman	70	Rutherford	69
Hardin	52	Shelby	72
Haywood	73	Tipton	79
Henderson	65	Van Buren	44
Henry	59	Warren	49
Hickman	51	Wayne	46
Humphreys	44	Weakley	62
Knox	67	White	46
Lake	106	Williamson	47
Lauderdale	83	Wilson	49
Lawrence	58		

TEXAS

Cotton

Anderson	28	Brazos	58
Andrews	24	Brewster	89
Angelina	41	Briscoe	37
Aransas	38	Brooks	20
Archer	26	Brown	20
Armstrong	50	Burleson	56
Atascosa	23	Burnet	21
Austin	53	Caldwell	33
Bailey	30	Calhoun	60
Bandera	28	Callahan	21
Bastrop	26	Cameron	63
Baylor	30	Camp	33
Bee	34	Carson	28
Bell	30	Cass	36
Bexar	25	Castro	60
Blanco	27	Chambers	64
Borden	26	Cherokee	36
Bosque	25	Childress	29
Bowie	58	Clay	27
Brazoria	72	Cochran	30

TEXAS—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Coke	17	Kendall	28
Coleman	23	Kenedy	23
Collin	37	Kent	26
Collingsworth	28	Kerr	26
Colorado	47	Kimble	29
Comal	30	King	29
Comanche	19	Kinney	41
Concho	23	Kleberg	33
Cooke	34	Knox	37
Coryell	25	Lamar	36
Cottle	32	Lamb	53
Crockett	57	Lampasas	21
Corsby	47	La Salle	23
Culberson	112	Lavaca	36
Dallam	34	Lee	27
Dallas	33	Leon	40
Dawson	32	Liberty	59
Deaf Smith	44	Limestone	24
Delta	41	Live Oak	34
Denton	29	Llano	21
De Witt	30	Loving	48
Dickens	30	Lubbock	69
Dimmit	56	Lynn	32
Donley	27	McCulloch	21
Duval	20	McLennan	28
Eastland	21	McMullen	26
Ector	59	Madison	40
Ellis	35	Marion	29
El Paso	136	Martin	29
Erath	21	Mason	23
Falls	29	Matagorda	59
Fannin	36	Maverick	69
Fayette	40	Medina	27
Fisher	28	Menard	21
Floyd	58	Midland	26
Foard	30	Milam	35
Fort Bend	70	Mills	23
Franklin	34	Mitchell	32
Freestone	27	Montague	25
Frio	28	Montgomery	34
Gaines	23	Moore	29
Galveston	60	Morris	33
Garza	32	Motley	28
Gillespie	23	Nacogdoches	38
Glasscock	25	Navarro	28
Goliad	32	Newton	32
Gonzales	27	Nolan	30
Gray	28	Nueces	48
Grayson	35	Ochiltree	30
Gregg	36	Oldham	39
Grimes	49	Orange	59
Guadalupe	29	Palo Pinto	22
Hale	73	Panola	37
Hall	32	Parker	22
Hamilton	23	Parmer	64
Hansford	28	Pecos	107
Hardeman	26	Polk	38
Hardin	48	Potter	32
Harris	59	Presidio	120
Harrison	33	Rains	29
Hartley	29	Randall	25
Haskell	36	Reagan	34
Hays	33	Real	39
Hemphill	27	Red River	39
Henderson	28	Reeves	138
Hidalgo	60	Refugio	53
Hill	29	Roberts	27
Hockley	44	Robertson	54
Hood	24	Rockwall	35
Hopkins	28	Runnels	24
Houston	40	Rusk	35
Howard	32	Sabine	34
Hudspeth	107	San Augustine	33
Hunt	34	San Jacinto	38
Irion	23	San Patricio	52
Jack	23	San Saba	23
Jackson	52	Schleicher	27
Jasper	39	Scurry	29
Jeff Davis	105	Shackelford	21
Jefferson	60	Shelby	38
Jim Hogg	16	Smith	34
Jim Wells	29	Somervell	22
Johnson	30	Starr	23
Jones	26	Stephens	17
Karnes	26	Sterling	26
Kaufman	29	Stonewall	25

TEXAS—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Sutton	102	Waller	48
Swisher	56	Ward	64
Tarrant	32	Washington	47
Taylor	22	Webb	51
Terrell	62	Wharton	64
Terry	28	Wheeler	27
Throckmorton	30	Wichita	35
Titus	45	Wilbarger	36
Tom Green	28	Willacy	59
Travis	29	Williamson	32
Trinity	37	Wilson	24
Tyler	52	Winkler	47
Upshur	29	Wise	27
Upton	34	Wood	29
Uvalde	84	Yoakum	27
Val Verde	69	Young	25
Van Zandt	29	Zapata	57
Victoria	52	Zavala	83
Walker	38		

VIRGINIA

Cotton

Accomack	70	Lunenburg	67
Brunswick	59	Mecklenburg	60
Caroline	67	Nansemond	71
Charlotte	54	Norfolk	58
Chesterfield	62	Prince Edward	56
Cumberland	58	Prince George	56
Dinwiddie	58	Princess Anne	58
Franklin	56	Southampton	67
Greensville	60	Surry	59
Halifax	56	Sussex	61
Isle of Wight	62		

ARKANSAS

Rice

Arkansas	72	Lafayette	52
Ashley	64	Lawrence	64
Chicot	65	Lee	69
Clark	67	Lincoln	61
Clay	64	Little River	53
Conway	62	Lonoke	69
Craighead	69	Miller	57
Crittenden	68	Mississippi	67
Cross	64	Monroe	67
Dallas	63	Perry	57
Desha	63	Phillips	64
Drew	64	Poinsett	69
Faulkner	65	Prairie	69
Grant	61	Pulaski	63
Greene	65	Randolph	64
Hot Spring	62	St. Francis	67
Independence	62	White	67
Jackson	68	Woodruff	67
Jefferson	62		

CALIFORNIA

Rice

Butte	88	Riverside	49
Colusa	85	Sacramento	82
Fresno	78	San Joaquin	70
Glenn	83	Solano	71
Imperial	34	Stanislaus	85
Kern	67	Sutter	84
Kings	46	Tulare	46
Madera	79	Yola	75
Merced	67	Yuba	67
Placer	78		

ILLINOIS

Rice

Adams	70

FLORIDA

Rice

Palm Beach	31

LOUISIANA

Rice

County	Dollars per acre	County	Dollars per acre
Acadia	63	Ascension	63
Allen	61	Assumption	61

LOUISIANA—continued

Rice—Continued

County	Dollars per acre	County	Dollars per acre
Avoyelles	64	Morehouse	76
Beauregard	48	Plaquemines	59
Bossier	64	Rapides	63
Calcasieu	53	Richland	71
Cameron	61	St. Charles	57
Concordia	71	St. James	59
East Carroll	80	St. John the Baptist	69
Evangeline	61	St. Landry	62
Franklin	62	St. Martin	70
Grant	63	St. Mary	61
Iberia	60	St. Tammany	48
Iberville	65	Tensas	74
Jefferson Davis	63	Terrebonne	55
Lafayette	64	Vermilion	61
Lafourche	54	West Carroll	76
Madison	71		

MISSISSIPPI

Rice

Bolivar	64	Quitman	67
Coahoma	64	Sharkey	64
De Soto	67	Sunflower	63
Hancock	43	Tallahatchie	68
Humphreys	63	Tate	61
Issaquena	61	Tunica	68
Leflore	68	Washington	64
Panola	65		

MISSOURI

Rice

Butler	82	New Madrid	42
Dunklin	97	Pemiscot	73
Lewis	71	Ripley	57
Lincoln	76	St. Charles	86
Marion	68	Scott	84
Mississippi	39	Stoddard	61

NORTH CAROLINA

Rice

Hyde	50

OKLAHOMA

Rice

McCurtain	57

SOUTH CAROLINA

Rice

County	Dollars per acre	County	Dollars per acre
Berkeley	47	Georgetown	29
Charleston	30	Horry	47
Colleton	31	Jasper	41

TENNESSEE

Rice

Dyer	47
Fayette	47
Lauderdale	70

TEXAS

Rice

County	Dollars per acre	County	Dollars per acre
Austin	72	Lavaca	69
Bowie	61	Liberty	63
Brazoria	65	Matagorda	71
Calhoun	65	Milam	68
Chambers	61	Newton	65
Colorado	73	Orange	60
Fort Bend	69	Polk	58
Galveston	62	San Jacinto	58
Hardin	68	Victoria	71
Harris	70	Walker	65
Jackson	74	Waller	72
Jasper	60	Washington	74
Jefferson	61	Wharton	71

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10002; Filed, Dec. 2, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 627, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80–2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80–2, 22 F. R. 7134), under the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions appearing as 7 CFR 301.80–2a (22 F. R. 7136) are hereby revised to read as follows:

§ 301.80–2a *Administrative instructions designating regulated areas under the witchweed quarantine.* Infestations of the witchweed have been determined to exist, in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. An area consisting of all of Bladen County exclusive of the southeastern portion bounded by a line beginning at a point where North Carolina State Highway No. 41 crosses the Bladen-Sampson County line and extending west along this highway to its intersection with the Cape Fear River, thence southeast along said River to the point where the Bladen-Columbus County line and the Bladen-Pender County line meet, thence northeast along the Bladen-Pender County line to the Bladen-Sampson County line, thence northwest along this line to the point of beginning.

The Mrs. Cammy K. Newly farm located on North Carolina Highway No. 53 and seven miles east of Kelly, where said highway crosses Black River, including all highways and roadways abutting thereon.

The R. L. Tippitt farm located on a dirt road two miles west and south of Kelly, including all highways and roadways abutting thereon.

Columbus County. The area bounded by a line beginning at a point where North Carolina Highway No. 131 crosses the Columbus-Bladen County line and extending southeast along said highway to its intersection with U. S. Highway No. 701, thence southeast along U. S. Highway No. 701 to its junction with the Atlantic Coast Line Railroad, thence west along said railroad to its intersection with the Cerro Gordo-Cherry Grove Highway, thence south along said highway to its intersection with the North Carolina-South Carolina State line, thence northwest along said State line to its intersection with the Lumber River, thence following said river northeast to its junction with the Bladen-Columbus County line, thence east along said county line to the point of beginning, including the area within the corporate limits of the town of Chadbourn, but excluding the area within the corporate limits of the towns of Whiteville and Cerro Gordo.

The George Elkin farm located on a dirt road one mile south of the junction of said dirt road with U. S. Highway No. 701, said junction being 2.7 miles southwest of the Columbus-Bladen County line, including all highways and roadways abutting thereon.

The Minnie I. Tedder farm located six miles southeast of Chadbourn on the west side of Hewitt Road, including all highways and roadways abutting thereon.

Cumberland County. The portion of the county lying east of U. S. Highway No. 301, excluding the area within the corporate limits of the City of Fayetteville.

The area lying west of U. S. Highway No. 301 and bounded by an arc having a 3.5 miles radius and center at Hope Mills.

The J. T. Piner farm located on the west side of U. S. Highway No. 15A and 0.9 mile north of Tokay, including all highways and roadways abutting thereon.

Duplin County. The Alton Smith farm located on the east side of U. S. Highway No. 117 and 0.5 mile north of Bowdens, including all highways and roadways abutting thereon.

The Norman Quinn farm located on south side of a dirt road and 0.4 mile east of junction of said dirt road with the Sampson-Duplin County line, said junction being three miles southwest of Bowdens, including all highways and roadways abutting thereon.

The Bryant Miller farm located on south side of a dirt road and 1.2 miles northwest of junction of said dirt road wth North Carolina Highway No. 11, said junction being three miles northeast of Kenansville, including all highways and roadways abutting thereon.

The Paisley Bomham farm located on north side of a dirt road and one mile west of Pin Hook, including all highways and roadways abutting thereon.

Harnett County. The area bounded by a line beginning at a point where North Carolina State Highway No. 87 crosses the Harnett-Cumberland County line, extending northwest along this highway to its intersection with Overhills-Lillington dirt road, thence northeast along this road 5.4 miles to its intersection with a stone surfaced road, thence southeast along this road to its intersection with North Carolina State Highway No. 210, thence southwest along this highway to the Harnett-Cumberland County line, thence west along the county line to the point of beginning.

The C. T. Jackson farm located on the south side of a dirt road and 0.4 mile northwest of Johnsonville, including all highways and roadways abutting thereon.

The Ray Thomas farm located on the east side of a dirt road and one mile southwest of Johnsonville, including all highways and roadways abutting thereon.

Hoke County. The southern portion of the county bounded by a line beginning at a point where the Laurinburg and Southern Railroad crosses the Hoke-Scotland County line and extending northeast along said railroad to its junction with North Carolina Highway No. 20, thence in a southeast direction along said highway to its junction with the Hoke-Robeson County line, thence southwest and west along said county line to the point of beginning, excluding the area within the corporate limits of the City of Raeford, including all highways and roadways abutting thereon.

Pender County. The F. R. Keith farm located approximately one mile south of North Carolina Highway No. 210 at a point 0.5 mile east of intersection of the said highway with the Bladen-Pender County line, including all highways and roadways abutting thereon.

The Standberry Scott, W. H. Malloy and Lawrence Mallory farms located on the south side of North Carolina Highway No. 210 and 0.7 mile east of the intersection of said highway with U. S. Highway No. 117, including all highways and roadways abutting thereon.

Richmond County. The A. M. Wadell farm located on a dirt road one mile east of U. S. Highway No. 1, said dirt road intersecting Highway No. 1, one mile southwest of Biggs, including all highways and roadways abutting thereon.

Robeson County. All of Robeson County.

Sampson County. The area bounded by a line beginning at a point where North Carolina Highway No. 41 crosses the Bladen-Sampson County line, thence northwest along said county line to its intersection with the Clement-Beamans Cross Roads Highway, thence northeast along said highway to its intersection with U. S. Highway No. 421 at Beamans Cross Roads, thence southeast along said highway to its junction with U. S. Highway No. 701, thence south along U. S. Highway No. 701 to its junction with the Ingold-Tomahawk Highway, thence southeast along said highway to its junction with the Tomahawk-Clear Run Highway, thence southwest along said highway to its junction with North Carolina Highway No. 41, thence southwest along said highway to the point of beginning, excluding the area within the corporate limits of the Town of Clinton.

The Regal Paper Company farm located on west side of a dirt road and 50 yards south of intersection of said dirt road and the Sampson-Duplin County line, said intersection being 3 miles due north of a point where said county line crosses North Carolina Highway No. 24, including all highways and roadways abutting thereon.

The Kenneth Chambers farm located on west side of a dirt road and 0.2 mile south of intersection of said dirt road and the Duplin-Sampson County line, said intersection being 3 miles due north of a point where said county line crosses North Carolina Highway No. 24, including all highways and roadways abutting thereon.

The James Caldwell farm located on west side of the Turkey-Ingold Highway and 4.3 miles southwest of Turkey, including all highways and roadways abutting thereon.

The James Caldwell farm located on south side of a dirt road and 1.2 miles east of junction of said dirt road with the Turkey-Ingold Highway, said junction being 4.4 miles south of Turkey, including all highways and roadways abutting thereon.

The H. I. Register farm located on the north side of the Turkey-Ingold Highway and 3.4 miles northeast of Ingold, including all highways and roadways abutting thereon.

The Thurman Peterson farm located on west side of a dirt road one mile south of junction of said dirt road with U. S. Highway No. 421, said junction being 1.2 miles south of Taylors Bridge on the west side of U. S. Highway No. 421, including all highways and roadways abutting thereon.

The D. F. Bullard farm located on the west side of a dirt road and 2 miles southeast of the junction of said dirt road with the Turkey-Ingold Highway, said junction being 2 miles northeast of Ingold, including all highways and roadways abutting thereon.

Scotland County. The portion of the county lying east of U. S. Highway No. 15, excluding the area within the corporate limits of the City of Laurinburg.

The McNair farm, operated by Clyde Davis, located on a dirt road 0.5 mile northwest of the junction of U. S. Highway No. 15 and the Laurinburg and Southern Railroad, said junction being approximately two miles north of Laurinburg, including all highways and roadways abutting thereon.

The Mrs. Polly McMillan farm, operated by Charlie McMillan, located on a dirt road one mile north of Nashville Church, said church being one mile northeast of Silver Hill, including all highways and roadways abutting thereon.

SOUTH CAROLINA

Darlington County. The J. B. Howle farm located on a dirt road and 0.6 mile northeast

of the junction of said dirt road and South Carolina State Secondary Highway No. 29, said junction being 1.8 miles northwest of Mechanicsville, including all highways and roadways abutting thereon.

The D. M. Fountain farm located on the north side of South Carolina Primary Highway No. 34 and 0.1 mile northeast of the junction of South Carolina Primary Highway No. 34 and South Carolina Secondary Highway No. 29, including all highways and roadways abutting thereon.

Dillon County. All of Dillon County.

Florence County. The area lying south of South Carolina Secondary Highway No. 24 and bounded by the said highway and an arc having a 1.5 mile radius and center at the point where South Carolina Secondary Highway No. 24 intersects South Carolina Secondary Highway No. 89.

The area lying north and east of South Carolina Secondary Highway No. 57 and bounded by the said highway and an arc having a two mile radius and center at the point where South Carolina Secondary Highway No. 57 crosses Willow Creek.

The Marvin Taylor farm located on both sides of a dirt road and 1.0 mile southeast of the junction of said dirt road with South Carolina Primary Highway No. 327, said junction being 4.0 miles east of Mars Bluff School, including all highways and roadways abutting thereon.

The Janie Scott property located at 1105 Pine Street, Florence.

Horry County. The northwestern portion of the county bounded by a line beginning at a point where U. S. Highway No. 76 crosses the North Carolina-South Carolina State line and extending southwest along said highway to its junction with South Carolina Secondary Highway No. 44, thence southwest along said secondary highway to its junction with South Carolina Secondary Highway No. 34, and continuing southeast along said Highway No. 34 to its junction with Lake Swamp Creek, thence west and north along said creek to the Little Pee Dee River, thence northeast along said river to the Lumber River, thence northeast along said river to the North Carolina State line, thence southeast along the North Carolina-South Carolina State line to the point of beginning.

The area included within a circle having a five mile radius and center at Good Hope Church located on South Carolina State Secondary Highway No. 97.

The George H. Harrelson farm located on the north side of a dirt road and 0.6 mile west of the junction of said dirt road and South Carolina State Secondary Highway No. 31, said junction being approximately one mile north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Hortense Hughes farm located on the south side of a dirt road and 0.5 mile west of the junction of said dirt road with South Carolina State Secondary Highway No. 31, said junction being approximately 1.5 miles north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Joseph W. Davis farm located on the south side of a dirt road and 0.8 mile east of the junction of said dirt road and South Carolina Secondary Highway No. 31, said junction being four miles southeast of Loris, including all highways and roadways abutting thereon.

Marion County. The area bounded by a line beginning at the junction of the Little Pee Dee River and South Carolina Secondary Highway No. 60 and extending northeast along said highway to its junction with South Carolina Secondary Highway No. 30, thence east along said Highway No. 30 to the corporate limits of the City of Nichols, thence south along said corporate limits to the junction of U. S. Highway No. 76, thence southwest along said highway to the Little Pee Dee River, thence northwest along said river to the point of beginning, including the area within the corporate limits of the Towns of Marion and Mullins.

The area bounded by a line beginning at a point where South Carolina Primary Highway No. 41 crosses the Marion-Dillon County line and extending south along said highway to its junction with South Carolina Primary Highway No. 41A, thence northwest along said highway to its junction with U. S. Highway No. 501, thence northwest along said highway to its junction with U. S. Highway No. 76, thence west along said highway to its junction with the Florence-Marion County line, thence north along said county line to the Dillon-Marion County line, thence east along said county line to the point of beginning, including the area within the corporate limits of the Towns of Mullins and Marion.

The area included within a circle having a two mile radius and center at the junction of South Carolina Secondary Highway No. 9 and South Carolina Secondary Highway No. 47 near the Friendship Community.

The Walter W. Larrimore farm located on the north side of U. S. Highway No. 378 and 0.5 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Mrs. John Steadman farm, located on the north side of U. S. Highway No. 378 and 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Charlie Ingram farm located on the south side of U. S. Highway No. 378 and 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

Marlboro County. The southern portion of the county bounded on the east by the Dillon-Marlboro County line, on the south by the Florence-Marlboro County line, on the west by the Darlington-Marlboro County line, and on the north by South Carolina Secondary Highway No. 57 and South Carolina Secondary Highway No. 49, including all highways and roadways abutting thereon.

The area bounded by a line beginning at a point where U. S. Highway No. 15 crosses the North Carolina-South Carolina State line, and extending southeast along said State line to the Dillon-Marlboro County line, thence southwest along said county line to its intersection with South Carolina Primary Highway No. 9, thence northwest along said Highway No. 9 to its intersection with U. S. Highway No. 15, thence northeast along said Highway No. 15 to the point of beginning, including all highways and roadways abutting thereon.

The purposes of this revision are to add to the regulated area for the first time certain farms and localities in Duplin, Pender, and Richmond Counties, North Carolina, and Florence County, South Carolina; and to enlarge the present regulated areas in the North Carolina Counties of Bladen, Columbus, Cumberland, Harnett, Hoke, Sampson, and Scotland, and the South Carolina Counties of Darlington, Dillon, Horry, and Marion.

These revised administrative instructions shall become effective December 3, 1957, when they shall supersede P. P. C. 627, 22 F. R. 7136, September 6, 1957.

Since the revision adds new territory to the regulated area, prompt action on the additions is necessary in order to control the movement therefrom of articles that might spread the witchweed. Therefore, it is found upon good cause that notice and other public procedure under the Administrative Procedure Act are impracticable and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57-9992; Filed, Dec. 2, 1957; 8:49 a. m.]

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

PART 730—RICE

SUBPART—1958-59 MARKETING YEAR

STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1958 CROP RICE

Sec.
730.905 Basis and purpose.
730.906 State reserve acreages.
730.907 County acreage allotments and county reserve acreages.

AUTHORITY: §§ 730.905 to 730.907 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 373, 52 Stat. 61, as amended; 7 U. S. C. 1353.

§ 730.905 *Basis and purpose.* (a) The State and county reserve acreage and county acreage allotments for 1958 crop rice contained herein have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this docket is to announce: (1) State reserve acreages for new farms in all rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in the producer States of Arizona, California, Florida, North Carolina, Tennessee, and Texas; and (3) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in the farm States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina. Since farm acreage allotments for 1958 crop rice in the producer States will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1958 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments for those States will not be determined.

(b) The State and county reserve acreages in §§ 730.906 and 730.907 were established on the basis of the needs therefor as recommended by the State and county committees.

(c) The county acreage allotments in § 730.907 were established by apportioning State acreage allotments among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353 (c) (1) and (6) of the Agricultural Adjustment Act of 1938, as amended. No adjustments in county acreage allotments were made under the proviso in section 353 (c) (1) of the act.

(d) Prior to the determination of State and county reserve acreages and county acreage allotments for 1958 crop rice, public notice (22 F. R. 7865) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determination of the State and county reserve acreages and county acreage allotments for 1958 crop rice which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. The determinations made by the Secretary in § 730.907 were on the basis of the latest available statistics of the Federal Government as required by section 301 (c) of the Agricultural Adjustment Act of 1938, as amended. The act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum on marketing quotas. Since the rice referendum will be held on December 10, 1957, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act. Accordingly, this document shall become effective upon publication in the FEDERAL REGISTER.

§ 730.906 *State reserve acreages.*

State	State reserve acreages for new farms or new producers	State reserve acreages for appeals, etc.[1] in producer States
Arizona	0	0
Arkansas	103	----------
California	1,499	1,499
Florida	20	0
Illinois	0	----------
Louisiana	250	----------
Mississippi	233	----------
Missouri	25	----------
North Carolina	0	0
Oklahoma	0	----------
South Carolina	30	----------
Tennessee	0	0
Texas	1,000	500

[1] For appeals and corrections, missed farms, and adjustments.

§ 730.907 *County acreage allotments and county reserve acreages.*

County	County acreage allotment	County reserve acreage[1]
ARKANSAS		
Arkansas	69,471	65.0
Ashley	5,962	21.5
Chicot	8,812	0
Clark	507	0
Clay	6,987	25.0
Conway	10	0
Craighead	15,869	60.0
Crittenden	5,863	14.1
Cross	33,053	24.9
Dallas	65	0
Desha	12,805	100.0
Drew	4,376	0
Faulkner	420	1.1
Grant	31	0
Green	5,183	20.0
Hot Spring	433	0
Independence	564	0
Jackson	18,497	1.5
Jefferson	15,809	5.0
Lafayette	802	2.0
Lawrence	7,713	12.0
Lee	7,792	10.0
Lincoln	8,578	3.5
Little River	373	0
Lonoke	35,684	51.9
Miller	686	0
Mississippi	1,401	0
Monroe	13,363	9.4
Perry	909	9.1
Phillips	4,783	7.0
Poinsett	35,133	52.9
Prairie	36,625	47.8
Pulaski	1,720	0
Randolph	2,062	10.0
St. Francis	16,981	13.9
White	1,050	1.4
Woodruff	18,539	36.1
State total	398,911	605.1
ILLINOIS		
Adams	20	0
LOUISIANA		
Acadia	85,130	1,703.0
Allen	22,028	550.7
Ascension	1,504	0
Assumption	554	0
Avoyelles	2,535	126.0
Beauregard	4,559	9.0
Bossier	60	0
Calcasieu	60,165	210.7
Cameron	12,135	242.0
Concordia	277	0
East Carroll	3,968	198.0
Evangeline	40,931	48.0
Franklin	1	0
Grant	168	0
Iberia	5,749	287.0
Iberville	2,395	110.0
Jefferson Davis	88,385	441.9
Lafayette	8,643	50.0
Lafourche	495	0
Madison	249	0
Morehouse	838	25.0
Plaquemines	331	0
Rapides	522	0
Richland	163	0
St. Charles	516	0
St. James	3,055	150.0
St. John the Baptist	984	49.0
St. Landry	15,570	17.0
St. Martin	3,764	75.2
St. Mary	2,911	0
St. Tammany	1,040	52.0
Tensas	114	0
Terrebonne	172	0
Vermilion	104,562	133.0
West Carroll	287	0
State total	474,760	4,477.5
MISSISSIPPI		
Bolivar	19,445	0
Cohoma	1,506	0
De Soto	1,346	0
Hancock	166	0
Humphreys	1,933	0
Issaquena	96	0
Leflore	3,371	0
Panola	72	0
Quitman	1,274	0
Sharkey	656	10.0
Sunflower	4,077	0
Tallahatchie	462	0
Tate	108	0
Tunica	2,905	0
Washington	9,025	361.0
State total	46,442	371.0
MISSOURI		
Butler	1,429	42.8
Dunklin	47	0
Holt	2	2.0
Lewis	8	0
Lincoln	34	0
Marion	306	0
Mississippi	86	0
New Madrid	201	0
Pemiscot	544	0
Ripley	466	0
St. Charles	35	0
Scott	241	12.0
Stoddard	1,343	0
State total	4,742	56.8
OKLAHOMA		
McCurtain	149	0
SOUTH CAROLINA		
Berkeley	143	0
Charleston	468	0
Colleton	705	0
Georgetown	40	0
Horry	207	0
Jasper	1,253	0
State total	2,816	0

See footnote at end of table.

See footnote at end of table.

[1] County reserve acreage for appeals and corrections, missed farms, and adjstments.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 27th day of November 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9988; Filed, Dec. 2, 1957; 8:49 a. m.]

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

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1957.

Notice was published in the FEDERAL REGISTER of November 2, 1957 (22 F. R. 8853) that the Secretary was considering establishment of a budget of expenses of the Walnut Control Board in the amount of $103,200 and assessment rates of 0.13 cent and 0.17 cent per pound for merchantable unshelled and shelled walnuts, respectively, for the marketing year beginning August 1, 1957. The action was proposed to be taken in accordance with applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984; 22 F. R. 7885, 8775) regulating the handling of walnuts grown in California, Oregon, and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposals. The prescribed time has expired and no such communications have been filed.

After consideration of all relevant matters presented, including the proposals contained in such notice which were recommended by the Walnut Control Board, it is hereby found that the aggregate expenses hereinafter set forth are reasonable and likely to be incurred by the Control Board during the 1957–58 marketing year and that the rates of assessment as computed and fixed hereby should assure adequate funds to defray such expenses for such marketing year. It, is, therefore, ordered that the expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1957 shall be as follows:

§ 984.309 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1957*—(a) *Expenses.* Expenses for the marketing year beginning August 1, 1957 in the total amount of $103,200 are reasonable and likely to be incurred by the Walnut Control Board during such marketing year for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment to be paid by each handler to the Walnut Control Board in accordance with this part are hereby fixed at 0.13 cent per pound of merchantable unshelled walnuts handled or certified for handling and at 0.17 cent per pound of merchantable shelled walnuts handled or declared for handling by such handler during said marketing year.

(c) Terms used in this section shall have the same meaning as when used in this part.

It is hereby found that good cause exists for not postponing the effective date of this document for 30 days or any lesser period after publication in the FEDERAL REGISTER for the reasons that: (1) The action is applicable, as provided in the amended marketing agreement and order, to all merchantable walnuts handled, or certified or declared for handling, during the current marketing year; (2) such handling, certifying, and declaring with respect to such walnuts have already begun; (3) the specification of expenses and fixing of the rates of assessment should be effected at the time hereinafter provided to enable the Walnut Control Board to perform its functions in accordance with the requirements of said amended marketing agreement and order; (4) prior notice of the proposed action was given all interested parties; and (5) compliance herewith will not require any special or advance preparation on the part of handlers.

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

Dated, November 27, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-9960; Filed, Dec. 2, 1957; 8:46 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ESTABLISHMENT OF MERCHANTABLE FREE, RESTRICTED, AND ALLOCATION PERCENTAGES FOR 1957–58 MARKETING YEAR

Correction

In Federal Register Document 57-9655, published on page 9282 in the issue for Thursday, November 21, 1957, "§ 284.209" should be designated "§ 984.209".

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 320—LOW-RENT HOUSING PROGRAM

FAMILIES OF LOW INCOME; FEDERALLY OWNED LOW-RENT HOUSING

1. Section 320.1 *Definitions,* is amended as follows:

Paragraph (d) is amended to read as follows:

(d) *Families of low income.* Families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use.

2. Section 320.6 *Federally owned low-rent housing,* is amended to read as follows:

§ 320.6 *Federally owned low-rent housing.* The Federal Government owns the low-rent housing projects listed below, some of which are operated directly by the PHA and others by Local Authorities under lease agreement with the PHA. These projects are being disposed of where possible and the list will be revised from time to time in accordance with information received concerning such disposals. Inquiries concerning the projects and requests for statements of policy, procedures, and forms issued for the use or guidance of the public should be directed to the addresses shown.

NAME OF PROJECT AND ADDRESS OF OPERATING AGENCY

ARIZONA

Avondale; Housing Authority of Maricopa County, Post Office Box 150, Phoenix, Ariz.

CALIFORNIA

Arvin, Shafter; Housing Authority of the County of Kern, Post Office Box 1478, Bakersfield, Calif.

Brawley; Housing Authority of the County of Imperial, Post Office Box 1001, Brawley, Calif.

Patterson; Housing Authority of the County of Stanislaus, Post Office Box 935, Modesto, Calif.

Soledad; Housing Authority of the County of Monterey, 134 Carneros Street, Salinas, Calif.

Winters, Woodland; Housing Authority of the County of Yolo, Post Office Box 57, Woodland, Calif.

Wasco; City of Wasco Housing Authority, 617 Sixth Street, Wasco, Calif.

INDIANA

Lockefield Gardens; Public Housing Administration, 900 Indiana Avenue, Indianapolis 2, Ind.

MASSACHUSETTS

Old Harbor Village; Boston Housing Authority, 230 Congress Street, Boston, Mass.

MINNESOTA

Sumner Field Homes; Public Housing Administration, Sumner Field Homes, 1061 Eighth Avenue, North, Minneapolis 11, Minn.

NEW YORK

Baker Homes; Public Housing Administration, Ridge and Abbott Roads, Lackawanna 18, N. Y.

OHIO

Laurel Homes; Cincinnati Metropolitan Housing Authority, 595 Armory Avenue, Cincinnati, Ohio.

OKLAHOMA

Cherokee Terrace; Public Housing Administration, Cherokee Terrace, 619 East Main Street, Enid, Okla.

Will Rogers Court; Public Housing Administration, 1620 Heyman Street, Will Rogers Court, Oklahoma City 8, Okla.

PENNSYLVANIA

Highland Homes; Deleware County Housing Authority, 1827 Constitution Avenue, Chester 36, Pa.

WASHINGTON

Salishan; Housing Authority of the City of Tacoma, 1728 East 44th Street, Tacoma 4, Wash.

(Sec. 8, 50 Stat. 891; 49 U. S. C. 1408)

Date approved: November 25, 1957.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57-9956; Filed, Dec. 2, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendments to Statements of Procedure (29 CFR Part 101) and to its Rules and Regulations, Series 6, as amended, (29 CFR Part 102) which it finds necessary to carry out the provisions of said act, such amendments to be effective December 4, 1957.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 6, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D. C., November 27, 1957.

By direction of the Board.

[SEAL] FRANK M. KLEILER, *Executive Secretary.*

A. Part 101 is amended as follows:

SUBPART B—UNFAIR LABOR PRACTICE CASES UNDER SECTION 10 (A) TO (I) OF THE ACT AND TELEGRAPH MERGER ACT CASES

Section 101.7 *Settlements*, is amended as follows:

a. In the fourth sentence of this section after the words "provide for" strike the remainder of the sentence and substitute therefor "an appeal to the general counsel, as described in § 101.6, by a complainant who will not join in a settlement or adjustment deemed adequate by the regional director."

b. In the fifth sentence of this section delete the word "such".

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

B. Part 102 is amended as follows:

SUBPART B—PROCEDURE UNDER SECTION 10 (A) TO (I) OF THE ACT FOR PREVENTION OF UNFAIR LABOR PRACTICES

1. Sections 102.20 and 102.21 are amended as follows:

§ 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The Respondent shall, within 10 days from the service of the complaint, file an answer thereto. The Respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the Respondent is without knowledge, in which case the Respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the Respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

§ 102.21 *Where to file; service upon the parties; form.* An original and four copies of the answer shall be filed with the regional director issuing the complaint. Immediately upon the filing of his answer, Respondent shall serve a copy thereof on each of the other parties. An answer of a party represented by counsel shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his answer and state his address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the answer; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

2. In § 102.42 *Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing*, in the second sentence strike the figure "20" and insert the figure "35".

3. In § 102.46 *Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments:*

a. Add the following sentence at the end of paragraph (a): "Requests for an extension must be received by the Board 3 days prior to the due date."

b. In paragraph (c), delete the period after "paragraph (a) of this section" and add "with proof of service on all other parties furnished with such request."

SUBPART C—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

4. In § 102.61 *Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing:*

a. Strike the period at the end of the third sentence, insert a semi-colon and add the words "*Provided, however,* That in a proceeding involving an employer filed petition or a petition for decertification the labor organization certified, currently recognized or found to be seeking recognition may not have its name removed from the ballot without giving timely notice in writing to all parties, including the regional director, disclaiming any representation interest among the employees in the unit."

b. Strike the period at the end of the sentence commencing "In any case in which the Board", insert a semi-colon and add the words "*Provided, however,* That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing the provisions of § 102.46 shall govern with respect to the filing of exceptions to the intermediate report and recommended order."

c. Strike the sentence commencing "Within 10 days from the date of issuance" and substitute therefor the following: "Within 10 days from the date of issuance of the report on unchallenged ballots, objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension made not later than 3 days before such exceptions are due in Washington, D. C., with copies of such request served on each of the other parties, any party may file with the Board in Washington, D. C., seven copies of exceptions to such report which shall be legibly printed or otherwise legibly duplicated."

d. Within this section designate the first paragraph "(a)", the second paragraph "(b)", the third and fourth paragraphs "(c)", the fifth paragraph "(d)" and the sixth paragraph "(e)".

5. In § 102.63 *Refusal to issue notice of hearing; appeals to Board from action of the Regional Director:*

a. Add after "The request shall" the words "be submitted in seven copies and shall".

b. Add as the last sentence in this section "Requests for an extension of time within which to file the request for review shall be filed with the Board in Washington, D. C., and proof of service shall accompany such request."

SUBPART G—SERVICE AND FILING OF PAPERS

6. In § 102.82 *Date of service; filing of proof of service*, the second paragraph is amended to read as follows: "The person or party serving the papers or process on other parties in conformance with §§ 102.80 and 102.81 shall submit a written statement of service thereof to the Board stating the names of the parties served and the date and manner of service. Proof of service as defined in § 102.81 shall be required by the Board only if subsequent to the receipt of the statement of service a question is raised with respect to proper service. Failure to make proof of service does not affect the validity of the service."

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

The above amendments shall be effective December 4, 1957.

[F. R. Doc. 57-9972; Filed, Dec. 2, 1957; 8:47 a.m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 45]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Delta Island Int	ANC LFR	Direct	1500	T-dn	300–1	300–1	200–½
LOM	ANC LFR	Direct	1500	C-dn	600–1	600–1	600–1½
Turnagain Int	ANC LFR (Final)	Direct	900	A-dn	800–2	800–2	800–2

Procedure turn W side SW crs, 183° Outbnd, 003° Inbnd, 1500′ within 10 mi (non-standard).
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 006°—5.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles: climb to 1500′ on NW crs (305°) Anchorage LFR to Susitna Intersection.
Alternate Missed Approach Procedures when directed by ATC: 1. Climb to 1500′ proceeding direct to Anchorage LOM, thence on crs of 244° outbnd, 064° inbnd, within 20 mi. 2. Climb to 1500′ on NW crs Anchorage LFR (305°) to hold at Susitna Int.
CAUTION: Mountains 8 mi E and TV tower 384′ msl 1.4 miles W of ANC LFR.

City, Anchorage; State, Alaska; Airport Name, Merrill Field; Elev., 139′; Fac. Class, SBRAZ; Ident., ANC; Procedure No. 1, Amdt. 10; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 9; Dated, 13 July 57

Fox RBn	FAI LFR	Direct	4000	T-dn	300–1	300–1	200–½
				C-dn	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2

Procedure turn S side E crs, 060 Outbnd, 240 Inbnd, 2400′ within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 234—9.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, turn left, climb to 2400′ on E crs Fairbanks LFR to Chena Int.
ALTERNATE MISSED APPROACH: When directed by ATC, turn left, climb to 3900′ SW bound on NE crs Nenana LFR within 20 miles of Fairbanks LFR.
CAUTION: When using circling minimums, all maneuvering must be confined to area E of airport. 800′ terrain within 1.3 miles W of airport rising to 1000′ within 1.7 miles.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks International; Elev., 434′; Fac. Class, SBRAZ; Ident., FAI; Procedure No. 1, Amdt. 3; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 14 Apr. 56

Modesto VOR	SCK-LFR	Direct	2000	T-dn*	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

*400–3 required for takeoff on Runway 34.
Procedure turn E side S crs, 147 Outbnd, 327 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 285—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, climb to 2000′ on West crs within 15 miles.
NOTE: ADF procedure not authorized.
CAUTION: 340′ MSL Radio Mast 1.5 miles N of airport.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 28′; Fac. Class, BMRLZ; Ident., SCK; Procedure No. 1, Amdt. 5; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 4; Dated, 7 May 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dallas RBn	DCV RBn	Direct	2000	T-dn	300–1	300–1	NA
Dallas VOR	DCV RBn	Direct	2000	C-dn	500–1	500–1	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 150 Outbnd, 330 Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 347—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles, turn right, return to DCV MHW climbing to 2600′.
CAUTION: 1000′ MSL radio tower located 2.5 miles S of airport.
NOTE: No weather service available. Air Carrier Use NA. Radar Terminal Area transition altitude: 2000′ within 5 to 20 N mi. Radar control must provide 3 N mi or 1000′ vert separation or 3 to 5 N mi and 500′ vert separation from radio towers 1108′ MSL 20 N mi N 2349′ MSL 16 N mi SSW—1230 MSL′ 10 N mi WNW of airport.

City, Dallas; State, Texas; Airport Name, Red Bird; Elev., 642′; Fac. Class, MHW; Ident., DCV; Procedure No. 1, Amdt. 1; Eff. Date, 21 Dec. 57; Sup. Amdt. No. Orig.; Dated, 8 Oct. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Charlotte LFR	CLT-VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				A-dn*	800–2	800–2	800–2

Procedure turn E side of crs, 185 Outbnd, 005 Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, CLT VOR 1600′; CLT LFR-Z 1600*.
*If LFR-Z not identified descent below 1600′ NA and minima become 900–2.
Crs and distance, facility to airport, 005—13.4 from CLT-VOR; 005—1.5 from CLT-LFR-Z.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 mi, climb to 2300′ on R-005 or when directed by ATC; turn right, climb to 2900′ on R-040 within 20 mi.
CAUTION: 1116′ MSL tower located 4 mi SE of LFR and 3 mi E of final approach crs.

City, Charlotte; State, N. C.; Airport Name, Douglas; Elev., 748′; Fac. Class, BVOR; Ident., CLT; Procedure No. 1, Amdt. 3; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 25 May 57

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-5	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 049—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-038 within 20 mi.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR-5, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 260 Outbnd, 080 Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 094—0.64 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2000′ on MBS VOR R080 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR-9, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-14	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 139—0.28 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2600′ on MBS VOR R-133 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR-14, Amdt. Orig.; Eff. Date, 21 Dec 57

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-23	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 038 Outbnd, 218 Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 229—0.29 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-218 within 20 mi.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR-23, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	1400–1	1400–1	1400–1½
				S-dn-27	1400–1	1400–1	1400–1
				A-dn	1400–2	1400–2	1400–2

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 2600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 274—0.67 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-290 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR-27, Amdt. Orig.; Eff. Date, 21 Dec. 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	900–1	900–1	900–1½
				S-dn-32	900–1	900–1	900–1
				A-dn	900–2	900–2	900–2

Procedure turn W side SE crs, 150° Outbnd, 330° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 319—0.44 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-330 within 20 miles.
NOTE: All turns will be made on the West side of R-145 due to a 1647′ radio tower East.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR-32, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-36	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 160 Outbnd, 340 Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 340—3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2500′ on R-340 Traverse City VOR within 20 mi.
CAUTION: 4 radio towers WNW of airport 3 to 5 miles, 1132′ to 1546′.

City, Traverse City; State, Mich.; Airport Name, Municipal; Elev., 623′; Fac. Class, VOR; Ident., TVC; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Dec. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int OGG R-205 and LNY R-100	Mango Int	Direct	4000	T-d	500–1	500–1	500–1
Int UPP R-291 and OGG R-175	Mango Int	Direct	4000	T-n	600–2	600–2	600–2
Mango Int	Int LNY R-082 or 143° brng to MAU and OGG R-193.	Direct	3000	C-d	700–1	700–1	700–1½
				C-n	700–3	700–3	700–3
Int LNY R-082 and OGG R-193	OGG VOR (Final)	Direct	800	A-dn	800–3	800–3	800–3

Procedure turn not authorized. Straight-in approach from Mango Int only.
Minimum altitude over facility on final approach crs, 800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 3000′ on R-027 within 20 miles, reverse course climbing to 4000′ over station.

City, Kahului; State, Maui, T. H.; Airport Name ,Kahului; Elev., 59′; Fac. Class, VOR; Ident., OGG; Procedure No. TerVOR-2, Amdt. 1; Eff. Date, 21 Dec. 57; Sup. Amdt. No. Orig.; Dated, 26 Oct. 57

				T-d	500–1	500–1	500–1
				T-n	600–2	600–2	600–2
				C-d	600–1	600–1	600–1½
				C-n	600–3	600–3	600–3
				A-dn	800–3	800–3	800–3

Procedure turn West side of crs, 027° Outbnd, 207° Inbnd, 1500′ within 20 miles.
Minimum altitude over facility on final approach crs, 700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to 3000′ on R-027 within 20 miles, reverse course climbing to 4000′ over station.

City, Kahului; State, Maui, T. H.; Airport Name, Kahului; Elev., 59′; Fac. Class, VOR; Ident., OGG; Procedure No. TerVOR-20, Amdt. 1; Eff. Date, 21 Dec. 57; Sup. Amdt. No. Orig.; Dated, 26 Oct. 57

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-30	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 114° Outbnd, 294° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, break off point to Rnwy 30, 302—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2100′ on R-308 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class, BVOR; Ident., ALO; Procedure No. TerVOR-30, Amdt. Orig.; Eff. Date, 21 Dec. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Anchorage LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Delta Island Int	LOM	Direct	1500	C-dn	600-1	600-1	600-1½
Susitna Int	LOM	Direct	1500	S-dn-6:			
Turnagain Int	LOM	Direct	1500	ILS	300-½	300-½	300-½
Radar Transition	Radar Site	Within 25 mi	As directed by ATC	ADF	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side of W crs, 244 Outbnd, 064 Inbnd, 1500′ within 10 mi of LOM.
Minimum altitude at G. S. int inbnd, 1500′ ILS, minimum altitude over LOM inbnd final 1500′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1500—4.8, at MM 320—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM (ADF) climb to 1500′ on SW crs (183) ANC LFR within 20 mi, or when directed by ATC: (1) climb to 1500′ on W crs ILS (244) within 20 miles of LOM, (2) climb to 1500′ on NW crs ANC LFR (305) to hold at Susitna Int.
CAUTION: Terrain 384′ msl 1.6 mi SW of airport and 1.6 mi S of approach to Rnwy 06.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 113′; Fac. Class, ILS-1-ANC; Ident., LOM-AN; Procedure No. ILS-6 Comb ILS and ADF, Amdt. 6; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 5; Dated, 8 June 57

Fairbanks LFR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
Wood River Int	LOM	Direct	4000	C-dn	400-1	500-1	500-1½
Chena Int	LOM	Direct	4000	S-dn-19:			
Fox Rbn ILS	LOM (Final)	Direct	3000	ILS	200-½	200-½	200-½
Fox Rbn ADF	LOM (Final)	Direct	2300	ADF	400-1	400-1	400-1
Additional Transitions to FOX Rbn:				A-dn:			
Fairbanks LFR	Fox RBn	Direct	4000	ILS	600-2	600-2	600-2
Wood River Int	Fox RBn	Direct	4000	ADF	800-2	800-2	800-2
Chena Int	Fox RBn	Direct	4000				

Procedure turn W side N crs, 009 Outbnd, 189 Inbnd, 3000′ within 5 miles LOM; 4000′* within 15 miles FOX MHW.
*CAUTION: Do not descend below 4000′ until past FOX MHW inbnd on final approach.
Minimum altitude at G. S. int inbnd 3000′ ILS, minimum altitude over LOM inbnd final 2300′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 2320—5.8, at MM 670—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM (ADF) climb to 3000′ on crs of 189° to Wood River Int, then SW on NE crs (216°) Nenana LFR within 20 miles of int. or, when directed by ATC, climb to 2400′ proceeding direct to Fairbanks LFR, thence on E crs (060°) to Chena Int.
RESTRICTION: Minimums established on condition that all maneuvering be confined to E of airport; 800′ terrain within 1½ miles W of airport rising to 1000′ within 2 miles.

City, Fairbanks; State, Alaska; Airport Name, International; Elev., 434′; Fac. Class, ILS-1-FAI, MHW-FOX; Ident., LOM-FA; Procedure No. ILS-19, Comb ILS and ADF, Amdt. 3; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 14 Apr. 56

Radar terminal area transition altitude	NW ILS	All directions within 20 mi.	2600	T-dn	300-1	300-1	200-½
			2600	C-dn	500-1	500-1	500-1½
6 mi radar fix	App. end Rnwy 11R (Final)		2500	S-dn-11R	400-1	400-1	400-1
5 mi radar fix	App. end Rnwy 11R (Final)		1800	A-dn	800-2	800-2	800-2
3 mi radar fix	App. end Rnwy 11R (Final)		1500				
2 mi radar fix	App. end Rnwy 11R (Final)						

Procedure turn S side NW crs, 295 Outbnd, 115 Inbnd, 2600′ within 10 mi of Runway 11R as specified by radar controller.
No glide slope or markers.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on final approach within 2 mi after passing 2 mi radar fix, make right climbing turn, climb to 2500′ on SW crs.
MSP LFR to Jordan fan marker.
NOTE: This procedure authorized only when airport surveillance radar is operating and utilized.
CAUTION: Do not descend below 1700′ MSL until radar controller has advised passing 1085′ tower 2.5 mi from app. end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class, ILS-MSP; Ident., Radar MSP; Procedure No. ILS-11, Amdt. 3; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 1 Oct. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
													65 knots or less	More than 65 knots	
160	020	5	1400	8	1400	15	1500	20	1500	25	1500	Surveillance approach			
020	120	5	2500	8	9000	15	9000	20	9000	25	9500				
120	160	5	1400	8	1400	15	5000	20	6000	25	6500	T-dn	300-1	300-1	200-½
												C-dn	600-1	600-1	600-1½
												S-dn*	400-1	400-1	400-1
												A-dn	800-2	800-2	800-2

All bearings are from the radar site with sector azimuths progressing clockwise.

*Runways 6-31-13 (Surveillance approaches to Runway 24 NA due to high terrain E and ground clutter.)

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500' on SW crs Anchorage LFR within 20 mi, or when directed by ATC: (1) Climb to 1500' proceeding direct to Anchorage LOM, thence on crs of 244 Outbnd, 064 Inbnd, within 20 mi. (2) Climb to 1500' on NW crs Anchorage LFR to hold at Susitna Intersection.

CAUTION: Terrain 384' msl 1.6 mi SSW of airport and 1.5 mi W of approach crs to Runway 31, and 1.6 mi S of approach crs to Runway 6.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 113'; Fac. Class & Ident., Anchorage Radar; Procedure No. 1, Amdt. 4; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 3; Dated, 8 June 57

These procedures shall become effective on the dates indicated on the procedures.

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

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 15, 1957.

[F. R. Doc. 57-9668; Filed, Dec. 2, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6275]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

On June 22, 1956, notice of proposed rule making regarding regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 901 through 905 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 4407). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published (except for § 1.902-1 (d), relating to credit to a domestic corporate stockholder for foreign taxes paid by a foreign corporation) are hereby adopted, subject to the changes set forth below. Proposed § 1.902-1 (d) is withdrawn and proposed regulations in lieu thereof will be published at a future date.

PARAGRAPH 1. The first sentence of paragraph (c) of § 1.901-1 is revised.

PAR. 2. Subparagraph (5) of § 1.901-1 (g) is revised.

PAR. 3. Subparagraph (2) of § 1.902-2 (a) is revised.

PAR. 4. Paragraph (a) of § 1.905-1 is revised as follows:

(A) By revising the first sentence.

(B) By revising the third sentence.

RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 25, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

INCOME FROM SOURCES WITHOUT THE UNITED STATES

FOREIGN TAX CREDIT

AUTHORITY: §§ 1.901 to 1.905-4 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

INCOME FROM SOURCES WITHOUT THE UNITED STATES

FOREIGN TAX CREDIT

§ 1.901 *Statutory provisions; taxes of foreign countries and of possessions of United States; allowance of credit.*

SEC. 901. *Taxes of foreign countries and of possessions of United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under section 902. Such choice may be made or changed at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax against which the credit is allowable. The credit shall not be allowed against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

(1) *Citizens and domestic corporations.* In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) *Resident of the United States or Puerto Rico.* In the case of a resident of the United States and in the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued

during the taxable year to any possession of the United States; and

(3) *Alien resident of the United States or Puerto Rico.* In the case of an alien resident of the United States and in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(4) *Partnerships and estates.* In the case of any individual described in paragraph (1), (2), or (3), who is a member of a partnership or a beneficiary of an estate or trust, the amount of his proportionate share of the taxes (described in such paragraph) of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(c) *Corporations treated as foreign.* For purposes of this subpart, the following corporations shall be treated as foreign corporations:

(1) A corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its gross income from sources within a possession of the United States; and

(2) A corporation organized under the China Trade Act, 1922 (15 U. S. C., chapter 4), and entitled to the deduction provided in section 941.

(d) *Cross reference.* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States, see section 164.

(2) For right of each partner to make election under this section, see section 703 (b).

(3) For right of estate or trust to the credit for taxes imposed by foreign countries and possessions of the United States under this section, see section 642 (a) (2).

§ 1.901–1 *Allowance of credit for taxes*—(a) *In general.* Citizens of the United States, domestic corporations, and certain aliens resident in the United States or Puerto Rico may choose to claim a credit, as provided in section 901, against the tax imposed by chapter 1 for taxes paid or accrued to foreign countries and possessions of the United States, subject to the conditions prescribed in the following subparagraphs:

(1) *Citizen of the United States.* A citizen of the United States, whether resident or nonresident, may claim a credit for (i) the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and (ii) his share of any such taxes of a partnership of which he is a member, or of an estate or trust of which he is a beneficiary.

(2) *Domestic corporation.* A domestic corporation may claim a credit for (i) the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and (ii) the taxes deemed to have been paid under section 902.

(3) *Alien resident of the United States or Puerto Rico.* An alien resident of the United States, or an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, may claim a credit for—

(i) The amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any possession of the United States;

(ii) The amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(iii) His share of any such taxes of a partnership of which he is a member, or of an estate or trust of which he is a beneficiary, paid or accrued during the taxable year,

(*a*) To any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country, or

(*b*) To any possession of the United States, as the case may be.

(b) *Foreign countries which satisfy the similar credit requirement*—(1) *Taxes of foreign country of which alien resident is citizen or subject.* A foreign country of which an alien resident is a citizen or subject allows a similar credit, within the meaning of section 901 (b) (3), to a United States citizen residing in such country either—

(i) If such country allows him a credit against its income taxes for the amount of income taxes paid or accrued to the United States; or

(ii) If, in imposing such taxes, such country exempts from taxation the income received by him from sources within the United States (as determined under sections 861 through 864).

(2) *Taxes of foreign country other than one of which alien resident is citizen or subject.* An alien resident of the United States may claim a credit for income taxes paid or accrued by him to a foreign country other than the one of which he is a citizen or subject if the country of which he is a citizen or subject either—

(i) Allows a credit to a United States citizen residing therein for income taxes paid or accrued by him to such other foreign country; or

(ii) In imposing its income taxes, exempts from taxation the income of a United States citizen residing therein from sources within such other foreign country.

(c) *Deduction denied if credit claimed.* If a taxpayer chooses with respect to any taxable year to claim a credit for taxes to any extent, such choice will be considered to apply to income, war profits, and excess profits taxes paid or accrued in such taxable year to all foreign countries and possessions of the United States, and no portion of any such taxes shall be allowed as a deduction from gross income in such taxable year or any succeeding taxable year. See section 164 (b) (6).

(d) *Period during which election can be made or changed.* The taxpayer may, with respect to a particular taxable year, claim the benefits of section 901 (or change such choice if previously made) at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax against which the credit is allowable. See section 6511 (a) and (d) (3).

(e) *Joint return.* In the case of a husband and wife making a joint return, credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be computed upon the basis of the total taxes so paid by or accrued against the spouses.

(f) *Taxes against which credit not allowed.* The credit for taxes shall be allowed only against the tax imposed by chapter 1 but it shall not be allowed against the following taxes imposed under that chapter:

(1) The tax on accumulated earnings imposed by section 531;

(2) The personal holding company tax imposed by section 541; and

(3) The additional tax relating to war loss recoveries imposed by section 1333.

(g) *Taxpayers to whom credit not allowed.* Among those to whom the credit for taxes is not allowed are the following:

(1) A foreign corporation (see section 882 (c) (4));

(2) A China Trade Act corporation (see section 942);

(3) A citizen or domestic corporation entitled to the benefits of the exemption provided by section 931 for income from possessions of the United States (see section 931 (g));

(4) A nonresident alien, other than an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year (see sections 874 (c) and 901 (b) (3));

(5) A citizen of a possession of the United States (except Puerto Rico) who is not otherwise a citizen of the United States and who is not a resident of the United States and persons who are inhabitants of the Virgin Islands (see section 932).

(h) *Taxpayers denied credit in a particular taxable year.* Taxpayers who are denied the credit for taxes for particular taxable years are the following:

(1) An individual who elects to pay the optional tax imposed by section 3, or one who elects under section 144 to take the standard deduction (see section 36);

(2) A taxpayer who elects to deduct taxes paid or accrued to any foreign country or possession of the United States (see section 164);

(3) A regulated investment company which has exercised the election under section 853.

§ 1.901–2 *Definitions.* (a) The term "amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year" means taxes proper, paid or accrued during the taxable year on behalf of the taxpayer claiming credit. No credit is given for amounts representing interest or penalties.

(b) As used in sections 901–905, inclusive, the term "foreign country" means any foreign state or political subdivision thereof, or any foreign political entity, which levies and collects income, war profits, or excess profits taxes.

(c) As used in sections 901–905, inclusive, the term "any possession of the United States" includes Guam, Puerto Rico and the Virgin Islands. But see section 931 and the regulations thereunder.

(d) The principles of sections 861 through 864 and the regulations thereunder shall apply in determining the sources of income for the purposes of sections 901–905, inclusive.

(e) For definitions generally, see section 7701 and the regulations thereunder.

§ 1.902 *Statutory provisions; credit for corporate stockholder in foreign corporation.*

SEC. 902. *Credit for corporate stockholder in foreign corporation*—(a) *Treatment of taxes paid by foreign corporation.* For purposes of this subpart, a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

(b) *Foreign subsidiary of foreign corporation.* If such foreign corporation owns 50 percent or more of the voting stock of another foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such other foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of the corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

(c) *Applicable rules.* (1) The term "accumulated profits," when used in this section in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income; and the Secretary or his delegate shall have full power to determine from the accumulated profits of what year or years such dividends were paid, treating dividends paid in the first 60 days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings.

(2) In the case of a foreign corporation, the income, war profits, and excess profits taxes of which are determined on the basis of an accounting period of less than 1 year, the word "year" as used in this subsection shall be construed to mean such accounting period.

(d) *Special rules for certain wholly-owned foreign corporations.* For purposes of this subtitle, if—

(1) A domestic corporation owns, directly or indirectly, 100 percent of all classes of outstanding stock of a foreign corporation engaged in manufacturing, production, or mining,

(2) Such domestic corporation receives property in the form of a royalty or compensation from such foreign corporation pursuant to any form of contractual arrangement under which the domestic corporation agrees to furnish services or property in consideration for the property so received, and

(3) Such contractual arrangement provides that the property so received by such domestic corporation shall be accepted by such domestic corporation in lieu of dividends and that such foreign corporation shall neither declare nor pay any dividends of any kind in any calendar year in which such property is paid to such domestic corporation by such foreign corporation,

then the excess of the fair market value of such property so received by such domestic corporation over the cost to such domestic corporation of the property and services so furnished by such domestic corporation shall be treated as a distribution by such foreign corporation to such domestic corporation, and for purposes of section 301, the amount of such distribution shall be such excess, in lieu of any amount otherwise determined under section 301 without regard to this subsection; and the basis of such property so received by such domestic corporation shall be the fair market value of such property, in lieu of the basis otherwise determined under section 301 (d) without regard to this subsection.

§ 1.902–1 *Taxes of foreign corporation*—(a) *Domestic corporation owning stock of a foreign corporation.* In the case of a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year, the credit for foreign taxes includes the income, war profits, and excess profits taxes deemed to have been paid by such domestic corporation. The amount of taxes so deemed to have been paid by the domestic corporation is determined by taking the same proportion of any income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States by such foreign corporation, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of any such dividends received bears to the amount of such accumulated profits. If dividends are received from more than one such foreign corporation, the taxes deemed to have been paid by the domestic corporation are computed separately for the dividends received from each such foreign corporation. If the credit for foreign taxes includes taxes deemed to have been paid, the taxpayer must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it. Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only. For other limitations on the amount of credit, see § 1.904–1.

(b) *Foreign corporation owning stock of another foreign corporation.* If any foreign corporation (hereafter in this paragraph referred to as the former corporation) coming within the scope of paragraph (a) of this section owns 50 percent or more of the voting stock of another foreign corporation (hereafter in this paragraph referred to as the latter corporation) from which it receives dividends in any taxable year, the former corporation shall be deemed to have paid that proportion of any income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States by the latter corporation, on or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war profits, and excess profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country on or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(c) *Source of income of foreign subsidiaries and country to which tax is deemed to have been paid.* For the purpose of section 904, dividends of a foreign corporation (at least 10 percent of whose voting stock is owned by a domestic corporation) shall be deemed to have been derived from sources within the foreign country or possession of the United States in which such foreign corporation is incorporated, to the extent that under section 862 (a) (2) such dividends are treated as income from sources without the United States. In addition, all income, war profits, and excess profits taxes paid or deemed to have been paid by such foreign corporation to any foreign country or possession of the United States shall be deemed to have been paid to the country or possession under whose laws such foreign corporation is incorporated.

(d) [Reserved.]

§ 1.902–2 *Special rules for payments from certain wholly-owned foreign corporations*—(a) *Qualifications.* Section 902 (d) provides a special rule for the purpose of allowing credit in accordance with section 902 (a) for foreign taxes in the case of dividends paid by certain foreign corporations. Certain payments made by a wholly-owned foreign subsidiary to its domestic parent corporation shall be treated, to the extent prescribed in section 902 (d) and paragraph (b) of this section, as distributions by the foreign corporation to the domestic corporation for purposes of subtitle A and thus for purposes of the foreign tax credit of the domestic parent. In order for the payments to qualify for the treatment provided by section 902 (d) all the following conditions must be met:

(1) The domestic corporation must own (directly or indirectly) 100 percent of all classes of outstanding stock of a foreign corporation which is engaged in manufacturing, production, or mining.

(2) Such domestic corporation must receive property (including money) in the form of a royalty, or of compensation from such foreign corporation pursuant to any form of contractual arrangement under which the domestic corporation agrees to furnish services or property in consideration for the property so received from the foreign corporation.

(3) Such contractual arrangement must provide that the property so received by such domestic corporation shall be accepted by such domestic corporation in lieu of dividends and that such foreign corporation shall neither declare nor pay any dividends of any kind in any calendar year in which such property is paid to the domestic corporation by such foreign corporation.

(b) *Amount and nature of distribution.* In cases where section 902 (d) applies, the excess of the fair market value

of the property so received in lieu of dividends by the domestic corporation over the cost to it of the property and services so furnished by it shall be treated as a distribution of property by the foreign corporation to which section 301 applies. For purposes of section 301 (relating to distributions of property by a corporation to a shareholder) the amount of such distribution in lieu of dividends shall be such excess of the fair market value (on the date of distribution) of the property received by the domestic corporation over the cost of the property and services furnished by it, in lieu of any amount otherwise determined under section 301 without regard to section 902 (d). However, the amount determined under the preceding two sentences can not exceed the amount which would constitute a dividend for the purposes of subtitle A, and thus for the purposes of section 902 (a), if such excess had been declared and paid as a dividend by such foreign corporation. Any adjustment to the earnings and profits of the foreign corporation because of such distribution of property shall be made only in accordance with the provisions of section 312. The basis of the property so received by the domestic corporation shall be the fair market value of such property (on the date of distribution), in lieu of the basis otherwise determined under section 301 (d) without regard to section 902 (d).

(c) *Illustration of principles.* The application of the principles of section 902 (d) may be illustrated by the following example:

Example. A, a domestic corporation, has owned since January 1, 1950, 100 percent of all classes of outstanding stock of B, a foreign corporation engaged in the mining of certain ore (not constituting inventory assets as defined in section 312 (b) (2) (A)). On February 1, 1950, A and B entered into a contractual arrangement under which A agreed to furnish technical services to B in consideration of a royalty payment by B of ten percent of the ore mined. The contractual arrangement further provides that the ore received by A shall be accepted in lieu of dividends and that B shall neither declare nor pay any dividends of any kind in any calendar year in which such ore is paid to A. In 1955, the cost to A of the technical services furnished under the contractual arrangement is $30,000. The ore received by A during 1955, had an adjusted basis in the hands of B of $40,000, and a fair market value of $100,000. The earnings and profits of B accumulated as of the close of 1955, are $200,000. Under these facts A has received from B in 1955 a distribution under section 902 (d) of $70,000 ($100,000 minus $30,000), which is includible in the gross income of A as a dividend in that amount. A is deemed to have paid, to the extent provided in section 902 (a), foreign income taxes imposed on B on or with respect to the accumulated profits of B from which such dividend of $70,000 was paid. The basis to A of the ore received is $100,000, its fair market value. The accumulated earnings and profits of B shall be reduced by $28,000 $\frac{\$70,000}{\$100,000}\left(\times\$40,000\right)$, i. e., that portion of the adjusted basis (in the hands of B immediately prior to the distribution) of the property distributed which is allocable to the distribution.

§ 1.903 *Statutory provisions; credit for taxes in lieu of income, etc., taxes.*

SEC. 903. *Credit for taxes in lieu of income, etc., taxes.* For purposes of this subpart and of section 164 (b), the term "income, war profits, and excess profits taxes" shall include a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States.

§ 1.903–1 *Definition of taxes in lieu of income, war profits, or excess profits taxes*—(a) *In general.* For the purposes of sections 901 through 905, inclusive, and section 164 (b) (6), the term "income, war profits, and excess profits taxes" includes a tax imposed by statute or decree by a foreign country or by a possession of the United States if—

(1) Such country or possession has in force a general income tax law,

(2) The taxpayer claiming the credit would, in the absence of a specific provision applicable to such taxpayer, be subject to such general income tax, and

(3) Such general income tax is not imposed upon the taxpayer thus subject to such substituted tax.

(b) *Example.* The application of section 903 may be illustrated by the following example:

Example. The A Corporation does business in X country, which imposes an income tax upon substantially a taxable income base. The ascertainment of taxable income, though not the determination of gross income, from sources in X country is found administratively difficult. The X country, by decree, provides that corporations circumstanced as was the A Corporation would, in lieu of the income tax at the rate of 20 percent otherwise payable, be subject to tax at the rate of 10 percent upon the amount of gross income from X country. In accordance with such decree the A Corporation paid X country the sum of $25,000 in 1955 with respect to its tax liability to the X country for the year 1954. Such amount, subject to the applicable limitations, is available as a credit to the A Corporation as foreign income, war profits, or excess profits taxes against the United States tax liability for the year 1954.

§ 1.904 *Statutory provisions; limitation on credit.*

SEC. 904. *Limitation on credit*—(a) *Limitation.* The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Taxable income for purpose of computing limitation.* For purposes of computing the limitation under subsection (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642 (b).

§ 1.904–1 *Limitation on credit for foreign taxes*—(a) *General.* The amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the limitation prescribed in section 904. This limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid) to each foreign country or possession of the United States may not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Special computation of taxable income.* For purposes of computing the limitation under paragraph (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642 (b).

(c) *Illustration of principles.* The operation of this limitation on the credit for foreign taxes paid or accrued may be illustrated by the following examples:

Example (1). The credit for foreign taxes allowable for 1954 in the case of X, an unmarried citizen of the United States who in 1954 received the income shown below and had three exemptions under section 151, is $14,904, computed as follows:

Taxable income (computed without deductions for personal exemptions) from sources within the United States	$50,000
Taxable income (computed without deductions for personal exemptions) from sources within Great Britain	25,000
Total taxable income	75,000
United States income tax (based on taxable income computed with the deductions for personal exemptions)	44,712
British income and profits taxes	18,000
Limitation under section 904 $\left(\frac{25,000}{75,000}\text{ of }\$44,712\right)$	14,904
Credit for British income and profits taxes (total British income and profits taxes, reduced in accordance with the limitation under section 904)	14,904

Example (2). Assume the same facts as in example (1) except that the sources of X's income and taxes paid are as shown below. The credit for foreign taxes allowable to X is $13,442.40, computed as follows:

Taxable income (computed without deductions for personal exemptions) from sources within the United States	$50,000
Taxable income (computed without deductions for personal exemptions) from sources within Great Britain	15,000
Taxable income (computed without deductions for personal exemptions) from sources within Canada	10,000
Total taxable income	75,000
United States income tax (based on taxable income computed with the deductions for personal exemptions)	44,712
British income and profits taxes	10,800
Limitation on British income and profits taxes under section 904 $\left(\frac{15,000}{75,000}\text{ of }\$44,712\right)$	8,942.40
Credit for British income and profits taxes (limited under section 904)	8,942.40
Canadian income and profits taxes	4,500.00
Limitation on Canadian income and profits taxes under section 904 $\left(\frac{10,000}{75,000}\text{ of }\$44,712\right)$	5,961.60

Credit for Canadian income and profits taxes (total Canadian income and profits taxes, since such amount does not exceed the limitation under section 904)	$4,500.00
Total amount of credit allowable (sum of credits—$8,942.40 plus $4,500)	13,442.40

Example (3). A domestic corporation realized taxable income in 1954 in the amount of $100,000, consisting of $50,000 from United States sources and dividends of $50,000 from a French corporation, 20 percent of whose voting stock it owned. The French corporation paid income and profits taxes to France on its income and in addition paid a dividend tax for the account of its shareholders on income distributed to them, the latter tax being withheld and paid at the source. The domestic corporation's credit for foreign taxes is $23,250, computed as follows:

Taxable income from sources within the United States	$50,000
Taxable income from sources within France	50,000
Total taxable income	100,000
United States income tax	46,500
Dividend tax paid at source to France	19,000
Income and profits taxes deemed under section 902 to have been paid to France, computed as follows:	
Dividends received from French corporation during 1954	$50,000
Income of French corporation during 1954	200,000
Income and profits taxes paid to Franch on $200,000	30,000
Accumulated profits ($200,000 minus $30,000)	170,000
French taxes applicable to accumulated profits distributed: $\frac{50,000}{170,000}$ of $\frac{170,000}{200,000}$ of $30,000	7,500
Total income and profits taxes paid and deemed to have been paid to France	26,500
Limitation under section 904 $\left(\frac{50,000}{100,000}\right.$ of $46,500$)	23,250
Credit for French income and profits taxes (limited under section 904)	23,250

(d) *Joint return.* In the case of a husband and wife making a joint return, the limitation prescribed by section 904 upon the credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be applied with respect to the aggregate taxable income from sources within each such country or possession, and the aggregate taxable income from all sources, of the spouses.

§ 1.905 *Statutory provisions; applicable rules.*

SEC. 905. *Applicable rules*—(a) *Year in which credit taken.* The credits provided in this subpart may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subsection (c). If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken on the same basis, and no portion of any such taxes shall be allowed as a deduction in the same or any succeeding year.

(b) *Proof of credits.* The credits provided in this subpart shall be allowed only if the taxpayer establishes to the satisfaction of the Secretary or his delegate—

(1) The total amount of income derived from sources without the United States, determined as provided in part I,

(2) The amount of income derived from each country, the tax paid or accrued to which is claimed as a credit under this subpart, such amount to be determined under regulations prescribed by the Secretary or his delegate, and

(3) All other information necessary for the verification and computation of such credits.

(c) *Adjustments on payment of accrued taxes.* If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Secretary or his delegate, who shall redetermine the amount of the tax for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by the taxpayer on notice and demand by the Secretary or his delegate, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with subchapter B of chapter 66 (sec. 6511 and following). In the case of such a tax accrued but not paid, the Secretary or his delegate, as a condition precedent to the allowance of this credit may require the taxpayer to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the taxpayer of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from the taxpayer for the year or years affected by a refund, the amount of the taxes refunded for which credit has been allowed under this section shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund; but no credit under this subpart, and no deduction under section 164 (relating to deduction for taxes) shall be allowed for any taxable year with respect to such tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period.

§ 1.905–1 *When credit for taxes may be taken*—(a) *In general.* The credit for taxes provided in sections 901 to 905, inclusive, may ordinarily be taken either in the return for the year in which the taxes accrued or in which the taxes were paid, dependent upon whether the accounts of the taxpayer are kept and his returns filed using an accrual method or using the cash receipts and disbursements method. Section 905 (a) allows the taxpayer, at his option and irrespective of the method of accounting employed in keeping his books, to take such credit for taxes as may be allowable in the return for the year in which the taxes accrued. An election thus made under section 905 (a) (or under the corresponding provisions of prior internal revenue laws) must be followed in returns for all subsequent years, and no portion of any such taxes accrued in a year in which a credit is claimed will be allowed as a deduction from gross income in any year. See also § 1.905–4.

(b) *Foreign income subject to exchange controls.* If, however, under the provisions of the regulations under section 461, an amount otherwise constituting gross income for the taxable year from sources without the United States is, owing to monetary, exchange, or other restrictions imposed by a foreign country, not includible in gross income of the taxpayer for such year, the credit for income taxes imposed by such foreign country with respect to such amount shall be taken proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income.

§ 1.905–2 *Conditions of allowance of credit*—(a) *Forms and information.* (1) Whenever the taxpayer chooses, in accordance with paragraph (d) of § 1.901–1, to claim the benefits of the foreign tax credit, the claim for credit shall be accompanied by Form 1116 in the case of an individual or by Form 1118 in the case of a corporation.

(2) The form must be carefully filled in with all the information called for and with the calculations of credits indicated, and must be signed and contain or be verified by a written declaration that it is made under the penalties of perjury. Except where it is established to the satisfaction of the district director that it is impossible for the taxpayer to furnish such evidence, the form must have attached to it (i) the receipt for each such tax payment if credit is sought for taxes already paid or (ii) the return on which each such accrued tax was based if credit is sought for taxes accrued. This receipt or return so attached must be either the original, a duplicate original, a duly certified or authenticated copy, or a sworn copy. In case only a sworn copy of a receipt or return is attached, there must be kept readily available for comparison on request the original, a duplicate original, or a duly certified or authenticated copy. If the receipt or the return is in a foreign language, a certified translation thereof must be furnished by the taxpayer. Any additional information necessary for the determination under sections 861 through 864 of the amount of income derived from sources without the United States and from each foreign country shall, upon the request of the district director, be furnished by the taxpayer.

(b) *Secondary evidence.* Where it has been established to the satisfaction of the district director that it is impossible to furnish a receipt for such foreign tax payment, the foreign tax return, or direct evidence of the amount of tax withheld at the source, the district di-

rector, may, in his discretion, accept secondary evidence thereof as follows:

(1) *Receipt for payment.* In the absence of a receipt for payment of foreign taxes there shall be submitted a photostatic copy of the check, draft, or other medium of payment showing the amount and date thereof, with certification identifying it with the tax claimed to have been paid, together with evidence establishing that the tax was paid for taxpayer's account as his own tax on his own income. If credit is claimed on an accrual method, it must be shown that the tax accrued in the taxable year.

(2) *Foreign tax return.* If the foreign tax return is not available, the foreign tax has not been paid, and credit is claimed on an accrual method, there shall be submitted—

(i) A certified statement of the amount claimed to have accrued,

(ii) Excerpts from the taxpayer's accounts showing amounts of foreign income and tax thereon accrued on its books,

(iii) A computation of the foreign tax based on income from the foreign country carried on the books and at current rates of tax to be established by data such as excerpts from the foreign law, assessment notices, or other documentary evidence thereof,

(iv) A bond, if deemed necessary by the district director, filed in the manner provided in cases where the foreign return is available, and

(v) In case a bond is not required, a specific agreement wherein the taxpayer shall recognize its liability to report the correct amount of tax when ascertained, as required by the provisions of section 905 (c).

If at any time the foreign tax receipts or foreign tax returns become available to the taxpayer, they shall be promptly submitted to the district director.

(3) *Tax withheld at source.* In the case of taxes withheld at the source from dividends, interest, royalties, compensation, or other form of income, where evidence of withholding and of the amount withheld cannot be secured from those who have made the payments, the district director may, in his discretion, accept secondary evidence of such withholding and of the amount of the tax so withheld, having due regard to the taxpayer's books of account and to the rates of taxation prevailing in the particular foreign country during the period involved.

§ 1.905–3 *Redetermination of the tax when credit proves incorrect*—(a) *In general.* In case credit has been given for taxes accrued, or a proportionate share thereof, and the amount that is actually paid on account of such taxes, or a proportionate share thereof, is not the same as the amount of such credit, or in case any tax payment credited is refunded in whole or in part, the taxpayer shall immediately notify the Commissioner. The Commissioner will thereupon redetermine the amount of the tax of such taxpayer for the year or years for which such incorrect credit was granted. The amount of tax, if any, due upon such redetermination shall be paid by the taxpayer upon notice and demand by the district director. The amount of tax, if any, shown by such redetermination to have been overpaid shall be credited or refunded to the taxpayer in accordance with the provisions of § 301.6511 (d)–3 of the regulations on procedure and administration.

(b) *Foreign tax imposed on foreign refund.* Where the redetermination of the tax for a taxable year, or years, is occasioned by the refund to the taxpayer of tax paid to a foreign country or possession of the United States, the amount of the taxes refunded for which credit has been allowed shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund. In such case no credit under section 901, and no deduction under section 164, shall be allowed for any taxable year with respect to such tax imposed on the refund.

(c) *Interest.* Where the redetermination of the tax for a taxable year, or years, is occasioned by the refund to the taxpayer of tax paid to a foreign country or possession of the United States, no interest shall be assessed or collected on the amount of tax due upon such redetermination resulting from such refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period.

§ 1.905–4 *Credit for taxes accrued but not paid.* In the case of a credit sought for a tax accrued but not paid, the district director may, as a condition precedent to the allowance of a credit, require a bond from the taxpayer, in addition to Form 1116 or 1118. If such a bond is required, Form 1117 shall be used by an individual; and Form 1119, by a corporation. It shall be in such sum as the Commissioner may prescribe, and shall be conditioned for the payment by the taxpayer of any amount of tax found due upon any redetermination of the tax made necessary by such credit proving incorrect, with such further conditions as the district director may require. This bond shall be executed by the taxpayer, or the agent or representative of the taxpayer, as principal, and by sureties satisfactory to and approved by the Commissioner. See also 6 U. S. C. 15.

[F. R. Doc. 57-9967; Filed, Dec. 2, 1957; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 25th day of November A. D. 1957.

The matter of accounting regulations prescribed for persons which furnish cars or protective services against heat or cold being under consideration pursuant to provisions of section 20 (6) of the Interstate Commerce Act; as amended (54 Stat. 917, 49 U. S. C. 20 (6)); and,

It appearing that a notice of proposed rule making was approved April 27, 1956, and published May 10, 1956, in the FEDERAL REGISTER pursuant to requirements of section 4 (a) of the Administrative Procedure Act, covering certain changes in the Uniform System of Accounts for Persons Furnishing Cars or Protective Services Against Heat or Cold and permitting interested persons to file written views or arguments to be considered in connection with such changes; and,

It further appearing that representations were filed on behalf of all carriers subject to that system of accounts, not protesting the changes then under consideration but requesting that consideration be also given to regrouping the prescribed operating revenue and operating expense accounts in that system in recognition of substantial changes in the practice of providing protective services, and that no views or arguments were received in response to the notice dated April 27, 1956, other than on behalf of such carriers; and consideration having been given to the carriers' views:

It is ordered, That, effective January 1, 1958, the title of the regulations in this part and of Part 24 of Title 49 in the Code of Federal Regulations be, and they both are hereby, changed to conform to the heading of this order.

It is further ordered, That, effective January 1, 1958, all refrigerator car lines which are railroad owned or controlled, and are operated in interstate commerce subject to provisions of section 20 (6) of the act, shall comply with the Uniform System of Accounts for Refrigerator Car Lines as modified in conformity with the attachments hereto which are by this reference made a part of this order.

And it is further ordered, That a copy of this order with the attachments shall be served on each refrigerator car line which is subject to its provisions and on every trustee, receiver, executor, administrator, or assignee of any such refrigerator car line, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

INSTRUCTIONS

In § 24.01–16 *Retirements and replacements,* reference is made in paragraph (b) (2) to account 839, "Other unadjusted debits." This reference should be changed to read account 833, "Other deferred assets."

PROPERTY ACCOUNTS

Insert the following new and additional property accounts:

§ 24.16 *Mechanical protective service units.* This account shall include the cost of mechanical protective service

units, and of appurtenances and fixtures necessary to equip them for service, including inspection, setting up and trying out after receipt from builders, and transportation charges.

§ 24.17 *Mechanical protective service facilities.* This account shall include the cost of special facilities used in the maintenance and operation of mechanical protective service units and services, including building and structures, complete with foundations, furniture, and fixtures; water supply, drainage, and sewer systems; and heating and lighting systems.

This account shall also include the cost of machinery and appurtenances in special facilities used in the maintenance and operation of mechanical protective service units and service, including cost of special foundations and installation, and cost of hand tools necessary to equip such facilities.

OPERATING REVENUE

1. In § 24.103 *Other car service revenue,* renumber this section to read: 24.108 *Other car service revenue.*

2. Insert the following new and additional revenue account:

§ 24.104 *Cleaning cars.* This account shall include amounts receivable for cleaning cars for loading.

3. Change the center heading, "Refrigeration Service," to read: "Icing Protective Service."

4. Insert the following new and additional revenue accounts:

Mechanical Protective Service

§ 24.116 *Mechanical protective service units.* This account shall include revenue from the use of mechanical protective service units installed in cars owned, leased, or otherwise under the control of the accounting company while in service on railroad companies' lines.

§ 24.117 *Inspecting, servicing, and supervision.* This account shall include revenue from inspecting and servicing mechanical protective service units while in service on railroad companies' lines for protection of perishable freight, and revenue from supervising such service.

§ 24.118 *Fuel.* This account shall include revenue from fuel furnished mechanical protective service units while in service on railroad companies' lines for the protection of perishable freight.

§ 24.119 *Miscellaneous revenue.* This account shall include revenue from mechanical protective service operations not otherwise provided for, including amounts billed against others for lubricating oil and other supplies, except fuel, furnished mechanical protective service units.

5. In § 24.131 *Cleaning cars,* cancel the number, title, and text of this account.

OPERATING EXPENSES

1. In the groups of operating expense accounts designated by the center headings "Ice and Salt" and "Other Refrigeration Service":

2. Change the center heading "Ice and Salt," which follows § 24.338, to read "Icing Protective Service."

3. Section 24.355 *Icing operations:* Renumber this section as § 24.354.

4. Section 24.360 *Repairs; icing facilities:* Renumber this section as § 24.355.

5. Section 24.361 *Injuries to persons:* Renumber this section as § 24.356.

6. Section 24.362 *Insurance:* Renumber this section as § 24.357.

7. Section 24.369 *Other expenses:* Renumber this section as § 24.358.

8. Section 24.386 *Depreciation; icing facilities:* Renumber this section as § 24.365.

9. Section 24.388 *Retirements; icing facilities:* Renumber this section as § 24.370.

10. Section 24.395 *Salt:* Renumber this section as § 24.375.

11. Change center heading "Other Refrigeration Service" to read "Other Icing Service."

12. Section 24.401 *Supervision:* Renumber this section as § 24.381.

13. Section 24.403 *Rents; refrigeration service facilities:* Renumber this section as § 24.382.

14. Section 24.405 *Diversions and reconsignments:* Cancel the number, title, and text of this section in its entirety.

15. Section 24.410 *Repairs; refrigeration service facilities:* Renumber this section as § 24.383.

16. Section 24.411 *Precooling service:* Renumber this section as § 24.384.

17. Section 24.421 *Injuries to persons:* Renumber this section as § 24.385.

18. Section 24.422 *Insurance:* Renumber this section as § 24.386.

19. Section 24.423 *Stationery and printing:* Renumber this section as § 24.387.

20. Section 24.429 *Other expenses:* Renumber this section as § 24.390.

21. Section 24.436 *Depreciation; refrigeration service facilities:* Renumber this section as § 24.395.

22. Section 24.438 *Retirements; refrigeration service facilities:* Renumber this section as § 24.396.

23. Insert the following new and additional operating expense accounts:

Mechanical Protective Service

§ 24.401 *Supervision.* This account shall include the cost of supervising and directing the maintenance and operation of mechanical protective service.

§ 24.402 *Rents.* This account shall include all rents of property of others used, occupied, or operated in connection with furnishing mechanical protective service.

§ 24.403 *Fuel.* This account shall include the cost of fuel (including transportation charges and cost of storage, if stored at company expense) delivered to mechanical protective service units, including the labor cost (when separable) of delivering such fuel to the units.

NOTE: When fuel is used in mechanical protective service units during inspections and repairs, the labor costs in connection therewith, when not readily separable, may be included in account 405, "Inspecting and servicing," or account 406, "Repairs," as appropriate.

§ 24.404 *Other supplies.* This account shall include the cost of all supplies except fuel used in mechanical protective service units, including freon, anti-freeze, lubricating oil, and supplies for standby service. It shall be charged with payments made to others for supplies for such units in cars for which the accounting company is liable.

NOTE: When such supplies are incidental to inspections or repairs, the labor costs in connection therewith, when not readily separable, may be included in account 405, "Inspecting and servicing," or account 406, "Repairs," as appropriate.

§ 24.405 *Inspecting and servicing.* This account shall include the pay of employees engaged in inspecting and servicing mechanical protective service units, both preparatory to loading cars and while under load, to place and keep the units in proper operating condition for protection of the lading, including setting thermostats, refueling, and (when not separable) furnishing supplies.

NOTE: The costs of inspecting and servicing mechanical protective service units in the process of repairing or otherwise maintaining the units are chargeable to account 406, "Repairs."

§ 24.406 *Repairs.* (a) This account shall include the cost of maintaining and repairing mechanical protective service units, including the cost of inspecting and servicing incidental to such repairs; and of buildings, machinery, and fixtures and other appurtenances used in connection with furnishing mechanical protective service; also the cost of maintaining grounds appurtenant to those facilities.

(b) This account shall also be charged with amounts paid to others for repairs to units for which the accounting company is liable, and credited with amounts billed against others for repairs to units not owned or controlled by the accounting company.

§ 24.407 *Injuries to persons.* This account shall include payments on account of injuries to persons when caused directly in connection with mechanical protective service maintenance and operations and not recoverable through insurance, including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, and transportation expenses of injured persons and their attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with claims for such injuries.

§ 24.408 *Insurance.* This account shall include the cost of premiums, except reinsurance premiums, for insuring the company against loss through injuries to persons, damage to or destruction or loss of property when such injuries, damage, or loss would be chargeable to mechanical protective service maintenance and operations; also premiums on fidelity bonds of employees whose pay is charged to such service.

§ 24.409 *Stationery and printing.* This account shall include the cost of all

stationery and printing, and rentals of and repairs to office appliances and machines, used in connection with mechanical protective service maintenance and operations.

§ 24.415 *Other expenses.* This account shall include all expenses in connection with mechanical protective service maintenance and operations not otherwise provided for.

§ 24.420 *Depreciation; mechanical service facilities.* This account shall include the amount of depreciation charges applicable to the accounting period relating to mechanical protective service property. (See provisions of § 24.01–48 *Depreciation.*)

§ 24.421 *Retirements; mechanical service facilities.* This account shall include the cost of dismantling retired mechanical protective service units and facilities, and recovering the salvage therefrom. It shall also include the undepreciated service value of mechanical protective service units and facilities at the time of their retirement. (See provisions of § 24.01–48 *Depreciation.*)

24. In § 24.455 *Diversions and reconsignments,* cancel the number, title, and text of this account.

25. Insert the following new and additional miscellaneous operating expense account:

§ 24.514 *Diversions and reconsignments.* This account shall include the pay, and travel and other expenses of employees engaged in handling and maintaining records of diversions and reconsignments of shipments moving under protective service, including furnishing passing information, and all other expenses incident to diversion or reconsignment of such shipments.

[F. R. Doc. 57-9965; Filed, Dec. 2, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED HOMINY[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Canned Hominy, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than January 15, 1958.

The proposed standard is as follows:

PRODUCT DESCRIPTION, COLOR, STYLES, AND GRADES

Sec.

FILL OF CONTAINER AND DRAINED WEIGHTS

FACTORS OF QUALITY

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

LOT INSPECTION AND CERTIFICATION

SCORE SHEET

AUTHORITY: §§ 52.3281 to 52.3294 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR, STYLES, AND GRADES

§ 52.3281 *Product description.* "Canned hominy" means the canned product prepared from clean, sound field corn, either white or golden (yellow), by removal of the pericarp, by precooking or other processing, soaking, and sorting. The product is packed in a liquid packing medium or in a jelled packing medium, in accordance with good commercial practice, and is sufficiently processed by heat to assure preservation in hermetically sealed containers.

§ 52.3282 *Color of canned hominy.* (a) White.

(b) Golden (yellow).

§ 52.3283 *Styles of canned hominy.* (a) "Style I Whole" means canned whole kernel hominy which has been prepared from whole kernels of white or yellow field corn and is packed in a liquid packing medium. "Vacuum pack" canned whole kernel hominy means whole kernel hominy packed in not more than 20 percent, by weight, of liquid packing medium and the container is closed under conditions creating a high vacuum.

(b) "Style II Grits" means canned hominy which has been prepared from coarse kernel particles of white or yellow field corn from which the pericarp and germ have been removed. "Vacuum pack" canned hominy grits means hominy grits packed in not more than 20 percent, by weight, of liquid packing medium and the container is closed under conditions creating a high vacuum.

(c) "Style III Grits, Jelled Pack" means canned hominy which has been prepared from coarse kernel particles of white or yellow field corn from which the pericarp and germ have been removed and is packed in a jelled packing medium.

§ 52.3284 *Grades of canned hominy.* (a) "U. S. Grade A" or "U. S. Fancy," hereinafter called U. S. Grade A, is the quality of canned hominy that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a good color; that is practically free from defects; that possesses a good character; that with respect to Style I Whole and Style II Grits possesses a good liquor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That Style I may be fairly free from defects with respect to crushed or broken kernels and Style I and Style II may possess a fairly good liquor, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard," hereinafter called U. S. Grade C, is the quality of canned hominy that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; that with respect to Style I and Style II possesses a good liquor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned hominy that fails to meet the requirements of U. S. Grade C.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.3285 *Recommended fill of container.* The recommended fill of container for canned hominy is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned hominy be filled as full as practicable with hominy without impairment of quality.

§ 52.3286 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. 1 of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned hominy is determined by emptying the contents

of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, and allow to drain for two minutes. The drained weight is the weight of the sieve and the hominy less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE No. 1

RECOMMENDED MINIMUM DRAINED WEIGHT (IN OUNCES) OF HOMINY STYLES NO. I AND NO. II

Container size or designation	Dimensions (inches) or water capacity (fluid ounces)	Drained weight (ounces)	
		Style I	Style II
No. 1 (picnic)	2 1/16 x 4	6½	7¾
No. 1 (tall)	3 1/16 x 4 1/16	9¾	11¾
No. 300	3 x 4 7/16	9	10¾
No. 303	3 1/16 x 4 9/16	10	12
No. 303 jar	17.0	10½	12½
No. 2	3 7/16 x 4 9/16	12	14¼
No. 2½	4 1/16 x 4 1/16	18	21¼
No. 2½ jar	28.3	17¾	21
No. 10	6 1/16 x 7	72	76

§ 52.3287 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weight for canned hominy is determined by averaging the drained weights of all of the containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meets the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all of the containers which are representative of the lot does not fall below the minimum recommended drained weight.

FACTORS OF QUALITY

§ 52.3288 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points*—(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Liquor	10
Color	30
Defects	30
Character	30
Total score	100

(b) "Normal flavor" means that the product has a characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

§ 52.3289 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is rated by score points are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each such factor is inclusive (for example, "25 to 30 points" means 25, 26, 27, 28, 29, or 30 points).

§ 52.3290 *Liquor*—(a) *General.* The factor of liquor is not scored in Style III Grits, Jelled Pack. The other four factors shall be scored and the total score shall be multiplied by 100 and divided by 90, dropping any fractions, to determine the total score for the product.

(b) (*A*) *classification.* Canned hominy that possesses a good liquor may be given a score of 9 or 10 points. "Good liquor" means that the liquor is light in color, may be slightly cloudy or slightly opaque, and may be slightly viscous but is reasonably free from starchy globules and sediment.

(c) (*C*) *classification.* If the canned hominy possesses a fairly good liquor, a score of 7 or 8 points may be given. "Fairly good liquor" means that the liquor may be definitely cloudy or opaque and viscous but not jelled, and is fairly free from starchy globules and sediment.

(d) (*SStd.*) *classification.* Canned hominy that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3291 *Color*—(a) (*A*) *classification.* Canned hominy that possesses a good color may be given a score of 25 to 30 points. "Good color" means that the kernels possess a practically uniform, bright color typical of white or golden (yellow) hominy, as the case may be, and that the product contains not more than 2 percent, by count, of "off-variety" kernels or pieces of kernels.

(b) (*C*) *classification.* If the canned hominy possesses a fairly good color, a score of 21 to 24 points may be given. Canned hominy that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the kernels or pieces of kernels may possess a fairly uniform, typical color and may be slightly dull, and that the product contains not more than 3 percent, by count, of "off-variety" kernels or pieces of kernels.

(c) (*SStd.*) *classification.* Canned hominy that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3292 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, from kernels or pieces of kernels with pericarp attached, from broken kernels in Style I, and from damaged and seriously damaged kernels or pieces of kernels.

(1) "Harmless extraneous material" means vegetable material such as pieces of cob, hulls, and loose germs.

(2) "Damage" means kernels or pieces of kernels damaged by discoloration, insect injury, pathological injury, or damaged by other means to the extent that the appearance or eating quality is materially affected.

(3) "Serious damage" means kernels or pieces of kernels damaged to such an extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Canned hominy that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that the product is practically free from harmless extraneous material, from kernels or pieces of kernels with pericarp attached, and that not more than 2 percent, by weight, of the kernels or pieces of kernels may be damaged and seriously damaged, and of such 2 percent, not more than one-fourth thereof or one-half of 1 percent may be seriously damaged, and with respect to Style I not more than 10 percent, by count, of the kernels may be broken: *Provided,* That the aforesaid defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product.

(c) (*C*) *classification.* If the canned hominy is fairly free from defects, a score of 21 to 24 points may be given. Canned hominy that scores in this classification, except for broken kernels in Style I, shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly free from defects" means that the product is fairly free from harmless extraneous material, from kernels or pieces of kernels with pericarp attached, and that not more than 3 percent, by weight, of the kernels or pieces of kernels may be damaged and seriously damaged, and of such 3 percent not more than one-third thereof or 1 percent may be seriously damaged, and with respect to Style I not more than 20 percent, by count, of the kernels may be broken: *Provided,* That the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product.

(d) (*SStd.*) *classification.* Canned hominy that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3293 *Character*—(a) *General.* The factor of character refers to the tenderness of the product and freedom from hard or excessively soft kernels or pieces of kernels.

(b) (*A*) *classification.* Canned hominy that possesses a good character may be given a score of 26 to 30 points. "Good character" means that the kernels or pieces of kernels may be reasonably firm and tender, and reasonably free from hard kernels and from excessively soft kernels or pieces of kernels.

(c) (*C*) *classification.* If the canned hominy possesses a fairly good character, a score of 21 to 25 points may be given. Canned hominy that falls into this classification shall not be graded above U. S.

Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the kernels or pieces of kernels may be fairly firm and tender and fairly free from hard kernels and excessively soft kernels or pieces of kernels.

(d) *(SStd.) classification.* Canned hominy that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3294 *Ascertaining the grade of a lot.* The grade of a lot of canned hominy covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3295 *Score sheet for canned hominy.*

Size and kind of container			----
Container marks or identification			----
Label			----
Net weight (ounces)			----
Vacuum (inches)			----
Drained weight (ounces)			----
Color—White; Golden (yellow)			----
Style			----
Factors	**Score points**		
Liquor	10	(A)	9–10
		(C)	7– 8
		(SStd.)	[1] 0– 6
Color	30	(A)	25–30
		(C)	[2] 21–24
		(SStd.)	[1] 0–20
Defects	30	(A)	25–30
		(C)	[2] 21–24
		(SStd.)	[1] 0–20
Character	30	(A)	26–30
		(C)	[1] 21–25
		(SStd.)	[1] 0–20
Total score	100		
Flavor			----
Varietal characteristics			----
Grade			----

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: November 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9995; Filed, Dec. 2, 1957; 8:49 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED SQUASH (SUMMER TYPE)[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards (7 CFR §§ 52.3581–52.3592) for Grades of Canned Squash (Summer Type) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for the inclusion of a diced style of canned squash (summer type) and redefines the term "poorly cut" to include allowances for diced style.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than January 15, 1957.

The proposed amendments are as follows:

1. Change § 52.3582 to read:

§ 52.3582 *Styles of canned squash.* (a) "Whole" means canned squash consisting of whole squash with stems removed.

(b) "Sliced crosswise" means canned squash consisting of units cut at right angle to the longitudinal axis into slices of approximately uniform thickness with parallel surfaces.

(c) "Diced" means canned squash which has been cut into fairly uniform diced units.

(d) "Cut" means canned squash cut into units which are not uniform in size or shape or which do not conform to any of the foregoing styles.

2. In § 52.3589, paragraph (a), change subparagraph (5) to read:

(5) "Poorly cut" means units with attached stems or stem material, very ragged cut units, and pieces of less than one-half slice in sliced style squash, pieces measuring one-half inch or less in the longest dimension for cut style, and pieces measuring less than one-quarter inch in the longest dimension for diced style.

Dated: November 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9996; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of egg products (7 CFR, Part 55), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would increase the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading and inspection service of egg products performed on a resident grading basis. The increase results from a decision that resident graders should properly be covered under the Federal leave system which increases benefits to the employees and correspondingly increases costs of the more liberal leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including Employer's tax for Old Age and Survivors Benefits and the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (a) (4) of § 55.68 *On a resident inspection basis,* to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary cost for any assigned grader or inspector of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture.

2. Change paragraph (a) (8) of § 55.68 *On a resident inspection basis,* to read as follows:

(8) A charge, included in salary cost, equal to fifteen (15) percent of the base salary to cover the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs.

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9997; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 56]

GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is con-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

sidering the issuance of an amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR Part 56), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would increase the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading service of shell eggs performed on a resident grading basis. The increase results from a decision that resident graders should properly be covered under the Federal Leave System which increases benefits to the employees and correspondingly increases costs of the more liberal leave benfits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including Employer's tax for Old Age and Survivors Benefits and the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954. In addition, the amendment would provide for a charge of $25 per month when service is furnished exclusively by a licensed grader who is not a Federal or State employee to cover increased supervisory costs of company licensees.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (a) (4) of § 56.52 *On a resident grading basis,* to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture;

2. Change paragraph (a) (8) of § 56.52 *On a resident grading basis,* to read as follows:

(8) A charge, included in salary cost, equal to 15 percent of the base salary to cover the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs;

3. Insert a new subparagraph (a) (13) to § 56.52 *On a resident grading basis,* to read as follows:

(13) A charge, in addition to that provided in subparagraph (9) of this paragraph, of $25 per month when service is furnished exclusively by a licensed grader who is not a Federal or State employee.

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9999; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would increase the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading of poultry and edible products thereof performed on a resident grading basis. The increase results from a decision that resident graders should properly be covered under the Federal leave system which increases benefits to the employees and correspondingly increases costs of the more liberal leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including Employer's tax for Old Age and Survivor's benefits and the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (a) (4) of § 70.138 *Grading performed on a resident grading basis,* to read as follows:

(4) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary costs of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing service for the Department of Defense on products for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

2. Change paragraph (a) (8) of § 70.138 *Grading performed on a resident grading basis,* to read as follows:

(8) A charge, included in salary costs, equal to 15 percent of the base salary to cover the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System and an amount equal to the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs;

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9998; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 965]

[Docket No. AO-166-A22]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS 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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was

conducted at Cincinnati, Ohio, on June 25–26, 1957, pursuant to notice thereof which was issued on June 11, 1957 (22 F. R. 4237).

Material issues of record relate to:

1. Revisions of the definitions of "pool plant", "producer", and "other source milk" and the addition of definitions for "fluid milk product" and "Chicago butter price".

2. Revision of the pricing provisions, including changes in the basic formula price, the supply-demand adjuster, the Class II price for milk used in cottage cheese and the incorporation of a provision for equivalent prices.

3. Extension of location differential credits to handlers on milk moved from country pool plants and on producer milk received at pool plants located outside of the marketing area.

4. Clarification of provisions applicable to partially regulated plants and provisions for dealing with a plant subject to another Federal order issued pursuant to the act.

5. Adoption of a quota plan for the payment to producers of the proceeds from the sale of their milk.

6. Redrafting and reissuance of complete order with provisions for the reporting and accounting for skim milk and butterfat, separately, including more specific accounting and allocation procedures for skim milk and a reduction in allowable skrinkage in Class III milk.

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

1. The definitions of "producer", "pool plant", "producer milk" and "other source milk" should be clarified and definitions for "fluid milk product" and "Chicago butter price" should be added.

The language of the present definition of a producer, among other things, refers to a person operating a dairy farm who produces milk under a dairy farm permit issued by an appropriate health authority. The phrase, "an appropriate health authority", has been applied to include persons who hold permits from a duly constituted health authority for the production of milk for fluid disposition, if such milk is permitted by the health authority having jurisdiction in the marketing area to be disposed of for fluid consumption in the marketing area. In the provisions of the order relating to the qualification of supply plants as pool plants, reference is made to plants which receive milk from dairy farmers. No reference is made to health authority approval.

Producers proposed that changes be made in the definitions of producer and the supply plant portion of the pool plant definition so as to require a dairy farmer to hold a dairy farm permit issued by a health authority having jurisdiction in the marketing area. Producers contended that the present definition was susceptible to more than one interpretation and has resulted in the pooling of milk which is not closely associated with the market. Furthermore, it was argued that all producer milk must be produced under local health department permits to conform with the declared policy of the act of providing prices which will assure a sufficient quantity of pure and wholesome milk and be in the public interest.

The primary purpose of definitions of "producer" and "pool plant" is to provide the criteria for determining what milk and what plants are to be subject to regulation under the order. Reference is made to health authorities and approval of milk by them in the producer definition primarily for the purpose of distinguishing between dairy farmers who supply milk to pool plants which is eligible for fluid disposition in the marketing area and dairy farmers who may supply milk which is not eligible for fluid disposition in the marketing area.

The establishment and application of sanitary standards which milk must meet for fluid disposition in the different segments of the marketing area is the responsibility of the respective health authorities having jurisdiction in the several segments. It is not the function of the Federal order to provide, or in any way to enforce, sanitary standards for milk marketed for fluid disposition and which is regulated and priced under its provisions. It is the responsibility of the order to provide a method of pricing that milk which the consumers in a given area, through the authority granted to their duly constituted health authorities, consider to be pure and wholesome milk on the basis of the health requirements they have established. At the present time, the sanitary requirements of milk for disposition as fluid milk in the marketing area are the responsibility of the Boards of Health of the City of Cincinnati, the City of Norwood, and for Hamilton County, the State of Ohio. Each of these segments of the marketing area has adopted health ordinances patterned after the standard ordinance and code of the U. S. Public Service. These ordinances prescribe standards for the production and handling of milk and the requirements the milk must meet to be labeled as Grade A milk. All milk disposed of for fluid consumption to consumers in the marketing area is required to meet these Grade A standards.

It is the practice of some of the health authorities having jurisdiction in the marketing area to permit milk from other approved Grade A sources to be used for fluid disposition in the marketing area without inspecting individual farms or issuing permits to the individual dairy farmers. The actual farm inspections are conducted by the health authorities in the areas where the plants supplying such milk are located. If the plant supplying such milk meets the pool plant requirements of the order, it would be unreasonable to exclude such dairy farmers as producers under the order merely because their farms are not physically approved or permits issued by the health authority in the marketing area. Such dairy farmers are, in fact, subject to the same requirements to qualify as producers under the order as dairy farmers who produce milk under permits which are physically issued by a health authority having jurisdiction in the marketing area—they must produce inspected milk of a quality acceptable to the health authority in the marketing area and, at the same time, be associated with a pool plant. Only the mechanics by which approval is granted by the health authority in the marketing area are different.

"Producer" should be defined, therefore, to include a dairy farmer who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition, which milk is received at a pool plant and is permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area. Any dairy farmer not meeting any one of these requirements would, of course, not be qualified as a producer under the order.

To limit the definition of a producer to dairy farmers who hold permits issued by a health authority having jurisdiction in the marketing area, as proposed by producers, could result in an undue restriction on supplies of milk from dairy farmers delivering their milk to supply plants or fluid milk plants located outside the marketing area. It could prevent producers who are regularly and primarily associated with the market from participating in the marketwide pool.

That portion of the definition of a pool plant which applies to supply plants should be clarified in accordance with the recommended change in the definition of a producer.

A definition of "producer milk" is useful in drafting the order to refer to that milk which is to be priced and the proceeds from the sale of which is to be included in the marketwide pooling arrangement. The definition of producer milk should be clarified by specifying that it applies to only that skim milk and butterfat which is received at the pool plant directly from producers during the month or diverted from a pool plant to a nonpool plant under the same conditions as specified by the present order. Construction of other order provisions will be facilitated by incorporating the conditions relative to the point of receipt of diverted milk in this definition. The present definition is not intended to include milk received from producer-handlers. The order should be clarified in this respect by excluding a producer-handler under the definition of a producer.

A definition of "fluid milk product" should be incorporated in the order. This is a convenient term for use in constructing the order to refer to the skim milk and butterfat in the fluid form of milk, cream and other milk products as contrasted to manufactured dairy products. Storage cream, aerated cream, ice cream mixes, condensed and evaporated milk and other manufactured dairy products should be excluded from the category of a fluid milk product.

The definition of "other source milk" should be modified to incorporate references to the proposed new term of fluid milk product and to clarify its meaning. A precise and clear definition of other source milk is essential to facilitate the reporting, classification, allocation and compensatory payment provisions of the

order. The present definition should be changed to facilitate the accounting for skim milk as recommended hereinafter (Issue 6). Other source milk should be defined so as to include all skim milk and butterfat in fluid milk products received from sources other than producers, other pool plants and from inventory of fluid milk products. Other source milk should include all skim milk and butterfat represented by (used to produce) all manufactured products which are used or reused in the plant during the month except Class II products which are received from other pool plants. The application of other order provisions will be simplified by excluding from other source milk Class II products received from other pool plants, and manufactured products which are disposed of or may be purchased or manufactured and carried in inventory but which are not used in the plant during the month. To include Class II products from other pool plants and inventories of Class III products in the receipt and utilization report would unnecessarily complicate the transfer and allocation procedures and could result in duplicating compensatory payment charges on transfers of such milk between pool plants.

All Class II products from nonpool plants and other manufactured products included in Class III milk, such as storage cream, evaporated or condensed milk, dry milk solids and the like, which are reprocessed, repackaged or in any way converted into another product during the month, should be accounted for as other source milk, the same as provided by the present definition. Although only products which are used during the month are to enter into the classification and allocation procedure for the month, other provisions of the order require the handler to maintain such accounts and records of his operations as are necessary for the market administrator to ascertain the utilization of all skim milk and butterfat received at a pool plant during the month. It will be necessary, therefore, for handlers to keep records of stocks, production, receipts and disposition of such products in order for the market administrator to verify the reported use of such products during the month. The definition of other source milk proposed herein will not change the method of accounting that has been found necesary for butterfat in this market under the present order.

A definition for "Chicago butter price" should be added to the order. The addition of this definition will not change the intent of the present order but its application will facilitate the drafting of other order provisions.

2. The supply-demand adjuster should be revised to conform with the more even seasonal pattern of producer milk deliveries in the Cincinnati market and to include all Class I milk in the base and current-month Class I utilization percentages.

The seasonal pattern of producer milk deliveries to the Cincinnati market has changed since the base utilization percentages of the present supply-demand adjuster were adopted. A larger proportion of the annual supply of producer milk is being delivered during the fall and winter months and a smaller proportion during the spring and summer months.

Data on receipts and Class I sales are contained in the record of hearing through March of 1957. The use of data which have become available since that time will contribute to the determination of a more representative seasonal relationship between receipts and sales. For that reason, receipts and sales data for April through August 1957 also have been used in this analysis. The source of these data is the monthly releases of the market administrator for the Cincinnati, Ohio, milk marketing area for the period April through August 1957, entitled "Uniform Price Computation", of which official notice is hereby taken.

For the years 1954–55, the average monthly receipts of producer milk during the months of October through December (the months of lowest production in relation to Class I sales) were equal to 84 percent of the average monthly receipts of the two-year period, and for the months of May through July, 120 percent. During the October–December, 1956 period and the May–July, 1956 period, average monthly receipts constituted 93 and 116 percent, respectively, of average monthly receipts of the same two-year period. For the years 1955, 1956, and 1957 average monthly receipts for January and February were 72, 74, and 77 percent, of average monthly receipts for May through July. All of these comparisons are based on receipts and sales at plants which were in operation during the entire period since January 1954. Two plants which formerly had been included in the pool discontinued selling milk in the marketing area during 1956.

This changed seasonal pattern of production, in conjunction with a relatively stable seasonal pattern of Class I utilization has caused the supply-demand adjuster to increase Class I prices during some of the flush production months of the spring and summer and to reduce adjustments in the shorter production months of the fall and winter. This, of course, works counter to the fall incentive payment plan in encouraging a more even seasonal pattern of production and in bringing market supplies more in line with fluid milk requirements. This payment plan was made effective in the Cincinnati market, May 1, 1955. While it is not the purpose of the supply-demand adjuster to encourage a more even seasonal pattern of production, it should not work counter to such adjustments. Also, unless the supply-demand adjuster is "neutral" with respect to seasonal movements, its effectiveness in performing its primary functions of adjusting the Class I price in response to changes in the level of supply in relation to market requirements will be dampened. It is concluded, therefore, that the base utilization percentages should be revised to reflect the shift in the seasonality of producer milk receipts.

A proposal to increase the difference between the minimum and maximum base utilization percentages and lower the minimum percentages should not be adopted. Elimination of contraseasonal price adjustments should be dependent upon the seasonal variation of the base utilization percentages conforming to the seasonal variation of the Class I utilization percentages. Even though absolute negative adjustments may be eliminated by increasing the spread between the minimum and maximum percentages or by lowering the minimum relative to the maximum, supply-demand adjustments will be greater at some seasons of the year than at others, unless seasonality of the base percentages conforms to the normal seasonality of the Class I percentages. Except for the contraseasonal price adjustments, the supply-demand adjuster has not produced erratic or unwarranted adjustments. Therefore, to increase the spread between the minimum and maximum and lower the minimum would serve only to reduce the over-all effectiveness of the supply-demand adjuster in adjusting Class I prices promptly to promote the desired alignment between producer receipts and fluid milk requirements, particularly when receipts are high relative to fluid milk requirements.

The average level of the present base utilization percentages is at the proper level to reflect necessary adjustments in Class I prices in relation to the fluid milk requirements of the market. Prices established thereunder have brought forth an adequate supply of milk, not only for the Class I requirements of the market, but also for Class II milk. On the basis of market data adjusted to include only receipts and sales at those plants which were in the pool for the entire period September 1954–August 1955 and to reflect the present system of classification, producer receipts were in the following relationship to Class I sales during selected periods:

Period:	*Percent producer receipts are of Class I sales*
September 1954–August 1955	159
September 1955–August 1956	149
September 1955–August 1957	155
October–December 1954	127
October–December 1955	121
October–December 1956	134
August 1956	162
August 1957	159

The Class I utilization percentage should be revised to include all Class I milk. At the present time, milk used in fluid cream, Class I products in fluid form containing eight percent or more butterfat and unaccounted for milk in Class I, are not included in the Class I utilization percentage. Inclusion of this milk in the current utilization percentage would make a more representative sample of the fluid milk requirements of the market, thereby facilitating more accurate and appropriate Class I price adjustments under the supply-demand provisions. The use of total Class I milk also will simplify the determination of the current utilization percentage. The base utilization percentages should be adjusted therefore to reflect the inclusion of the additional milk in the Class I utili-

zation percentage. In view of the above stated considerations, it is concluded that the following base utilization percentages should be adopted:

Month for which price is being computed	Base utilization percentage	
	Minimum	Maximum
January	67	69
February	66	68
March	66	68
April	67	69
May	63	65
June	60	62
July	53	55
August	49	51
September	48	50
October	51	53
November	58	60
December	63	65

These values take into account the existing seasonal pattern of production and the effect of including all Class I milk in the Class I utilization percentage. In view of the improvements made since installation of the Louisville Plan, they also allow for some further evening of the seasonal pattern of production. The proposed base utilization percentages are intended to result in approximately the same average annual Class I price adjustments as would be provided by the present order. The proposed schedule would have added to the pool value between 10 and 11 cents per hundredweight of producer milk classified in Class I milk during the 12-month period August 1956–July 1957. The amount added by the present schedule is in this same range.

Basic formula prices. The butter-nonfat dry milk solids formula used in the basic formula should be revised.

The Class I price is composed of the basic formula price and a fixed differential, which is adjusted by the supply-demand adjuster. The basic formula is designed to reflect the value of milk used in manufacturing, thereby reflecting changes in fluid milk prices which conform to changes in manufacturing milk prices. The fixed differential is designed to reflect the additional incentive necessary to obtain the production and delivery of the fluid milk requirements of the market.

Under the present order, the basic formula price is the higher of the average price paid by a group of midwest condenseries or the price yielded by a formula designed to reflect the value of milk used in the manufacture of butter and nonfat dry milk. Dry skim milk produced by the spray process and the roller process, at present, receive equal weight in determining the formula value of skim milk. However, during recent years, the production of dry skim milk by the spray process has increased each year relative to production by the roller process and at the present time, makes up about 90 percent of total production.

Also, there has been a slight upward trend in the spread between the prices of the two types of nonfat dry milk. During the period 1949–1952, the average annual price of spray process exceeded the average annual price of roller process by 1.67 cents per pound, while during the period 1953–1956, the spray process was higher by an average of 2.11 cents per pound. The average increase in the price of spray relative to the price of roller has been accompanied by considerable variation from year to year. During the 1949–1952 period, the amount by which the price of spray exceeded the price of roller ranged from 1.43 cents per pound on an annual basis to 1.93 cents. During the 1953–1956 period, the range was from 1.79 to 2.66 cents.

It is concluded, therefore, that the average price of spray and roller process nonfat dry milk should be replaced by the price of spray process in the butter-dry milk element of the basic formula. The revised formula will yield prices which more nearly represent changes in the value of milk used to produce butter and dry milk solids. Because the present level of the Class I price is appropriate, as previously concluded under this issue, and since the butter-nonfat dry milk formula is only one of the alternative elements of the basic formula, a conforming change should be made in the manufacturing allowance of the butter-nonfat dry milk solids formula. Stated in terms of the present formula, the five and one-half cents which are deducted from the price of nonfat dry milk solids should be increased to six and four-tenths cents.

Equivalent prices. Provision should be made for the use of an equivalent price, if, for any reason, a price quotation required by the order for computing class prices or for other purposes is not available. A particular price quotation required under the provisions of the order may be discontinued or not available in the manner or at the time described by the order. Should such contingencies materialize, equivalent pricing will permit the intent of the pricing provisions of the order to be carried out without interruption until the order can be amended.

No testimony was presented on a proposal contained in the notice of hearing for separate pricing of milk used to produce cottage cheese disposed of outside the marketing area. The proposal, therefore, is denied.

3. A schedule of location adjustments applicable to milk received at pool plants should be established in relation to the distance the plant is located from Cincinnati.

The present order provides for a location differential which is credited to handlers with respect to milk (a) received and utilized at a pool plant located more than 45 miles from the City Hall as any items of Class I and Class II milk or (b) which is moved from such pool plant to a pool plant located less than 45 miles from the City Hall in Cincinnati in the form of a fluid milk product or as condensed skim milk or frozen cream. In the case of such movements to pool plants, the differential allowed is limited to that portion of product moved which is allocated to Class I and Class II utilization in the transferee plant after first subtracting receipts of producer milk at such plant. Under the present provision, the credit on movements between plants may be allowed to the receiving plant to the extent that such credit does not exceed the obligation of the receiving handler to the producer-settlement fund for the month. Uniform prices to producers at pool plants so situated are adjusted by the same rate.

Under the present provision, Class I, Class II and uniform prices to producers at pool plants located at considerable distances from the marketing area would be the same as the corresponding prices at plants located just outside the 45-mile radius. On milk received from producers at distant pool plants, the handler assumes the cost of moving the milk from the plant to marketing area plants or in packaged form to retail and wholesale outlets in the marketing area. In contrast, the entire cost of moving milk from farms to plants located within the 45-mile radius is borne by producers.

Milk at farms or at plants has a progressively lower value to the market as such farms or plants are located farther from the market. The difference in value is related directly to the cost of transporting the milk from the respective locations to the market. It is economically sound and necessary to recognize such differences in value at pool plants to promote equality in cost of milk among pool plants and returns for milk among producers. This should be accomplished by a schedule of location adjustments applying at distant plants in accordance with their location with respect to the marketing area.

At the time of the hearing, three country pool plants supplied milk to the marketing area. These plants are all located within a 110 mile radius of Cincinnati. No evidence was presented which would indicate that the present location adjustment rate of 15 cents at each of these plants should be changed. Since a substantial portion of the cost of moving milk within this relatively short distance is not associated with the distance the milk is moved, it is reasonable to have the 15-cent rate apply to all plants located more than 45 miles but less than 110 miles from the City Hall in Cincinnati. For plants located greater distances from Cincinnati, the rate should be increased one and one-half cents for each additional 10 miles or portion thereof that the plant is located more than 110 miles from the City Hall. The rate of 1.5 cents for each additional 10 miles approximates the cost of moving milk such distances to the marketing area by efficient means and conforms closely to the rate applied under other Federal orders.

4. The provisions applicable to partially regulated plants and provisions for dealing with plants subject to another Federal order should be clarified.

The present order provides that a plant located outside the marketing area and which distributes milk inside the marketing area but in an amount less than 10 percent of the entire route distribution from such plant is a nonpool plant. The operators of such nonpool plants are required to make reports of their receipts and utilization to the market administrator each month and are subject to audit. On the Class I milk disposed of inside the marketing area, a compensatory payment is required to be made to the producer-settlement fund. The findings and conclusions issued at

the time compensatory payments were incorporated in the order (19 F. R. 3475) stated that milk from plants which are subject to the pricing provisions of another order should be exempt from such payments. Provision for such exemption was made with respect to other source milk received at pool plants from plants regulated by another order but such exemption was inadvertently omitted in the case of nonpool plants which are subject to regulation under another order. In view of the stated intent, no payments have been enforced on milk disposed of in the marketing area by such plants.

Producers proposed that payments on milk distributed in the marketing area from plants subject to another order be required at the difference between the Class I price under the Cincinnati order and the Class I price under the order to which such milk is subject to regulation.

The minimum prices for Class I milk under other Fedral orders which would regulate any nonpool plants which might reasonably be expected to distribute milk in the Cincinnati marketing area are equal to or exceed the Cincinnati Class I price as adjusted by the Class I location differential applicable at pool plants of the same location. Handlers operating plants subject to such other Federal orders are required to pay the respective order Class I prices for all milk disposed of on routes in the Cincinnati marketing area. They would not be in a position to purchase milk for such disposition, therefore, at a competitive advantage over Cincinnati pool plants. Furthermore, if for some reason, plants subject to other Federal orders have a competitive advantage over a period of time in the procurement of milk for sale in the Cincinnati marketing area, the problem fundamentally would be one of establishing the proper alignment in Class I prices between markets. No compensatory payments, therefore, should be required on milk distributed by nonpool plants in the Cincinnati marketing area which is classified and priced as Class I milk under another Federal milk marketing order.

Under the present pool plant definition of the Cincinnati order, plants at which the milk of dairy farmers is priced by another Federal order are excluded as pool plants. It is possible that a plant could be subject to another Federal order and exempt from regulation under the Cincinnati order even though a major portion of its Class I milk disposition may be made in the Cincinnati marketing area. It is reasonable and economically sound that a plant should be regulated under the order for the marketing area where the largest portion of the plant's Class I milk is disposed of. Such a determination should be made on the basis of sales over a period of time to reduce the possibility of subjecting plants to different orders from month to month under situations where nearly equal amounts of milk are supplied to the Cincinnati and other marketing areas. A reasonable basis for this determination is sales during the current and each of the immediately preceding three months. A new section, therefore, § 965.92 incorporating these conclusions should be added to the order. The proposed language will avoid jurisdictional questions which could result under the present language contained in this and in some other orders.

5. The quota plan for distributing to pryoducers the proceeds from the sale of their milk should not be adopted at this time.

Producers proposed that a quota (base and excess) plan be adopted. Producers are presently paid on the basis of a fall incentive plan whereby a certain rate per hundredweight of producer milk is set aside from the marketwide pool value of milk during the flush production season and distributed to producers on the basis of their deliveries during the short production season. This plan, having been adopted May 1, 1955, has been in operation for only two years. It was the intention of proponents to have the quota plan work in conjunction with the fall incentive plan but not replace it. Both the fall incentive plan and the quota plan have the common objective of decreasing seasonal variation of producer milk receipts. Producers contended that the addition of a quota plan with each producer assigned a quota or base would be more effective in promoting more even production and would reduce the possibility of dairy farmers from other markets sharing in the marketwide pool by delivering their excess milk to pool plants during the flush production season. The revised definition of a producer as recommended herein should greatly reduce this latter possibility. As discussed under Issue No. 2, considerable progress has been made under the fall incentive plan in obtaining more even production in the relatively short period of time since it became effective. Additional time is needed before the final degree of effectiveness can be appraised and the need for additional means of evening the seasonal pattern of production determined. It is concluded, therefore, that producers' proposal should be denied at this time.

6. The entire order should be redrafted to provide for reporting and accounting for skim milk and butterfat, separately, to add more specificity in the provisions with respect to the reporting and accounting for milk and to incorporate a number of conforming and clarifying changes.

Most of the provisions of the present order with respect to reporting, classification and allocation are written in terms of milk and butterfat. Some provisions are written in terms of skim milk and butterfat. The present language fails to provide for explicit accounting for skim milk. These provisions should be redrafted and brought into conformance with good accounting practice and the procedures followed in orders generally by applying separate accounting for skim milk and butterfat.

Condensed skim milk, dry skim milk and other products from which some of the water contained in skim milk is removed are manufactured in pool plants. Some of these products are reused in the plant where produced or disposed of to other pool plants. Operators of other pool plants may purchase skim milk solids from outside sources. Such solids may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product should be accounted for as as amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk. Receipts of skim milk in concentrated form also should be accounted for in this manner. This method of accounting promotes uniformity in the cost of skim milk among handlers in accordance with its class usage and is necessary to effectuate the established principle of allocating current receipts of producer milk to the higher-priced utilizations to the fullest extent that current receipts from producers are available to supply such uses. This procedure has been followed in this market in order to carry out the intent of the present order and, in redrafting the order provisions, should be specified.

The present order provides for classifying shrinkage on butterfat as Class III milk up to 2.5 percent of the receipts of butterfat in producer milk. No maximum shrinkage allowance is provided on skim milk in producer milk.

The maximum amount of shrinkage on producer milk which may be accounted for in Class III milk should be reduced to 2.0 percent for both skim milk and butterfat. This is in accordance with the experience at most pool plants and is reasonable for this market. This figure and the practice of a maximum allowance on skim milk has been adopted under most other Federal orders.

The explicit accounting for skim milk and butterfat, separately, and the application of the skim milk equivalent basis of accounting for all concentrated skim milk products used during the month (other source milk) necessitates a revision in the method of allocating total plant shrinkage between producer milk and other source milk. Because skim milk and butterfat is accounted for in Class II and Class III milk products on a used to produce basis, shrinkage involved in manufacturing such products is included in the amount of skim milk and butterfat reported in such uses. Under this accounting system, the shrinkage experienced by handlers, therefore, is confined primarily to losses incurred in receiving bulk fluid milk and in processing milk for Class I disposition. To determine the respective amounts of shrinkage on producer milk and other source milk, therefore, total shrinkage should be prorated between receipts of producer milk and other source milk received in the form of a fluid milk product in bulk.

All other provisions of the order should be redrafted where necessary to incorporate conforming changes and make editorial changes for the purpose of clarification.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the find-

ings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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

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

Recommended margeting agreement and order amending the order. The following order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 965.1 *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.).

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

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the City of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

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

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

(a) A fluid milk plant located in the marketing area;

(b) A fluid milk plant located outside the marketing area and from which not less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10 (a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

Months Plant Is Pool Plant

Months milk is moved:	
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

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

§ 965.9 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.10 *Producer.* "Producer" means a dairy farmer, other than a producer-handler, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant; or

(c) Either: (1) Diverted during any of the months of March through August from a pool plant to a nonpool plant for the account of a handler as defined in § 965.11 (a) (1); or (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11 (b), if such milk is from a dairy farmer whose milk previously has been received at a pool plant.

§ 965.11 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted to a nonpool plant by the cooperative association during the month.

§ 965.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 965.10 (c): *Provided,* That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the nonpool plant to which the milk is diverted.

§ 965.13 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products received from other pool plants, and (3) inventory of fluid milk products at the beginning of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are reprocessed, repackaged, or converted to another

product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

§ 965.15 *Fluid milk product.* "Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink, cream (sweet, cultured, sour, or whipped), eggnog, concentrated milk and any mixture of milk, skim milk or cream (except frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated or condensed milk).

§ 965.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

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

§ 965.21 *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.

§ 965.22 *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, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

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

(c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) 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 month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Monthly reports of receipts and utilization.* On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products.

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

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

(d) His producer payroll, which shall show for each producer:. (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

§ 965.31 *Other reports.* Each handler who operates a fluid milk plant, which is a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 965.32 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this part 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 a 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 written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 965.30 (a) shall be classified by the market administrator, subject to the provisions of §§ 965.41 through 965.46.

§ 965.41 *Classes of utilization.* Subject to the conditions set forth in §§ 965.43 and 965.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product,

except as provided in paragraphs (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated product, and cottage cheese; and (2) inventories of fluid milk products; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

§ 965.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

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

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and other source milk received in the form of a fluid milk product in bulk.

§ 965.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46 (a) (1), (2), and (3) and the corresponding steps of (b): *Provided,* That if either or both plants have other source milk, the milk, skim milk or cream so transferred shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further,* That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant located in Campbell County or Kenton County, Kentucky, from which a route(s) is operated, unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) The Class I utilization (as defined in § 965.41) at such nonpool plant is less than the skim milk and butterfat, respectively, transferred or diverted to such nonpool plant, in which case, such skim milk and butterfat shall be assigned to the highest-valued use classification available at such plant;

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(d) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant, except as provided in paragraphs (b) and (c) of this section, unless the conditions specified in subparagraphs (1) and (2) of paragraph (b) of this section are met and an equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to Class III milk to the extent available then in sequence to Class II milk and Class I milk.

§ 965.44 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

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

§ 965.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

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

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41 (c) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product which is subject to the Class I pricing provisions of another order issued pursuant to the act;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

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

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

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

(b) The price per hundredweight computed by adding together the plus

amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Subject to the provisions of § 965.52, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided,* That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	67	69
February	66	68
March	66	68
April	67	69
May	63	65
June	60	62
July	53	55
August	49	51
September	48	50
October	51	53
November	58	60
December	63	65

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51 (b) (2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50 (b) (2) and divide the result by 1000: *Provided,* That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

§ 965.53 *Location differential to handlers.* For that skim milk and butterfat in producer milk received at a pool plant located 45 miles or more by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 45 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant, the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	*Rate per hundredweight (cents)*
45 but less than 110	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant, the total skim milk and butterfat in producer milk physically received at such plant and (2) shall be allowed to the transferee handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

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

COMPUTATION OF UNIFORM PRICE

§ 965.60 *Net obligation of each handler.* The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:

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

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46 (a) (6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46 (a) (5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46 (a) (2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50 (b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided,* That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes operated within the marketing area, (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (other than butter). Such obligations shall be paid by such handler to the market administrator on or before the 17th day after the end of each month.

§ 965.62 *Correction of errors.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 965.63 *Computation of uniform prices.* For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71 (b) on September 30 of such year;

(e) Add the sum of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay to each producer $1.00 per hundredweight of milk received from such producer during the month: *Provided,* That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61 and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts substracted pursuant to § 965.63 (c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63 (d); and

(c) The difference between the amount added pursuant to § 965.63 (f) and the amount resulting from the subtraction pursuant to § 965.63 (h) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22 (i) (1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

§ 965.74 *Butterfat differential to producers.* In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.75 *Location differentials to producers.* In computing the payment due each producer pursuant to § 965.73, the uniform price for milk which is received at a pool plant located 45 miles or more, by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from City Hall (miles):	*Rate per hundredweight (cents)*
45 but less 110	15.0
For each additional 10 miles or fraction thereof, an additional	1.5

§ 965.76 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as

the Secretary may from time to time prescribe, with respect to all producer milk received during the month.

§ 965.77 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market adminstrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

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

(1) The amount of the obligation;

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

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, 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 part, to make available to the market administrator or his representatives all books and records required by this part 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 such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this 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 milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

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

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

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

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

§ 965.92 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Cincinnati, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided,* That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Filed at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9961; Filed, Dec. 2, 1957; 8:46 a. m.]

Agricultural Research Service

[9 CFR Part 112]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS AND CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.), it is proposed to amend § 112.2 (a) (2) of the regulations relating to viruses, serums, toxins, and analogous products (9 CFR 112.2 (a) (2), as amended) to read:

(2) In the case of product manufactured in the United States, the name and address of the licensee, or of the subsidiary which manufactured the product, when named in the license as provided in § 102.4 (d), and in the case of foreign-manufactured product offered for importation, the name and address of the permittee and of the foreign manufacturer: *Provided,* That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

The purposes of the proposed amendment are to modify the requirements with respect to labeling of biological products (for use in the treatment of domestic animals) produced by corporations which are actual producing subsidiaries of a licensee, and to impose certain requirements for the labeling of biologicals for such use, produced in foreign countries and imported into the United States, which are consistent with the labeling requirements applicable to domestically produced biologicals.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of November 1957.

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

[F. R. Doc. 57-10000; Filed, Dec. 2, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

UTAH STATE BOARD OF AGRICULTURE

AUTHORIZATION FOR INSPECTION OF LIVESTOCK

The Utah State Board of Agriculture, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in or shipped from the State of Utah. It is found that the applicant is an agency of the State of Utah, that branding and marking of livestock as a means of establishing ownership prevails by custom or statute in said State, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the Utah State Board of Agriculture to charge and collect a reasonable and non-discriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of Utah for the purpose of determining the ownership of such livestock.

Therefore, after consideration of such application and all data, views and arguments submitted as a result of the notice of proposed rule making in connection therewith published in the FEDERAL REGISTER on October 11, 1957 (22 F. R. 8099), and pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective 30 days after publication in the FEDERAL REGISTER:

Authorization. The Utah State Board of Agriculture is hereby authorized, with respect to livestock originating in or shipped from the State of Utah, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), at which the said Utah State Board of Agriculture may register as a market agency to perform such inspection, reasonable and non-discriminatory fees for the inspection of brands, marks and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Utah State Board of Agriculture. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations issued thereunder. (7 U. S. C. 217a.)

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9994; Filed, Dec. 2, 1957; 8:49 a. m.]

Office of the Secretary

KANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Kansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Cherokee.	Montgomery.
Crawford.	Neosho.
Labette.	Wilson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9962; Filed, Dec. 2, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Department of Lands has filed an application, Serial No. A. 039140, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for transfer to the Territory for school construction purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 3 N., R. 11 W., Seward Meridian, Section 31, SW¼SE¼NW¼.

Containing approximately 10 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-9991; Filed, Dec. 2, 1957; 8:49 a. m.]

Bureau of Reclamation

[No. 75]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

NOVEMBER 20, 1957.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1958 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $8.00 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of calendar year 1958 will be applied against the minimum charges for water during calendar year 1959. No credit will be given for water purchased during calendar year 1958 at the minimum charge but undelivered at the end of calendar year 1958.

Where in the opinion of the Chief, Operations Division, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1958, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1958 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $8.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

W. H. TAYLOR,
Regional Director.

[F. R. Doc. 57-9966; Filed, Dec. 2, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LORETZ & CO. AND SAN DIEGO TRAFFIC SERVICES

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916. (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8228 between Loretz & Company, Los Angeles, California, and San Diego Traffic Services, San Diego, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 27, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9955; Filed, Dec. 2, 1957; 8:45 a. m.]

Office of the Secretary

GEORGE W. FLANAGAN

STATEMENT OF CHANGES IN FINANCIAL INTEREST

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 November 15, 1956, 21 F. R. 8892; May 14, 1957, 22 F. R. 3396.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 6, 1957.

GEORGE W. FLANAGAN.

NOVEMBER 25, 1957.

[F. R. Doc. 57-9963; Filed, Dec. 2, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that General Dynamics Corporation, San Diego, California, on November 19, 1957 filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear reactor designed to operate at a power level of 10 kilowatts and to be located at Torrey Pines Mesa, San Diego, California.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of November 1957.

For the Atomic Energy Commission.

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

[F. R. Doc. 57-9950; Filed, Dec. 2, 1957; 8:45 a. m.]

[Docket No. 27-6]

NUCLEAR CONSULTANTS, INC.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by Nuclear Consultants, Inc., 9842 Manchester Road, St. Louis 19, Missouri.

The application specifies a maximum possession limit of 3 curies of each radioisotope with atomic numbers from 3 to 83 except for Cobalt 60, Iridium 192, Cesium 137 and Thulium 170 for which the possession limit is 25 curies each. It is proposed that short lived material will be held for decay and disposed in accordance with the criteria established in Title 10 Code of Federal Regulations, Part 20, "Standards for Protection Against Radi-

ation". That material which cannot be disposed in accordance with these criteria will be packaged and shipped to Oak Ridge National Laboratory, Oak Ridge, Tennessee.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 20th day of November 1957.

For the Atomic Energy Commission.

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

[F. R. Doc. 57-9951; Filed, Dec. 2, 1957; 8:45 a. m.]

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on November 25, 1957, issued License No. CX-6 to Westinghouse Electric Corporation authorizing the operation of a critical experiment facility at the Westinghouse Reactor Evaluation Center, Westmoreland County, Pennsylvania. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on October 2, 1957.

Dated at Washington, D. C., this 25th day of November 1957.

For the Atomic Energy Commission.

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

[F. R. Doc. 57-9952; Filed, Dec. 2, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12124, 12125; FCC 57M-1191]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Geoffrey A. Lapping, Phoenix, Arizona, Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy d/b as Phoenix Broadcasting Company, Phoenix, Arizona, Docket No. 12125, File No. BP-10964; for construction permits.

Pursuant to a pre-hearing conference this date, and with the concurrence of counsel for all parties: *It is ordered,* This 27th day of November 1957, that the hearing now scheduled in this proceeding to commence on December 4, 1957, is continued without date.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9983; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket Nos. 12209, 12210; FCC 57M-1182]

DAVID M. SEGAL ET AL.

ORDER FOLLOWING FIRST PREHEARING CONFERENCE (CONTINUING HEARING)

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permits.

1. At a prehearing conference in the above-entitled matter held on November 25, 1957, the applicants and parties agreed to observe the following procedural steps:

(1) The applicants will informally submit to Commission counsel and to each other their engineering exhibits on January 6, 1958.

(2) The applicants will informally submit to Commission counsel, the Hearing Examiner, and to each other the exhibits comprising their direct comparative cases in writing on January 13, 1958.

(3) The hearing proper shall be commenced on January 20, 1958.

It is accordingly ordered, This 25th day of November 1957, that the first and second agreements noted above shall be effectuated by the parties in question; and

It is further ordered, That the hearing in this matter presently scheduled to commence December 20, 1957, is hereby rescheduled to commence at 10:00 a. m., January 20, 1958, in the Commission's offices at Washington, D. C.

Released: November 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9984; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. 12243; FCC 57M-1188]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 26th day of November 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 5, 1957.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9985; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. 12250; FCC 57M-1187]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

NOTICE SCHEDULING PREHEARING CONFERENCE

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

There will be a prehearing conference on December 5, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: November 26, 1957.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9986; Filed, Dec. 2, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8055]

RAILWAY EXPRESS INCREASED VALUATION AND C. O. D. CHARGES

NOTICE OF CANCELLATION OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled investigation now assigned for December 18, 1957, is cancelled.

Dated at Washington, D. C., November 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10003; Filed, Dec. 2, 1957; 8:50 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN ENGINEERING DRAFTSMAN POSITIONS IN THE STATE OF UTAH

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CSR 25.103, 25.105, the Commission has increased the minimum rates of pay for all classes of positions at grades 2 through 7 in the Engineering Design and Drafting Series GS-818-0 as follows:

GS-2 to be increased to $3,215 (4th step).
GS-3 to be increased to $3,600 (6th step).
GS-4 to be increased to $3,840 (6th step).
GS-5 to be increased to $4,345 (6th step).
GS-6 to be increased to $4,755 (6th step).
GS-7 to be increased to $5,200 (6th step).

These increases will be effective on the first day of the first pay period which begins after November 23, 1957, and will be applicable to all such positions in the State of Utah.

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

[F. R. Doc. 57-9982; Filed, Dec. 2, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11618]

R. H. FULTON ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matter of R. H. Fulton, et al., Oil and Gas Property Management, Inc., and Beacon Building Corporation, Docket No. G-11618.

Take notice that on December 18, 1956, as amended on February 19, 1957, R. H. Fulton, et al.[1] (Fulton), Oil and Gas Property Management, Inc. (Management), and Beacon Building Corporation (Beacon), independent producers of natural gas, filed in Docket No. G-11618 a joint application seeking permission for Fulton to abandon certain sales of natural gas and authorizing Management and Beacon to continue said sales, pursuant to sections 7 (b) and (c), respectively, of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Fulton seeks permission to abandon the sale of, and Management and Beacon seek certification to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) from the Keyes Field, Cimarron County, Oklahoma, under a sales contract dated May 8, 1954, between Fulton and Colorado Interstate; and also permission to abandon and certification to sell natural gas to Natural Gas Pipeline Company of America (Natural Gas Pipeline) from the Hansford Field, Hansford County, Texas, under a sales contract dated August 2, 1954, between Fulton and Natural Gas Pipeline.

Fulton states that it has sold to Management and Beacon all of its interest in oil and gas properties affected by the above contracts effective December 27, 1956, and Management and Beacon have undertaken to continue the sales of gas thereunder without interruption or alteration of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Sreet NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9973; Filed, Dec. 2, 1957; 8:47 a. m.]

[1] R. H. Fulton filed individually and doing business as R. H. Fulton & Company, and Fulton Development Company.

[Docket No. G-11962]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on February 11, 1957 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, for the sale and delivery of natural gas from existing transmission lines for interruptible service to three direct industrial customers, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a tap, metering and regulating equipment on Applicant's transmission line No. 513 near Houston, Washington County, Pennsylvania, and 40 feet of 2-inch service line to serve Jay Metalcraft Company, which plans to use natural gas in two new brass melting furnaces and two existing unit space heaters.

Applicant proposes to construct and operate a tap, metering and regulating equipment on its transmission line No. 515 near Meadowlands, Washington County, Pennsylvania, and 950 feet of 4-inch service line to serve Rubber Rolls, Inc., which plans to use gas for the firing of a boiler used in processing rubber products and for space heating in its new plant located in Chartiers Township, Washington County.

Applicant also proposes to construct and operate a tap, metering and regulating equipment on its transmission line No. 515 near said Meadowlands and 60 feet of 4-inch service line to serve Metco, Inc., which plans to use gas for a hearth furnace for reclaiming oxides and in a 100 H. P. boiler to be installed as soon as gas service becomes available.

The estimated gas requirements of the three new customers are:

	Annual (Mcf)	Peak day (Mcf)
Jay Metalcraft Co	4,000	25
Rubber Rolls, Inc	15,000	60
Metco, Inc	24,000	88

The estimated cost of the proposed construction to serve Jay Metalcraft is $2,450, of that to serve Rubber Rolls, Inc., $7,150, and of that to serve Metco, Inc., $4,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 2, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9974; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. G-13117]

CITY OF OLIVE HILL, KENTUCKY

NOTICE OF APPLICATION

NOVEMBER 26, 1957.

Take notice that the city of Olive Hill, Carter County, Kentucky (Applicant), a fifth class city organized under the laws of the Commonwealth of Kentucky, filed an application on August 22, 1957, pursuant to section 7 (a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection with the proposed facilities of Applicant and to sell to Applicant volumes of natural gas for resale in the city of Olive Hill, at a point on the system of Tennessee in the vicinity of Applicant, as more fully described in the application on file with the Commission and open to public inspection.

The application recites that Applicant has an estimated population of 2,500 in

its proposed service area; and that gas requirements for the first three years of operation will be annually and on a peak day as follows:

Year of operation	1	2	3
Annual (Mcf)	27,955	39,055	47,880
Peak day (Mcf)	258	360	441

Applicant proposes to construct and operate (1) approximately 1.5 miles of 4-inch transmission line extending from a point on Tennessee's existing 24-inch looped lines at the intersection of said line and Kentucky State Highway No. 174 to a town border regulator station at the south end of Olive Hill and (2) a distribution system in the town of Olive Hill, Kentucky.

Applicant proposes to issue and place 5 percent revenue bonds to provide the finances for the cost of the proposed project, the estimated cost of which is $210,000.

Tennessee on October 11, 1957 filed an answer to Applicant's request asserting (a) it has no unallocated capacity available in its existing or authorized system to provide the service requested, but (b) as a practical matter it will be able to deliver the small quantities of gas required by Olive Hill without impairing its ability to meet its contractual commitments, authorized and proposed.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, if no request for hearing is made concerning the matters involved in and the issues presented by such application the Commission may dispose of the proceedings pursuant to the provisions of section 7 (a) of the Natural Gas Act and the Commission's rules of practice and procedure.

Protests, requests for hearing or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9975; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. G-13302]

BERT FIELDS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

Take notice that Bert Fields, W. S. Fields, Jr., Bert Fields, Jr., Trust, Gregg Oil Company, and J. S. Hudnall (Applicant), independent producers of natural gas with a principal place of business in Dallas, Texas, filed an application on September 20, 1957, and an amendment thereto on October 24, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Trebloc Pool, Chickasaw County, Mississippi, to Texas Eastern Transmission Corporation for transportation in interstate commerce and resale.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9976; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket Nos. G-13089, G-13095]

CURRIE B. DAVIS AND GARLAND CLYMORE

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matters of Currie B. Davis, operator, Docket No. G-13089; Garland Clymore, operator, Docket No. G-13095.

Take notice that Currie B. Davis, operator (Davis) and Garland Clymore, operator (Clymore), independent producers, filed applications on August 19, 1957, in Docket Nos. G-13089 and G-13095, respectively, for permission and approval to abandon and continue to render natural gas service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applications seek authority for:

(1) Davis to abandon service to Trunkline Gas Company (Trunkline) from leases in the Colettonville and East Colettonville Fields, Victoria and Goliad Counties, Texas, dedicated under a gas sales contract dated November 1, 1954, as amended May 3, 1955, between Davis, et al., as sellers, and Trunkline, as buyer, some of which leases have expired and the remainder of which have been assigned to Clymore; and

(2) Clymore to continue the service to Trunkline proposed to be abandoned by Davis from the leases which Clymore has acquired.

Applicants state that all of the leases originally dedicated under the abovementioned contract and a portion of the leases dedicated by the subject amendment thereto have expired while Davis' interest in the remaining leases dedicated by the amendment has been acquired by Clymore subject to said contract. In addition, Clymore has succeeded Davis as operator of the acquired properties.

Davis was authorized on May 13, 1955, in Docket No. G-8320, to render service to Trunkline from the acreage originally dedicated under the contract of November 1, 1954.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 14, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9977; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. E-6787]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 26, 1957.

Take notice that on November 20, 1957, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pacific Gas and Electric Company ("Applicant"), seeking an order authorizing it to acquire all the facilities of Pinole Light and Power Company ("Pinole"), a wholly owned subsidiary of the Applicant. Applicant is a corporation organized under the laws of the State of California, authorized to do business only in California, with its principal business office at San Francisco, California. Pinole is a corporation organized under the laws of the State of California, authorized to do business only in California, with its principal business office at San Francisco, California. Applicant presently owns all the capital stock of Pinole outstanding and proposes to merge Pinole into Applicant for the purpose of eliminating Pinole from Applicant's corporate structure in order to effect economies in administration and operation. The facilities of Pinole to be acquired by Applicant by the merger constitute all Pinole's operating facilities and distribution system now used in supplying electric service in the towns of Pinole, Hercules and Rodeo in the County of Contra Costa in the State of California. The estimated original cost of Pinole's utility plant is set forth in the application as $263,680.28. Applicant proposes to continue to use such facilities for such service to the aforementioned towns of Pinole, Hercules and Rodeo after consummation of the merger of Pinole into Applicant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of December 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. 57-9978; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. G-12878 etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matters of The Superior Oil Company, Docket No. G-12878; United Gas Pipe Line Company, Docket No. G-12926; Austral Oil Exploration Company, Inc., Docket No. G-12967; Union Oil Company of California, Docket No. G-13003.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas in interstate commerce for resale and authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On July 19, 1957, United Gas Pipe Line Company (United) filed in Docket No. G-12926 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.13 miles of 8-inch supply lateral pipeline, a purchase meter station on platform, separator installation and appurtenant facilities, together with other facilities required from time to time, for further deliveries. The proposed pipeline will extend southwesterly from a point on United's existing Lirette Field-Napoleonville Junction 24-inch pipeline to the proposed meter station to be installed in the Lake Hatch Field area, all in Terrebonne Parish, Louisiana. The proposed facilities are necessary to enable United to purchase and receive natural gas from The Superior Oil Company (Superior), Austral Oil Exploration Company, Inc., (Austral), and Union Oil Company of California (Union). The estimated total cost of United's proposed facilities is $180,633, which cost is to be financed from current working funds.

The following related producer applications have been filed covering the above sales to United:

Docket No., Producer, Date Filed, and Contract Date

G-12878; Superior; July 12, 1957; June 21, 1957.

G-12967; Austral; July 29, 1957; July 3, 1957.

G-13003; Union; August 2, 1957; June 25, 1957.

Each of the above-named producers seek authority to sell natural gas in interstate commerce to United for resale from production as described above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 14, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9979; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. G-12365 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matters of Pan American Petroleum Corporation, Docket No. G-12365; Gulf Interstate Gas Company, Docket No. G-12771; Robert Mosbacher, Operator, Docket No. G-12772; Austral Oil Exploration Company, Inc., Docket No. G-12825.

Take notice that there have been filed with the Federal Power Commission, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary to receive and transport natural gas in interstate commerce and authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On June 20, 1957, Gulf Interstate Gas Company (Gulf), filed in Docket No. G-12771 an application for a certificate of public convenience and necessity, authorizing the construction and operation of:

(1) Approximately 3.8 miles of 8-inch field line extending from a point on Gulf's 8-inch E. Lateral in Lafourche Parish, Louisiana, to a proposed meter station to be located in the Valentine Field, together with 0.3 mile of 4-inch field line extending from a point on the proposed 8-inch line to a second proposed meter station in the same field.

The above proposed facilities will enable Gulf to transport for the account of United Fuel Gas Company (United Fuel natural gas produced in the Valentine Field by Robert Mosbacher (Mosbacher), et al., and Pan American Petroleum Corporation (Pan Am.)).

(2) Approximately 2.3 miles of 4-inch field line extending from a point on Gulf's existing 16-inch S. Pecan Lake Lateral in Vermilion Parish, Louisiana, to a proposed meter station in the South Lake Arthur Field.

The proposed facilities in (2) above will enable Gulf to receive and transport for the account of United Fuel natural gas produced in the South Lake Arthur Field by Oil Participations, Incorporated,

H. L. Hawkins and H. L. Hawkins, Jr., as represented by Austral Oil Exploration Company, Incorporated (Austral) as Agent for said producers.

The estimated total cost of Gulf's proposed facilities is $233,000, which cost will be paid from available company funds.

The following related producer applications have been filed covering the above sales to United Fuel:

Docket No., Producer, Date Filed, and Contract date

G–12365; Pan Am; April 3, 1957; January 31, 1957.

G–12772; Mosbacher; June 20, 1957; June 4, 1957.

G–12825; Austral; July 1, 1957; June 5, 1957.

Each of the above producers seek authority to sell natural gas in interstate commerce to United Fuel for resale from production as indicated above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9980; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. G–12263]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

Take notice that on March 19, 1957, Alabama-Tennessee Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in Florence, Alabama, filed in Docket No. G–12263 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale on an interruptible basis to its presently authorized resale customers through existing facilities and connections, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that because of diversity of demands on its system Applicant occasionally has available quantities of natural gas over and above the requirements of its general service customers which are limited by their service agreements to specified quantities of firm gas. Certain customers have indicated that they can sell quantities of industrial gas at certain periods in excess of their applicable billing demands and they would like to buy such excess gas on an interruptible basis, thus providing an inducement for further industrial development and growth in their communities, and improving Applicant's system load factor.

No new construction or facilities are involved and no new customers will be served.

One existing firm service customer, Muscle Shoals Natural Gas Corporation, has entered into a contract dated March 8, 1957, with Applicant for the purchase of up to 800 Mcf of natural gas per day on an interruptible basis for industrial resale, in addition to its firm purchases.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9981; Filed, Dec. 2, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 170]

ALABAMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Alabama;

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 County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Jefferson (Tornado occurring on or about November 17).

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga. Small Business Administration Branch Office, 704 North 22d Street, Birmingham 4, Ala.

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 May 31, 1958.

Dated: November 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57–9969; Filed, Dec. 2, 1957; 8:46 a. m.]

[Declaration of Disaster Area 171]

KENTUCKY

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kentucky;

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: Christian, Trigg, Hart, Metcalfe and Calloway (Floods and tornadoes beginning on or about November 18).

Offices: Small Business Administration Regional Office, Federal Reserve Bank Building, 4th Floor, 713 Superior Avenue, Cleveland 1, Ohio. Small Business Administration Branch Office, Federal Building, Suite 413, Sixth and Broadway, Loulsville 2, Ky.

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 May 31, 1958.

Dated: November 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-9970; Filed, Dec. 2, 1957; 8:46 a. m.]

[Delegation of Authority 30-IV-7, Amdt. 1]

BRANCH MANAGER, CHARLOTTE, NORTH CAROLINA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-IV-7 (22 F. R. 6389) is hereby amended by deleting I.B.1 in its entirety by redesignating I.B.2, 3 and 4, as I.B.5, 6 and 7, and inserting in I.B. the following:

1. To approve the following types of loans:

(a) Direct Business Loans in an amount not exceeding $20,000;

(b) Participation Business Loans in an amount not exceeding $50,000;

(c) Disaster Loans in an amount not exceeding $50,000;

2. To decline Disaster Loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with Banks.

Dated: November 26, 1957.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 57-9971; Filed, Dec. 2, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32293]

AGRICULTURAL IMPLEMENTS IN NORTHWESTERN STATES

FIRST SUPPLEMENTAL ORDER WITH RESPECT TO RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 21st day of November A. D. 1957.

In the original order in this proceeding, the Commission, Board of Suspension, entered upon an investigation concerning certain rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of agricultural implements and parts, and farm machinery and parts, from points in Illinois and Iowa to points in Iowa, Minnesota, North Dakota and South Dakota, as set forth in schedules designated therein:

It appearing that the following schedules contain rates and charges, rules, regulations and practices applicable in the same general territory which are similar to those covered by the original order in this proceeding:

Harland Miller, Agent MF-I. C. C. No. 5: In Supplement No. 7, Item 255;

A. R. Fowler, Agent MF-I. C. C. No. A-65: In Supplement No. 24, insofar as it provides rates on agricultural implements and parts;

Philip J. Groetken MF-I. C. C. No. 5: Items 275 and 285 insofar as they apply on agricultural implements and parts;

Hove Truck Line MF-I. C. C. No. 17 (Melford A. Hove, dba Hove Truck Line, series) insofar as it provides rates on agricultural implements and parts;

It appearing that upon consideration of the tariff schedules shown in the foregoing, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That this investigation be, and it is hereby, broadened, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in the schedules designated herein, or as the same may be amended or reissued, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-9964; Filed, Dec. 2, 1957; 8:46 a. m.]