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TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 20 F. R. 4104 containing the specific requirements for the 1955-Crop Corn Price Support Program are hereby amended as follows:

1. Section 421.1142 (c) amends the requirements concerning the advance notice a producer must give the county committee prior to early delivery, so that the amended paragraph reads as follows:

§ 421.1142 *Maturity of loans and delivery.* * * *

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.1137 (d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which producers may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1956. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

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

Issued this 30th day of September 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-8104; Filed, Oct. 5, 1955; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (o) (1) is added to § 6.105 as set out below.

§ 6.105 *Department of the Army.* * * *

(o) *Army Signal Corps.* (1) All positions on ocean-going cable barges operated by the Army Signal Corps.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-8089; Filed, Oct. 5, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) is added to § 6.303 as set out below.

§ 6.303 *Treasury Department.* * * *

(a) *Office of the Secretary.* * * *

(8) One Confidential Assistant to the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-8090; Filed, Oct. 5, 1955; 8:53 a. m.]

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FEDERAL REGISTER

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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.

TITLE 7—AGRICULTURE

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

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8, Supp. 15]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

ILLINOIS FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Illinois State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 2,095 acres established for Illinois by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U. S. Post Office and Court House, Springfield, Illinois, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Illinois. The bases and procedures incorporate the following:

§ 850.23 *Illinois*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Illinois for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 2,095 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a Form SU–103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Illinois State Committee for determining farm proportionate shares in Illinois in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 24, 1955.

[SEAL] EDMUND C. SECOR,
Chairman, Agricultural Stabilization and Conservation Illinois State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55–8107; Filed, Oct. 5, 1955; 8:55 a. m.]

[Sugar Determination 850.8, Supp. 16]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

INDIANA FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Indiana State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 70 acres established for Indiana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 215 E. New York Street, Indianapolis 4, Indiana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Indiana. The bases and procedures incorporate the following:

§ 850.24 *Indiana*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Indiana for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 70 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU–103 marked "Revised" showing a propor-

tionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Indiana State Committee for determining farm proportionate shares in Indiana in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to divide the State into proportionate share areas with separate allotments, to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: September 2, 1955.

[SEAL] REED W. WILSON,
Chairman, Agricultural Stabilization and Conservation Indiana State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8109; Filed, Oct. 5, 1955; 8:56 a. m.]

[Sugar Determination 850.8, Supp. 17]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IOWA FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Iowa State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,545 acres established for Iowa by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Iowa Building, 505 Sixth Avenue, Des Moines 7, Iowa, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Iowa. The bases and procedures incorporate the following:

§ 850.25 *Iowa*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Iowa for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 1,545 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU-103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedure established by the Agricultural Stabilization and Conservation Iowa State Committee for determining farm proportionate shares in Iowa in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedures which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 30, 1955.

[SEAL] DWIGHT W. MEYER,
Chairman, Agricultural Stabilization and Conservation Iowa State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8110; Filed, Oct. 5, 1955; 8:56 a. m.]

[Sugar Determination 850.8, Supp. 18]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

KANSAS FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Kansas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 7,255 acres established for Kansas by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Wareham Building, 417 Humboldt Street, Manhattan, Kansas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Kansas. The bases and procedures incorporate the following:

§ 850.26 *Kansas*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Kansas for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 7,255 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU-103 marked "Revised", showing a proportionate

share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Kansas State Committee for determining farm proportionate shares in Kansas in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to divide the State into proportionate share areas with separate allotments, to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 30, 1955.

[SEAL] BEN C. KIEFER,
Chairman, Agricultural Stabilization and Conservation Kansas State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8111; Filed, Oct. 5, 1955; 8:56 a. m.]

[Sugar Determination 850.8, Supp. 19]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MICHIGAN FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Michigan State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 81,420 acres established for Michigan by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Cahill Building, 200 North Capitol Avenue, Lansing 4, Michigan, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Michigan. The bases and procedures incorporate the following:

§ 850.27 *Michigan*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Michigan for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 81,420 acres, so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU–103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Michigan State Committee for determining farm proportionate shares in Michigan in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to divide the State into proportionate share areas with separate allotments, to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 26, 1955.

[SEAL] BRUCE F. CLOTHIER,
Chairman, Agricultural Stabilization and Conservation Michigan State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8112; Filed, Oct. 5, 1955; 8:57 a. m.]

[Sugar Determination 850.8, Supp. 20]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WISCONSIN FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Wisconsin State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 12,865 acres established for Wisconsin by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 3010 E. Washington Avenue, Madison, Wisconsin, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wisconsin. The bases and procedures incorporate the following:

§ 850.28 *Wisconsin*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Wisconsin for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 12,865 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU–103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wisconsin State Committee for determining farm proportionate shares in Wisconsin in accordance with the determination of proportionte shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 24, 1955.

[SEAL] W. R. MERRIAM,
Chairman, Agricultural Stabilization and Conservation Wisconsin State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8108; Filed, Oct. 5, 1955; 8:56 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 873.8]

PART 873—SUGARCANE PRICES; FLORIDA

1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on May 5, 1955, the following determination is hereby issued:

§ 873.8 *Fair and reasonable prices for the 1955 crop of Florida sugarcane.* A producer of sugarcane in Florida who is also a processor of sugarcane (referred to in this part as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1955 crop grown by other producers and processed by him, prices determined in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract) adjusted to a duty-paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of sugar.

(2) "Raw sugar" means raw sugar of 96° polarization.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor, from which has been deducted the weight of trash determined in the customary manner.

(4) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(5) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.07 per ton for each one cent per pound of the average price of raw sugar obtained by weighting the simple average of daily prices of raw sugar for each month in which sugar is sold by or for the account of the processor by the quantity of 1955 crop raw sugar or raw sugar equivalent of the sugar sold during each month adjusted by deducting applicable storage and handling expenses actually incurred on such sugar as a result of marketing allotments. The allowable items of such expenses are listed in Schedule A below. Nothing in this subparagraph shall be construed as prohibiting expense deductions which may be necessary because of unusual circumstances: *Provided,* That the weighted average price of raw sugar and the deductions made therefrom as provided in this subparagraph shall be approved by the Florida State Committee of the Agricultural Stabilization and Conservation Service (hereinafter referred to as "State Committee").

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard sugarcane quality factor* [1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(d) *Molasses payment.* For each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to the product of 5.95 and one-half of the net liquidation from the disposal of blackstrap or final molasses in excess of 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the 12-month period ending May 31, 1956.

(e) *General.* (1) The price for sugarcane specified in this determination is applicable to sugarcane loaded on carts or trucks at the farm or, if sugarcane is customarily transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided,* That if a producer delivers sugarcane directly to the mill the processor shall pay the producer for transportation of such sugarcane an amount equal to the cost of transporting sugarcane by railroad or by other common carrier whichever customarily is used.

(2) Methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery schedules and similar terms employed in connection with the purchase of the 1955 crop shall be as set forth in the contract between the producer and the processor or, in the absence of such a contract, as employed in connection with the purchase of the 1954 crop.

(3) Nothing in subparagraphs (1) and (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be approved by the State Committee.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor and as approved by the State Committee.

(5) The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugarcane of the 1955 crop by a producer who processes sugarcane grown by other producers. It establishes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted

to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1955 fair price determination.* The 1955 price determination is the same as the 1954 determination except for two minor changes. One, admissible items of raw sugar marketing expenses resulting from marketing allotments are set forth in a separate schedule so as to identify such items. The second change is that the molasses payment to producers is based on 5.95 gallons per ton of sugarcane, the average production for the most recent five crops. The five-year average production used in the 1954 price determination was 6.0 gallons.

At the public hearing a processor representative recommended that the provisions of the 1954 price determination be continued for the 1955 crop. He stated that raw sugar marketing expenses have increased as a result of marketing restrictions and that producers should bear their share of such expenses on sugar which cannot be marketed in the manner customary to that followed prior to the imposition of marketing allotments. He stated there was no objection to listing admissible items of raw sugar selling and delivery expense in the determination but that interest on investment and administrative costs should be included in such list. There was no objection on the part of growers to the recommendations.

In making this determination, consideration has been given to the recommendations made at the public hearing, to information obtained through investigation, to the effects of problems arising as a result of raw sugar marketing allotments and to other pertinent factors. An analysis has been made of the comparative returns, costs and profits of the Florida sugarcane and raw sugar industry by survey for prior years and restated in terms of prospective conditions for the 1955 crop. The analysis indicates there has been little change during recent years in the sharing of costs and returns between producers and processors. Further, the changes made in this determination will have little effect on prices paid to producers for 1955 crop sugarcane compared with prices paid last year. On the basis of examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 3d day of October 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

SCHEDULE A—DEFINITION OF ADMISSIBLE DEDUCTIONS FOR STORAGE AND HANDLING EXPENSES ON RAW SUGAR

Admissible deductions from the weighted average price of raw sugar are those additional storage and handling expenses actually incurred by the processor on 1955 crop raw sugar as a result of marketing allotments. Such deductible expenses shall not commence prior to moving of sugar from the mill and shall be limited to the sum of the following expenses actually incurred, net of any receipts which reduce such expenses:

1. Storage and handling charges;
2. Insurance;
3. Losses in weight or polarization in excess of average losses for other sugar of the same crop.

When storage and handling services are furnished by the processor, costs for each of the services rendered shall include only the following:

Direct and immediate supervisory labor;
Maintenance labor and supplies;
Taxes and insurance, retirement, pensions, bonus and vacation expenses properly allocable to such labor;
Direct supplies;
Depreciation, property taxes and insurance on handling and storage facilities;
Properly allocable administrative expenses; and
Interest on investment.

[F. R. Doc. 55-8106; Filed, Oct. 5, 1955; 8:55 a. m.]

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

PART 909—ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1955

Notice of proposed rule making with respect to the expenses of the Almond Control Board for the crop year beginning July 1, 1955, and the rate of assessment for such crop year, was published in the FEDERAL REGISTER of September 16, 1955 (20 F. R. 6968). This action was taken pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The aforesaid notice provided interested persons the opportunity of submitting to the Department written data, views, or arguments concerning the proposal for consideration prior to the issuance of the final administrative rule. No such documents were received during the period provided in the notice.

After consideration of all relevant matters it is hereby found and determined that the budget of expenses of the Almond Control Board and rate of assessment should be as follows:

§ 909.305 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1955*—(a) *Budget of expenses.* For the crop year beginning July 1, 1955, expenses in the amount of $30,500 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1955, shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, twelve and one-half hundredths (0.125) of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

It is hereby found and determined that good cause exists for making this document effective on its publication in the FEDERAL REGISTER, instead of waiting 30 days after its publication, for the reasons that: (1) The action will apply to all almonds which handlers receive for their own accounts during the crop year which began on July 1, 1955, and no useful purpose would be served by delaying such effective date; (2) prior notice of such action was given all interested parties in the notice of proposed rule making which was published on September 16, 1955; and (3) no advance or special preparation for operations hereunder will be needed.

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

Issued at Washington, D. C., this 30th day of September 1955, to become effective upon publication of this document in the FEDERAL REGISTER.

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

[F. R. Doc. 55-8082; Filed, Oct. 5, 1955; 8:52 a. m.]

[958.318, Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient,

(ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 958.318 (b) (1) (FEDERAL REGISTER, July 8, 1955; 20 F. R. 4848) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 10, 1955, to May 31, 1956, both dates inclusive, no handler shall ship any potatoes (i) if they are of the long varieties (including, but not limited to, the Russet Burbank variety) unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 6 ounces minimum weight, or meet the requirements of the U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, and (ii) if they are of the round varieties (including, but not limited to, the Irish Cobbler, Katahdin, Kennebec, Pontiac, and Bliss Triumph varieties) unless such potatoes meet the requirements of the U. S. No. 1 or better grade, 2 inches minimum diameter and 25 ounces maximum weight, as such terms, grades and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

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

Done at Washington, D. C., this 30th day of September 1955 to become effective October 10, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8083; Filed, Oct. 5, 1955; 8:52 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

RECODIFICATION

In accordance with the Revised Federal Register regulations (1 CFR Part 1), the format of the order (Order No. 94; 7 CFR Part 994) of the Secretary of Agriculture, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (including the requisite findings and determinations set forth therein) is recodified as hereinafter set forth. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the regulatory sections of Marketing Agreement No. 111 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 994.95 *Counterparts;* 994.96 *Additional parties;* 994.97 *Request for order;* 994.98 *Record of unshelled pecans handled;* 994.99 *Authorization to correct typographical errors.*

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, and the aforesaid marketing agreement.

Issued at Washington, D. C., October 3, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

SUBPART—ORDER REGULATING HANDLING

FINDINGS AND DETERMINATIONS

DEFINITIONS

PECAN ADMINISTRATIVE COMMITTEE

HANDLERS ADVISORY COUNCIL

EXPENSES AND ASSESSMENTS

REGULATION BY GRADES AND SIZES, AND MINIMUM STANDARDS OF QUALITY

BOOKS, RECORDS, AND REPORTS

MISCELLANEOUS PROVISIONS

AUTHORITY: §§ 994.0 to 994.94 issued under sec. 5, 48 Stat. 31, as amended, 7 U. S. C. 608c.

FINDINGS AND DETERMINATIONS

§ 994.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. and Sup. 1 601 et seq.), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Mobile, Alabama, beginning on May 31, 1949, and at Albany, Georgia, beginning on June 3, 1949, upon a proposed marketing agreement and a proposed marketing order regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

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

(2) The said order regulates the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina in the same manner as, and is applicable only to persons in the representative classes of industrial and commercial activity specified in a proposed marketing agreement upon which a hearing has been held.

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of pecans covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) The handling, as defined herein, of pecans grown in the aforesaid States is in the current of interstate or foreign commerce.

(b) *Additional findings.* It is hereby found and proclaimed that:

(1) The purchasing power of pecans grown in said States cannot be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1909-July 1914;

(2) The purchasing power of such pecans can be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1919-July 1929, inclusive;

(3) The period August 1919–July 1929, inclusive, is the base period for determining the purchasing power of such pecans; and,

(4) It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after such publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practicable after such effective date, it will be necessary for the Pecan Administrative Committee and the Secretary to initiate and complete various actions of both organizational and regulatory natures; and considerable time will be required in this regard. Further, regulation pursuant to the provisions of this order will require antecedent actions by the Pecan Administrative Committee and by the Secretary; and the time during which such actions will be concluded should be such that handlers will be able reasonably and adequately to prepare for such regulation. It is necessary that such regulation be in effect not later than the beginning of the shipping season of the 1949 pecan crop, which is expected to be about the middle of October so as to facilitate, promote, and maintain orderly marketing of unshelled pecans covered hereunder, and thereby permit the benefits of this regulatory program to be available to producers and handlers as soon as practicable. The provisions of the order are well known to the handlers of unshelled pecans, since the public hearing in connection with the entire order was concluded June 4 of this year, and the recommended decision and final decision were published in the FEDERAL REGISTER on July 21, 1949 (14 F. R. 4559), and August 16, 1949 (14 F. R. 5060), respectively. All known interested parties have received copies of the regulatory provisions; and compliance with such provisions will not require advance preparation on the part of handlers which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping unshelled pecans covered by this order) who during the period October 1, 1948, through June 30, 1949, handled not less than 50 percent of the volume of unshelled pecans covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (October 1, 1948, through June 30, 1949), were engaged, within the States of Georgia, Alabama, Florida, Mississippi, and South Carolina, in the production for market of unshelled pecans; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of unshelled pecans represented in such referendum and produced within the States of Georgia, Alabama, Florida, Mississippi, and South Carolina for market.

Order relative to handling. It is, therefore, ordered that, on and after the effective date hereof, the handling of pecans, grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, from those States to any point outside thereof shall be in conformity to, and in compliance with, the terms and conditions of said order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 994.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

§ 994.2 *Act.* "Act" means the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. and Sup. 1 601 et seq.).

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

§ 994.4 *Pecans.* "Pecans" means the nuts of the pecan tree Carya illinoensis.

§ 994.5 *Unshelled pecans.* "Unshelled pecans" means pecans from which the shells have not been removed and which were grown in the production area.

§ 994.6 *Handle.* "Handle" means to sell, ship, transport (except as a common or contract carrier of unshelled pecans owned by another person), or in any other way to place unshelled pecans in the current of commerce from the production area to any point outside thereof.

§ 994.7 *Handler.* "Handler" means any person who, either personally or through another person handles unshelled pecans.

§ 994.8 *Grower.* "Grower" is synonymous with "producer" and means any person who is engaged in the growing of unshelled pecans for market, and who has a proprietary interest therein.

§ 994.9 *Shell.* "Shell" means to crack pecans, and remove, sort, and otherwise prepare the kernels for market.

§ 994.10 *Process.* "Process" means to bleach, clean, grade, size, pack, or otherwise prepare pecans for distribution as unshelled pecans.

§ 994.11 *Fiscal period.* "Fiscal period" means the period beginning on October 1 of any year and ending on September 30 of the following year, both dates inclusive, except that the fiscal period ending September 30, 1950, shall begin on the effective date of this subpart.

§ 994.12 *Committee.* "Committee" means the Pecan Administrative Committee, established pursuant to § 994.30.

§ 994.13 *Council.* "Council" means the Handlers Advisory Council, established pursuant to § 994.45.

§ 994.14 *Production area or area.* "Production area" or "area" means the States of Georgia, Alabama, Florida, Mississippi, and South Carolina.

§ 994.15 *District.* "District" means any one of the following: District No. 1 (South Central Georgia); District No. 2 (Southwest Georgia); District No. 3 (Southeast Georgia); District No. 4 (North Georgia); District No. 5 (Florida); District No. 6 (Mississippi); District No. 7 (West Alabama); District No. 8 (East Alabama); and District No. 9 (South Carolina).

§ 994.16 *District No. 1 (South Central Georgia).* "District No. 1 (South Central Georgia)" means that part of the State of Georgia consisting of the counties of Stewart, Webster, Sumter, Crisp, Wilcox, Ben Hill, Irwin, Turner, Tift, Worth, Lee, Dougherty, Terrell, Calhoun, Randolph, Quitman, and Clay.

§ 994.17 *District No. 2 (Southwest Georgia).* "District No. 2 (Southwest Georgia)" means that part of the State of Georgia consisting of the counties of Early, Baker, Mitchell, Colquitt, Cook, Berrien, Miller, Seminole, Decatur, Grady, Thomas, and Brooks.

§ 994.18 *District No. 3 (Southeast Georgia).* "District No. 3 (Southeast Georgia)" means that part of the State of Georgia consisting of the counties of Lowndes, Lanier, Atkinson, Coffee, Telfair, Dodge, Bleckley, Laurens, Johnson, Emanuel, Jenkins and Screven, and all counties lying South and East thereof.

§ 994.19 *District No. 4 (North Georgia).* "District No. 4 (North Georgia)" means that part of the State of Georgia consisting of the counties of Chattahoochee, Marion, Schley, Macon, Dooly, Pulaski, Houston, Twiggs, Wilkinson, Washington, Jefferson and Burke, and all counties lying North thereof.

§ 994.20 *District No. 5 (Florida).* "District No. 5 (Florida)" means the State of Florida.

§ 994.21 *District No. 6 (Mississippi).* "District No. 6 (Mississippi)" means the State of Mississippi.

§ 994.22 *District No. 7 (West Alabama).* "District No. 7 (West Alabama)" means that part of the State of Alabama consisting of the counties of Limestone, Morgan, Cullman, Blount, Jefferson, Shelby, Chilton, Autauga, Lowndes, Butler and Covington and all counties lying West thereof.

§ 994.23 *District No. 8 (East Alabama).* "District No. 8 (East Alabama)" means that part of the State of Alabama consisting of the counties of Madison, Marshall, Etowah, St. Clair, Talladega, Coosa, Elmore, Montgomery, Crenshaw, Coffee, and Geneva, and all counties lying East thereof.

§ 994.24 *District No. 9 (South Carolina).* "District No. 9 (South Carolina)" means the State of South Carolina.

PECAN ADMINISTRATIVE COMMITTEE

§ 994.30 *Establishment.* A Pecan Administrative Committee consisting of nine members is hereby established to administer the terms and provisions of this subpart. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member; and all provisions of this subpart applicable to the member shall be applicable to the alternate.

§ 994.31 *Membership representation.* A grower in each district shall be selected to serve on the Committee. Each person nominated or selected to serve as a member of the Committee shall be a grower in the district from which nominated or selected, or an officer, employee, or agent of such grower, and shall have no interest in the marketing, processing or shelling of pecans other than those produced by said grower.

§ 994.32 *Selection of initial members.* The initial members of the Pecan Administrative Committee shall be selected by the Secretary and shall serve through June 30, 1950, and until their successors are selected and have qualified. For the consideration by the Secretary in making such initial selections, nominations for members may be submitted to him not later than the effective date of this subpart. Nominations for the member for each district may be submitted to the Secretary by growers in each such district; and such nominations may be made pursuant to elections conducted by groups of growers in each such district.

§ 994.33 *Successor member nomination elections.* Prior to April 30 of each year, after the effective date of this subpart, the Secretary shall hold, or cause to be held, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members of the Committee. In obtaining such nominations, all growers shall be given a reasonable opportunity to vote. The Secretary shall give adequate notice of each such meeting to growers in the respective districts. Minutes shall be kept of each meeting. For the member position on the Committee, the names of not less than two growers shall be placed in nomination at each meeting and shall be voted on in arriving at a nominee. Each grower in the district in which an election is held shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives in such district for the position which is to be filled. At each such meeting the name of each person for whom a vote has been cast shall be announced, and the number of votes received by each shall be recorded in the minutes. The Secretary may prescribe additional rules and regulations, not inconsistent with the provisions hereof, relative to the election of nominees for members of the Committee. Such action may be pursuant to recommendations of the Committee.

§ 994.34 *Selection.* Selection of successor members of the Committee for terms commencing July 1, 1950, and thereafter, shall be made by the Secretary from nominations submitted or from among other growers in the respective districts. Such nominations shall be available to the Secretary by May 15 of each year. In the event that nominations from growers, for members of the Committee, are not available within the time specified herein, the Secretary may select such members among eligible growers without regard to nomination.

§ 994.35 *Term of office.* The term of office of each member of the Committee shall begin on July 1 of each fiscal period and end on June 30, inclusive, of the following fiscal period. In the event a successor to such member has not been selected and has not qualified by June 30, such member shall continue to serve until his successor is selected and has qualified.

§ 944.36 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Any grower or group of growers in the district affected may submit nominations to the Secretary for his consideration in making such selection. In the event that the nominations are not submitted within twenty days after the beginning of the vacancy, the Secretary may select a successor to fill such vacancy without regard to such nomination.

§ 994.37 *Acceptance.* Each person selected as a member of the Committee shall, prior to serving on the Committee, qualify by filing with the Secretary a written acceptance of appointment within 15 days after the date of his notice of selection.

§ 994.38 *Alternates.* An alternate for a member of the Commitee shall, in the event of the member's absence, act in the latter's place and stead; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of the member until a successor for the unexpired term of said member is selected and has qualified.

§ 994.39 *Compensation.* Members of the Committee shall serve without compensation, but shall be reimbursed for reasonable expenses necessarily incurred in the performance of their duties hereunder.

§ 994.40 *Powers.* The Committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with their terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 994.41 *Duties.* The Committee shall have the following duties:

(a) *Intermediary.* To act as intermediary between the Secretary and growers and handlers;

(b) *Minutes, books, and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary;

(c) *Audit.* To cause the books and other records of the Committee to be audited by one or more competent accountants as soon as practicable after the end of each fiscal period covering the operations of such period, and at such other times as it may deem necessary or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(d) *Research and service.* Subject to prior approval by the Secretary, to provide for and engage in such research and service activities relating to the handling of pecans as are appropriate in connection with the administration of the provisions of this subpart;

(e) *Assembling data.* To investigate and assemble such data relative to the growing, harvesting, and marketing conditions and utilization of pecans, as may be appropriate in connection with the administration of the provisions of this subpart;

(f) *Information.* To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting and a copy of all the recommendations received from the Council, and such other information as he may request;

(g) *Supervision.* To supervise the regulation of the handling of pecans pursuant to this subpart;

(h) *Recommendation for changes in districts and representation.* To recommend to the Secretary that any district be redefined, and that the representation on the Committee from any district be changed in any equitable manner whenever it is deemed advisable: *Provided,* That no State shall have less than one representative;

(i) *Employees.* To employ a Managing Agent who shall serve as the secretary of the Committee and as the secretary of the Council, and shall have such other duties as are specified herein or by the Committee for such agent; to employ such other employees as the Committee may deem necessary; and to determine the salaries and define the duties of such employees; and

(j) *Requirement for bond.* To require adequate bonds for such of its employees and members who are responsible for the receipt, custody, and disbursement of funds collected pursuant to the provisions of this subpart.

§ 994.42 *Procedure*—(a) *Organization and rules.* The Committee may, upon the selection and qualification of six of its members, organize and commence to function. It may hold meeting only after due notice to its members. The Secretary may designate the time and place of the first meeting. The Committee may adopt such rules, not inconsistent with the provisions of this subpart, relative to the method of conducting its business as it may deem advisable.

(b) *Committee officers.* The Committee shall select a chairman from its membership, and may select such other officers as it deems advisable. All communications from the Secretary may be addressed to the chairman or the Managing Agent at such addresses as may from time to time be filed with the Secretary.

(c) *Meeting notices.* The Secretary shall be given the same notice of the meetings of the Committee as is given to the members of the Committee; and in regard to meetings at which attendance of Council members is desired by the Committee, such notice shall be given to Council members.

(d) *Quorum.* A quorum shall consist of six members, including alternate members then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than five concurring votes of the members who are present at such meeting. The quorum and number of concurring votes requirements may be changed by the Secretary and may be upon a recommendation of the Committee.

(e) *Permissive method of voting.* The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided,* That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *And provided further,* That when any proposition is so voted on at least five concurring votes shall be required for its adoption but one dissenting vote shall prevent its adoption.

(f) *Right of the Secretary.* Each member and alternate member of the Committee and each agent and employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, and other act of the Committee shall be subject to the continuing right of the Secretary to disapprove the same at any time; and, upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

HANDLERS ADVISORY COUNCIL

§ 994.45 *Establishment.* A Handlers Advisory Council, consisting of nine members, is hereby established. For each member of the Council there shall be an alternate member who shall have the same qualifications as the member; and all provisions of this subpart applicable to the member shall be applicable to the alternate.

§ 994.46 *Membership representation.* Except as otherwise provided, a handler in each district shall be selected to serve on the Council. Each person nominated or selected to serve as a member of the Council shall be a handler of unshelled pecans, at least some of which were produced by another person. Each such prospective member may be an officer, employee or agent of such handler.

§ 994.47 *Selection of initial members.* The initial members of the Handlers Advisory Council shall be selected by the Secretary and shall serve through June 30, 1950, and until their successors are selected and have qualified. For the consideration by the Secretary in making such initial selections, nominations for members may be submitted to him not later than the effective date of this subpart. Nominations for the member for each district may be submitted to the Secretary by handlers in each such district; and such nominations may be made pursuant to elections conducted by groups of handlers in each such district. If, for any district, no handler is nominated, and the Secretary does not have available names of persons from such district who are eligible and willing to serve and whom he desires to select, he shall select a member from among eligible handlers in other districts to complete the full Council membership.

§ 994.48 *Successor member nomination elections.* Prior to April 30 of each year, after the effective date of this subpart, the Secretary shall hold, or cause to be held, a meeting or meetings of handlers in each district for the purpose of designating nominees for successor members of the Council. In obtaining such nominations, all handlers shall be given a reasonable opportunity to vote. The Secretary shall give adequate notice of each such meeting to handlers in the respective districts. Minutes shall be kept of each meeting. For the member position on the Council, the names of not less than two handlers shall be placed in nomination at each meeting and shall be voted on in arriving at a nominee. Each handler in the district in which an election is held shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives in such district for the position which is to be filled. At each such meeting, the name of each person for whom a vote has been cast shall be announced, and the number of votes received by each shall be recorded in the minutes. The Secretary may prescribe additional rules and regulations, not inconsistent with the provisions of this subpart, relative to the election of nominees for members of the Council. Such action may be pursuant to recommendations of the Committee.

§ 994.49 *Selection.* Selection of successor members of the Council for terms commencing July 1, 1950, and thereafter, shall be made by the Secretary from nominations submitted or from among other handlers in the respective districts. Such nominations shall be available to the Secretary by May 15 of each year. In the event that nominations from handlers, for members of the Council, are not available within the time specified in this subpart, the Secretary may select such members from among eligible handlers without regard to nomination. If, for any district, no handler is nominated, and the Secretary does not have available names of persons from such district who are eligible and willing to serve and whom he desires to select, he shall select a member from among eligible handlers in other districts to complete the full Council membership.

§ 994.50 *Term of office.* The term of office of each member of the Council shall begin on July 1 of each fiscal period and end on June 30, inclusive, of the following fiscal period. In the event a successor to such member has not been selected and has not qualified by June 30, such member shall continue to serve until his successor is selected and has qualified.

§ 994.51 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Council to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Any handler or group of handlers in the district affected may submit nominations to the Secretary for his consideration in making such selection. In the event that the nominations are not submitted within 20 days after the beginning of the vacancy, the Secretary may select a successor to fill such vacancy without regard to such nomination.

§ 994.52 *Acceptance.* Each person selected as a member of the Council shall, prior to serving on the Council, qualify by filing with the Secretary a written acceptance of appointment within 15 days after the date of his notice of selection.

§ 994.53 *Alternates.* An alternate for a member of the Council shall, in the event of the member's absence, act in the latter's place and stead; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of the member until a successor for the unexpired term of said member is selected and has qualified.

§ 994.54 *Compensation.* Members of the Council shall serve without compensation, but shall be reimbursed for reasonable expenses necessarily incurred, with the prior written approval of the Committee, in the performance of their duties hereunder. Said duties shall include attendance at each meeting of the Council or Committee, if attendance at such meetings has been authorized by the Committee.

§ 994.55 *Duties.* The purpose of the Council is to act in an advisory capacity to the Committee concerning the administration of the provisions of this subpart, and in general to perform such ministerial functions as the Committee

from time to time may specify. The Council shall have such duties as are specified in this subpart for it and such other duties as may be incident thereto. The Council shall supply the Committee with information and estimates needed in preparation of the Committee's policy report including recommendations with respect to grade and size requirements and minimum standards of quality. It shall furnish information and recommendations to the Committee in regard to the budget of expenses and the assessment rate and in regard to other matters as is deemed advisable by it or the Committee, or as requested by the Secretary.

§ 994.56 *Procedure.* The Council shall select from its membership a chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may hold meetings when authorized by the Committee and after due notice to its members.

EXPENSES AND ASSESSMENTS

§ 994.60 *Uses of funds collected.* All funds received by the Committee pursuant to this subpart shall be used for the purposes authorized in this subpart.

§ 994.61 *Budget and expenses.* The Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Committee as to its expenses for the initial fiscal period, together with all data supporting such recommendation, shall be submitted to the Secretary within 45 days from the effective date of this subpart. In succeeding fiscal periods, such recommendation shall be submitted on or before October 10 of the fiscal period to which it applies. The funds to cover such expenses shall be acquired by levying assessments upon handlers as hereinafter provided.

§ 994.62 *Requirement for payment of assessments.* Except as otherwise provided in this subpart, each handler who first handles unshelled pecans shall, with respect to such pecans, pay to the Committee such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the said fiscal period. Each handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of unshelled pecans handled by such handler as the first handler thereof, during the applicable fiscal period, and the total quantity of unshelled pecans handled by all handlers as the first handlers thereof, during the same fiscal period. All pecans which are handled and which are exempt from assessments under the provisions of §§ 994.76 and 994.77 shall be excluded in computing the assessments. Said pro rata share of expenses shall be paid to the Committee by the 10th day of each month, or at such other times as the Committee may specify, for all unshelled pecans handled, as aforesaid, during the preceding month. Handlers may make advance payments of assessments in order to enable the Committee to carry out its functions under this subpart.

§ 994.63 *Rate of assessment.* The Secretary shall determine the rate of assessment per pound of assessable unshelled pecans handled, as aforesaid, after consideration of the Committee's recommendation as to such rate. The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding by him relative to the expenses of the Committee. Any such increase in the rate of assessment shall be applicable to all unshelled pecans handler, as aforesaid, during said fiscal period.

§ 994.64 *Refunds.* As soon as practicable after the end of a fiscal period, all money collected as assessments during the fiscal period in excess of expenses incurred therein by the Committee shall be credited to the accounts of handlers in accordance with their respective equities in such excess funds and thereafter refunded to them upon request.

§ 994.65 *Legal action for collection of assessments.* The Committee may, with the approval of the Secretary, maintain in its own name, or in the names of its members, legal action against any handler for the collection of such handler's pro rata share of expenses pursuant to this subpart.

§ 994.66 *Accountability of Committee members.* The Secretary may at any time require the Committee, its members, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Committee, he shall account to his successor or to the Committee for all receipts, disbursements, funds and property (including but not being limited to books and other records), pertaining to the Committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or the Committee the right to all of such property and funds and all claims vested in such person.

REGULATION BY GRADES AND SIZES, AND MINIMUM STANDARDS OF QUALITY

§ 994.70 *Marketing policy.* Prior to October 10 of each fiscal period, the Committee shall prepare and submit to the Secretary a report setting forth its findings in regard to the marketing situation and outlook for unshelled pecans, and also its recommendations in regard to regulation on the basis of grades or sizes or minimum standards of quality. In the event it becomes advisable to revise such report and recommendations, the Committee shall submit a revised report and recommendations to the Secretary.

§ 994.71 *Report.* The Committee shall, on the basis of information obtained from the Council and other sources, prepare the aforesaid report setting forth the following:

(a) Estimated supply of unshelled pecans in the area as follows: estimated production of improved varieties for the current year; estimated production of seedlings for the current year; estimated carryover of improved varieties as of October 1; estimated carryover of seedlings as of October 1;

(b) Estimated quantity of such unshelled pecans as will meet the recommended grade and size regulations, if any, then in effect; and a separate estimate as to the portion of such quantity that will be handled for distribution as unshelled pecans;

(c) Estimates of the respective quantities of pecans which during the period beginning on October 1 of the preceding year and ending on September 30 of the current year moved outside the area for distribution as unshelled pecans and for commercial shelling;

(d) Estimated beginning dates of harvest of current pecan crop in the respective districts; and

(e) Other pertinent data and statistics used by the Committee in preparing its recommendation. The Committee shall furnish the Secretary with a detailed statement of the discussions at all meetings at which the report and recommendations were prepared.

§ 994.72 *Recommendations.* The aforesaid report to the Secretary shall include its recommendations in regard to the proposed grade and size requirements or minimum standards of quality, as the case may be, and such other matters relating to pecan marketing as are affected by the provisions of this subpart. Such recommenadtions shall be based on the factors listed in § 994.71.

§ 994.73 *Issuance of regulations.* The Secretary shall issue regulations on the basis of grades, sizes or minimum standards of quality for unshelled pecans that may be handled pursuant to this subpart, whenever he finds from the recommendations and information submitted by the Committee or from other available information that to do so would tend to effectuate the declared policy of the act: *Provided,* That no regulation shall be issued pursuant to this subpart in regard to sizes which would prevent the handling of unshelled pecans which are of any size larger than the size specified in the initial grade and size regulations stated in this section. Such regulations shall continue in effect until superseded by other regulations issued by the Secretary. The Secretary shall notify the Committee of each such regulation and the Committee shall give reasonable notice thereof to growers and handlers.

§ 994.74 *Initial grade and size regulations.* Beginning at such time after the effective date of this subpart as the Secretary may specify and continuing until superseded by other regulations issued by the Secretary, no person shall handle, except as provided in § 994.77, any unshelled pecans (a) unless such pecans meet the requirements of the U. S. Commercial grade, as such grade is defined in the United States Standards for

Unshelled Pecans (14 F. R. 2543, 2608), and (b) unless they have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100-nut sample weigh at least 1.5 ounces.[1]

§ 994.75 *Inspection and certification procedure and requirements.* Except as otherwise provided in this section, no handler shall handle any unshelled pecans, during any period when regulations are in effect pursuant to this subpart, unless prior to such handling he has had such pecans inspected by, and had obtained an inspection certificate thereon from the Federal-State inspection service or the Federal Inspection Service. During the period November 1 through February of each fiscal period, such prior inspection and certification requirements shall be deemed to have been met if the pecans had been inspected and certified, as aforesaid, within 30 days immediately preceding such handling. During the other months of such fiscal period, such prior period of inspection and certification shall be 20 days. In addition to such other information as the Committee may require, the certificate shall show: (a) The identity of the handler and the lot, (b) date of inspection, (c) number of containers of each size and type in each lot, and (d) a statement stamped on such certificate by the inspector bearing substantially the following wording: "Pecans covered by this certificate meet grade and size, or minimum standards of quality (whichever is applicable) requirements prescribed pursuant to Federal Marketing Agreement 111 and Order 94." All lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container. The first handler shall furnish a copy of the certificate to the Committe covering each lot handled.

§ 994.76 *Exemptions.* Unshelled pecans handled in quantities that do not total more than 200 pounds to any one person during any one day shall be exempt from the provisions contained in this section in regard to inspection and certification and shall also be exempt from assessment pursuant to § 994.62. Provisions of these exemptions may be changed by the Secretary on the basis of the recommendation of the Committee or other available information.[2]

§ 994.77 *Pecans for shelling or processing outside the area.* Unshelled pecans for shelling or processing outside the area may be handled without regard to the grade and size regulations then in effect and without regard to the inspection and certification requirements of this section only if, prior to the handling of such pecans, the handler thereof had insured to the satisfaction of the Committee, as it may require, that he will comply with the provisions set forth in this paragraph. The Secretary may prescribe, on the basis of the recommendation and the information which may be submitted to him by the Committee, or on the basis of other available information, additional safeguards to insure such compliance. Any such pecans which are subsequently processed for distribution as unshelled pecans and meet the grade and size requirements then in effect may be so distributed by the handler, only if they are inspected and certified pursuant to the provisions of this part. The assessment provisions hereof shall be applicable to such handler of the unshelled pecans with respect to the quantity distributed as unshelled pecans. All handlers of pecans which are shipped out of the area for shelling or processing, pursuant to the provisions of this section, shall furnish to the Committee satisfactory evidence that such pecans were shelled or distributed as the case may be, pursuant to the provisions of this section.

§ 994.78 *Compliance.* Each handler shall comply with all provisions of this subpart and all regulations effective hereunder. Nothing contained in this subpart shall be construed to prevent any grower or other person from selling or delivering within the area any pecans for processing, shelling, or use within such area.

BOOKS, RECORDS, AND REPORTS

§ 994.80 *Books and records.* Each handler and each subsidiary and affiliate thereof shall keep books and other records which will clearly show the details of the respective person's handling of unshelled pecans and which shall be available for examination by the Secretary for a period of two years after such transactions are completed.

§ 994.81 *Reports by handlers.* To enable the Committee to perform its functions under this subpart:

(a) Each handler shall furnish daily to the Managing Agent the following information with respect to unshelled pecans, and such other information as may be prescribed by the Committee and approved by the Secretary: date, quantity, and reported destination of shipment; license number (including State of registration) of the truck in respect to shipments by truck; and car number and initials for shipments by rail; number of the inspection certificate, if any, covering the shipment; and the handler's lot number or identification of the pecans. Information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Committee and of the Council) except to the Secretary at his request, or to such person as the Secretary may designate.

(b) Each handler shall furnish to the Secretary each Friday during the period October 15 through January 31 of each fiscal period the following price information for the then current week: Prices paid by the handler to growers for orchard-run pecans by varieties as specified by the Committee.[3]

(c) Each handler shall furnish to the Secretary each Friday during the periods October 15 through January 31 and August 15 through September 30 of each fiscal period the following price information for the then current week: Prices received by the handler by grade, pack, and size on basis of either f. o. b. shipping point or delivered destination.[3]

(d) With the approval of the Secretary, the Committee may require that the information to be submitted pursuant to this section shall be at specified times and during specified periods other than as set forth in such section. The Committee may designate certain employees, directly under the supervision of and responsible to the Managing Agent, to assist in summarizing such reports as are submitted to the Managing Agent. Notwithstanding the provisions of this section, information furnished to the Managing Agent regarding specific shipments may be disclosed to the Committee when necessary to enable the Committee to carry out its functions hereunder. Information furnished to the Secretary or to the Managing Agent shall be compiled in summary form only, so as not to reveal the identity of individual informants; and such summaries shall be made available to the Committee and may be made public.

MISCELLANEOUS PROVISIONS

§ 994.85 *Amendments.* Amendment of this subpart may from time to time be proposed by the Committee or by the Secretary.

§ 994.86 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 994.87 *Personal liability.* No member or alternate member of the Committee or any employee or agent thereof, or any member or alternate member of the Council shall be held personally responsible, either individually or jointly with others in any way whatsoever, to any handler, sheller, or processor, or to any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty.

§ 994.88 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 994.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modifi-

[1] These grade and size regulations were superseded, effective November 11, 1953, by § 994.102 (18 F. R. 7162). Said § 994.102 was suspended, effective August 26, 1955 (20 F. R. 6245). Unless and until such suspension is terminated, no grade and size regulations will be in effect.

[2] This 200 pound exemption was reduced, effective October 16, 1950, to 105 pounds (15 F. R. 6931). So long as the suspension of § 994.102 remains in effect (see footnote 1) there will be no regulation of pecans handled in any quantity.

[3] These provisions were suspended (19 F. R. 6785), effective October 21, 1954.

cation of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§994.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence of this subpart.

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

§ 994.92 *Termination, suspension.* (a) The Secretary may, at any time, terminate or suspend the provisions of this subpart or any regulations issued pursuant hereto whenever he finds that such provisions or regulations obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination or suspension shall be given as the Secretary deems proper.

(b) The Secretary shall terminate the provisions hereof at the end of the then current fiscal period whenever he finds by referendum or otherwise that such termination is favored by more than 50 percent of the producers who, during the preceding calendar year, were engaged in the area in the production of pecans for market and produced more than 50 percent of the total quantity of the pecans produced during such period in such area: *Provided*, That in the event a referendum is conducted to ascertain producer approval of termination hereof, the aforesaid percentages shall be based upon the number of producers voting in the referendum and the volume of production represented therein. Such termination shall not, however, be effective unless announced prior to September 1 of the then current fiscal period. During the period April 1 through June 30 of the third fiscal period, if the provisions of this subpart are in effect, the Secretary shall conduct a referendum among producers to determine whether they favor the termination of the provisions of this subpart at the end of such third fiscal period.

(c) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 994.93 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the Committee then functioning shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and property then in the possession of or under the control of the Committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustee pursuant to this subpart.

(c) Any funds collected or received pursuant to §§ 994.60, 994.61, 994.62, 994.63, and 994.65 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties under this subpart, shall, as soon as practicable after the termination of the provisions of this subpart, be disbursed among the handlers pro rata in proportion to their contributions pursuant to this subpart.

(d) Any person to whom funds, property or claims have been transferred or delivered by the Committe or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Committee and upon said trustees.

§ 994.94 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation hereof or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

[F. R. Doc. 55-8100; Filed, Oct. 5, 1955; 8:54 a. m.]

[Docket No. AO-268]

PART 1002—HANDLING OF MILK IN GREATER WHEELING, WEST VIRGINIA MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

Sec.

AUTHORITY: §§ 1002.1 to 1002.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1002.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 16, 1955, and fully effective not later than November 1, 1955. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Greater Wheeling, West Virginia, marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on February 8–17, 1955, and reconvened March 15–18, 1955. The recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5184). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Acting Secretary of Agriculture on September 6, 1955, and published in the FEDERAL REGISTER on September 9, 1955. Thus, handlers have known of these impending requirements for some time and should be prepared. Furthermore, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of March through July be based on their average daily deliveries of milk to handlers during as much of the period from September through December 1955, as is possible. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 16, 1955, and fully effective November 1, 1955, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

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

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

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

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1002.1 *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.).

§ 1002.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1002.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1002.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1002.5 *Greater Wheeling marketing area.* "Greater Wheeling marketing area," hereinafter called the "marketing area" means all territory included within the boundaries of (a) Jefferson and Belmont Counties, Ohio, (b) Hancock, Brooke, Ohio and Marshall Counties, West Virginia, (c) Liverpool, St. Clair, Wellsville, Yellow Creek, Madison and Washington townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

§ 1002.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1002.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors), or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 1002.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 45 percent of its receipts of producer milk and fluid milk products from other pool plants during the months of April, May and June, and not less than 55 percent in all other months, is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) and from which Class I milk equal to no less than 5 percent of such receipts is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 1002.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to no less than 55 percent of its receipts of producer milk during the months of September, October, November, December and January are shipped during such month to distributing plants: *Provided,* That if a

supply plant qualifies in each of the designated months in the manner prescribed in this section, such plant shall, upon written application to the market administrator on or before January 31 following such compliance, be designated as a pool plant until the end of the following August.

§ 1002.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant.

§ 1002.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1002.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1002.6; or (b) Any person in his capacity as the operator of one or more approved plants.

§ 1002.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 1002.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1002.6.

§ 1002.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1002.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

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

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

§ 1002.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

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

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

(c) To have all of its activities under the control of its members.

§ 1002.18 *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 price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1002.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90, multiplied by the number of days in such month.

§ 1002.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1002.90.

MARKET ADMINISTRATOR

§ 1002.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1002.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1002.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

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

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

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

(d) Pay out of the funds received pursuant to § 1002.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1002.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

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

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1002.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

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

(3) Other source milk;

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

(b) The utilization of all skim milk and butterfat required to be reported pur-

suant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1002.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1002.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

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

§ 1002.32 *Records and facilities.* Each handler 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 are necessary for the market administrator to verify or establish the correct data for each month with respect to:

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

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

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

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1002.33 *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 the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1002.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1002.30 (a) shall be classified each month pursuant to the provisions of §§ 1002.41 through 1002.45.

§ 1002.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1002.42 through 1002.45, 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 from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat; (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk respectively.

§ 1002.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1002.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1002.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1002.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Wheeling, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1002.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1002.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be con-

sidered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1002.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1002.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was received from plants regulated under other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants, respectively: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1002.43 (a),

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

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1002.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

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

Present Operator and Location

Borden Co., Mt. 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., Hudson, 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 resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

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

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5,

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1002.51 *Class prices.* Subject to the provisions of §§ 1002.52 and 1002.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month plus the following amount for the month indicated:

Month:	*Amount*
April, May, and June	$1.10
February, March, and July	1.55
All others	2.00

Provided; That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1002.50: *Provided,* That for the months of April, May and June the price shall be reduced 20 cents if the Class I price for the month is reduced by a supply-demand adjustment pursuant to the proviso in paragraph (a) of this section.

§ 1002.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1002.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1002.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall of Wheeling, West Virginia, East Liverpool, Ohio or Steubenville, Ohio, whichever is nearest, by shortest hard surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1002.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Wheeling, West Virginia, East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1002.45 (a) (1) through (4), and the comparable steps in § 1002.45(b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1002.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of all handlers' Class I sales:

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 1002.53 for the location of the plant at which the milk was received from farmers.

§ 1002.55 *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.

APPLICATION OF PROVISIONS

§ 1002.60 *Producer-handlers.* Sections 1002.40 through 1002.45, 1002.50 through 1002.53, 1002.61 and 1002.62, 1002.70 through 1002.75, and 1002.80 through 1002.87 shall not apply to a producer-handler.

§ 1002.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant 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.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area than in the marketing area regulated pursuant to such order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of September through January.

§ 1002.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1002.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1002.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1002.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1002.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1002.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1002.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1002.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1002.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1002.70 for the producer milk of all handlers who submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1002.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1002.80 (a) (2);

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

(e) Add the total amount of payment due pursuant to § 1002.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1002.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1002.30, and who are not in default of payments pursuant to §§ 1002.80 or 1002.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1002.71 (a) through (d) then add the total amount of payments due pursuant to § 1002.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1002.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1002.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1002.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steu-

benville, Ohio, whichever is nearest, by the shortest hard surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate:

Distance from the City Hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

§ 1002.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1002.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1002.71 and 1002.72 and the butterfat differential computed pursuant to § 1002.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1002.82, 1002.85 and 1002.86, or 1002.62 and the amount due such handler pursuant to § 1002.83.

PAYMENTS

§ 1002.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1002.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1002.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1002.84.

§ 1002.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1002.62, 1002.82 and 1002.84, and out of which he shall make all payments pursuant to §§ 1002.83 and 1002.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1002.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1002.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1002.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1002.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1002.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1002.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1002.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1002.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

§ 1002.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(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 2 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 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation.

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

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

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative 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 all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order 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; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff 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.

DETERMINATION OF BASE

§ 1002.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1002.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90 whichever is more: *Provided,* That for the period from the effective date of this order through July 31, 1956, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period from the effective date of this order through December 31, 1955, by the number of days from the first day of delivery by such producer during such period to December 31, 1955, inclusive, or by the result obtained by multiplying by 0.75 the number of days in the period from the effective date of this order through December 31, 1955, whichever is more.

§ 1002.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1002.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1002.92 *Announcement of established bases.* On or before February 15 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1002.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1002.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1002.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1002.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1002.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1002.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 3d day of October 1955, to be effective as follows:

Sections 1002.0 through 1002.27 (j), 1002.30 through 1002.45 and 1002.87 through 1002.111 of this order shall be effective on and after October 16, 1955; and all of the remaining terms and provisions of this order (§§ 1002.27 (k) and 1002.50 through 1002.86) shall be effective on and after November 1, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-8102; Filed, Oct. 5, 1955; 8:54 a. m.]

[Docket No. AO-268]

PART 1009—HANDLING OF MILK IN CLARKSBURG, WEST VIRGINIA, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

Sec.

AUTHORITY: §§ 1009.0 to 1009.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1009.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 16, 1955, and fully effective not later than November 1, 1955. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Clarksburg, West Virginia, marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on February 8–17, 1955, and reconvened March 15–18, 1955. The recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5184). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Acting Secretary of Agriculture on September 6, 1955, and published in the FEDERAL REGISTER on September 9, 1955. Thus, handlers have known of these impending requirements for sometime and should be prepared. Furthermore, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of March through July be based on their average daily deliveries of milk to handlers during as much of the period from September through December 1955, as is possible. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 16, 1955, and fully effective November 1, 1955, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

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

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

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

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1009.1 *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.).

§ 1009.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1009.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1009.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1009.5 *Clarksburg marketing area.* "Clarksburg marketing area", hereinafter called the "Marketing Area" means all territory included within the boundaries of (a) Monongalia, Marion and Harrison Counties, (b) Grafton magisterial district in Taylor County, (c) Philippi magisterial district in Barbour County, (d) Leadsville magisterial district in Randolph County, (e) the City of Buckhannon in Upshur County, (f) the City of Western in Lewis County and (g) the Town of Kingwood in Preston County, all in the State of West Virginia.

§ 1009.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors), or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 1009.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 45 percent of its receipts of producer milk and fluid milk products from other pool plants during the months of April, May, and June, and not less than 55 percent in all other months, is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) and from which Class I milk equal to no less than 5 percent of such receipts is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 1009.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to no less than 55 percent of its receipts of producer milk during the months of September, October, November, December, and January are shipped during such month to distributing plants: *Provided,* That if a supply plant qualifies in each of the designated months in the manner prescribed in this section, such plants shall, upon written application to the market administrator on or before January 31 following such compliance, be designated as a pool plant until the end of the following August.

§ 1009.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant.

§ 1009.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1009.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1009.6; or (b) any person in his capacity as the operator of one or more approved plants.

§ 1009.13 *Producer-handler.* "Producer-hander" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 1009.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1009.6.

§ 1009.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1009.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

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

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

§ 1009.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

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

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

(c) To have all of its activities under the control of its members.

§ 1009.18 *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 price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1009.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90, multiplied by the number of days in such month.

§ 1009.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

MARKET ADMINISTRATOR

§ 1009.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1009.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1009.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

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

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

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

(d) Pay out of the funds received pursuant to § 1009.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1009.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1009.30 and 1009.31 or payments pursuant to §§ 1009.80 through 1009.86;

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

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices computed pursuant to §§ 1009.71 and 1009.72 and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1009.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

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

(3) Other source milk,

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

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1009.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1009.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

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

§ 1009.32 *Records and facilities.* Each handler 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 are necessary for the market administrator to verify or establish the correct data for each month with respect to:

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

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

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

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1009.33 *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 the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1009.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1009.30 (a) shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.45.

§ 1009.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1009.42 through 1009.45, 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 from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk respectively.

§ 1009.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1009.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant

of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1009.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1009.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Clarksburg, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided;* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1009.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1009.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1009.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month,

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1009.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under an other order(s) issued pursuant to the act and subject to the Class I pricing provisions of such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1009.43 (a),

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

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1009.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b) or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

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

Present Operator and Location

Borden Co., Mt. 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., Hudson, 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 resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

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

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5, and

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago

area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1009.51 *Class prices.* Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month plus the following amount for the month indicated:

Month:	*Amount*
April, May, and June	$1.35
February, March, and July	1.80
All others	2.25

Provided: That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1009.50: *Provided,* That for the months of April, May and June the price shall be reduced 20 cents if the Class I price for the month is reduced by a supply-demand adjustment pursuant to the proviso in paragraph (a) of this section.

§ 1009.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1009.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1009.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by shortest hard surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1009.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Clarksburg, West Virginia (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1009.45 (a) (1) through (4), and the comparable steps in § 1009.45 (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1009.54 *Rate of compensatory payments.* The rates of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the location differential rates set forth in § 1009.53 for the location of the plant at which the milk was received from farmers. In any month in which total producer deliveries are less than 110 percent of all handlers' Class I uses the rate pursuant to this paragraph shall be zero.

§ 1009.55 *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.

APPLICATION OF PROVISIONS

§ 1009.60 *Producer-handlers.* Sections 1009.40 through 1009.45, 1009.50 through 1009.53; 1009.61 and 1009.62, 1009.70 through 1009.75, and 1009.80 through 1009.87 shall not apply to a producer-handler.

§ 1009.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant 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.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Clarksburg marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of September through January.

§ 1009.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by venders and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1009.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1009.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1009.45 by the applicable price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1009.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1009.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1009.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1009.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1009.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1009.70 for the producer milk of all handlers who submit reports prescribed in § 1009.30 and who are not in default of payments pursuant to §§ 1009.80 or 1009.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the

average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed to § 1009.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1009.80 (a) (2);

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

(e) Add the total amount of payment due pursuant to § 1009.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1009.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1009.30, and who are not in default of payments pursuant to §§ 1009.80 or 1009.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1009.71 (a) through (d) then add the total amount of payments due pursuant to § 1009.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1009.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1009.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1009.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1009.53.

§ 1009.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1009.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1009.71 and 1009.72 and the butterfat differential computed pursuant to § 1009.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1009.82, 1009.85, and 1009.86, or 1009.62 and the amount due such handler pursuant to § 1009.83.

PAYMENTS

§ 1009.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1009.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1009.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1009.84.

§ 1009.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1009.62, 1009.82 and 1009.84, and out of which he shall make all payments pursuant to §§ 1009.83 and 1009.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1009.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1009.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1009.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1009.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differen-

tials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1009.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1009.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1009.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1009.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

§ 1009.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(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 2 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 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

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

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

(b) If a handler fails or refuses, with respect to any obligation under this 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 2-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 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(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; and

(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 2 years after the end of the calendar month during which the payment (including deduction or setoff 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.

DETERMINATION OF BASE

§ 1009.90 *Computation of dairy average base for each producer.* Subject to the rules set forth in § 1009.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided,* That for the period from the effective date of this order through July 31, 1956, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period from the effective date of this order through December 31, 1955, by the number of days from the first day of delivery by such producer during such period to December 31, 1955, inclusive, or by the result obtained by multiplying by 0.75 the number of days in the period from the effective date of this order through December 31, 1955, whichever is more.

§ 1009.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1009.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1009.92 *Announcement of established bases.* On or before February 15, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1009.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1009.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1009.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall

be performed notwithstanding such suspension or termination.

§ 1009.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1009.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1009.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 3d day of October 1955, to be effective as follows:

Sections 1009.0 through 1009.27 (j), 1009.30 through 1009.45 and 1009.87 through 1009.111 of this order shall be effective on and after October 16, 1955; and all of the remaining terms and provisions of this order (§§1009.27 (k) and 1009.50 through 1009.86) shall be effective on and after November 1, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-8101; Filed, Oct. 5, 1955; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Poultry Improvement

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

AMENDMENTS OF NATIONAL POULTRY IMPROVEMENT PLAN AND NATIONAL TURKEY IMPROVEMENT PLAN

On August 18, 1955, there appeared in the FEDERAL REGISTER (20 F. R. 6029) a notice that this Department was considering amending § 145.22 of the National Poultry Improvement Plan and §§ 146.4, 146.30 and 146.31 of the National Turkey Improvement Plan (9 CFR, 1954 Supp., 145.22, 146.4, 146.30 and 146.31). Such action was proposed under §§ 147.22 and 147.25 of Auxiliary Provisions on Poultry and Turkey Improvement Plans (9 CFR, 1954 Supp., 147.22 and 147.25) pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429). After due consideration of all relevant matters presented pursuant to the aforesaid notice and under the authorities cited above, said §§ 145.22, 146.4, 146.30 and 146.31 are hereby amended as follows:

1. Section 145.22 *USROP annual summary* is amended by redesignating present subparagraphs (7) and (8) of paragraph (c) as (8) and (9) respectively and adding a new subparagraph (7) to paragraph (c) to read as follows:

(7) Basis of qualifying ROP females: Individual birds producing 219 eggs in 365 days based on 3 or more days of trapnesting a week; individual birds otherwise meeting the requirement of 60 percent production during at least 10 consecutive months; families of 6 or more meeting the requirement of 65 percent production during at least 10 consecutive months; families of 8 or more meeting the requirement of 70 percent production during at least 13 consecutive weeks; as provided in § 145.18.

2. Section 146.4 *General provisions for all participants* is amended by deleting paragraph (f) which provides that: "Standard and broad breasted turkeys of the same variety may not be kept on the same premises or hatched in the same hatchery", and redesignating paragraph (g) as paragraph (f).

3. Section 146.30 *General turkey meat production test* is amended by changing paragraph (b) to read:

(b) The entry shall consist of at least 100 poults, either straight-run or 50 percent of each sex.

4. Section 146.31 *On-the-farm turkey meat production test* is amended by deleting paragraph (e) which provides that: "Poults shall be brooded and reared separately from other birds" and redesignating paragraphs (f) and (g) as paragraphs (e) and (f) respectively.

The amendments set forth above in part relieve restrictions and to this extent may be made effective under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) less than 30 days after publication in the FEDERAL REGISTER. The amendments also provide for the inclusion of additional information in a report published by this Department which will be of value to participants in the National Poultry Improvement Plan and purchasers of poultry and poultry products produced under the Plan. In order to be of maximum benefit to the affected persons, these provisions should be made effective as soon as possible. Accordingly under said section 4, good cause is found for making such provisions effective less than thirty days after publication in the FEDERAL REGISTER.

The aforegoing amendments shall become effective on October 6, 1955.

(Sec. 101, 58 Stat. 734, as amended, 7 U. S. C. 429)

Done at Washington, D. C., this 3d day of October 1955.

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

[F. R. Doc. 55-8103; Filed, Oct. 5, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6259]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FREDERICK C. BLOXOM, SR., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.800 *Buyers' agents:* § 13.820 *Direct buyers.* In connection with the purchase of food products or other commodities in commerce, and on the part of respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners trading as F. C. Bloxom & Company, or under any other name, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products, or other commodity, made for respondents' own account or where the Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners, trading as F. C. Bloxom & Company, or under any other name, are the agents, representatives, or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Frederick C. Bloxom, Jr., et al., trading as F. C. Bloxom & Company, Seattle, Wash., Docket 6259, Sept. 8, 1955]

In the Matter of Frederick C. Bloxom, Sr., Frederick C. Bloxom, Jr., and Kinne M. Hawes, Individually and as Copartners Trading as F. C. Bloxom & Company.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents Frederick C. Bloxom, Sr., Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually and as copartners trading as F. C. Bloxom & Company, with violation of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting, directly or indirectly, commissions, brokerage, or other compensation, or allowances or discounts in lieu thereof, from some but not all of the various sellers from whom they purchased food products in commerce for their own account for resale; and upon a Stipulation for Consent Or-

der which disposed of all the issues involved in the proceeding and which was submitted to said hearing examiner pursuant to an agreement entered into by respondents with counsel supporting the complaint, following the filing of their answer.

By the terms of said stipulation, which recited that respondent Frederick C. Bloxom, Sr., died prior to the service of the complaint in the instant matter, said remaining respondents admitted all the jurisdictional allegations set forth in the complaint, and stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; and all parties requested the withdrawal of respondents' answer, filed in the matter on December 1, 1954; expressly waived the filing of answer; a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

Respondents agreed that the order contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and it was also agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and that the complaint in the matter might be used in construing the terms of said order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and it was further provided that the signing of the Stipulation for Consent Order was for settlement purposes only, and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and that for all legal purposes respondents' answer would be regarded as withdrawn; set forth his conclusion, in view of the facts indicated and the further fact that the order embodied in the aforesaid stipulation was identical with the order accompanying the complaint, except for the omission therefrom of the name of Frederick C. Bloxom, Sr., deceased—as to whom the complaint would, of course, be dismissed—that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and accordingly, in consonance with the terms of the aforesaid stipulation, accepted said Stipulation for Consent Order submitted in the matter, found that the proceeding was in the public interest, and issued order to cease and desist as to respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, as above set forth, and order of dismissal as to respondent Frederick C. Bloxom, Sr., deceased.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners, trading as F. C. Bloxom & Company, or under any other name, their respective representatives, agents and employees, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products, or other commodity, made for their own account or where the Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners, trading as F. C. Bloxom & Company, or under any other name, are the agents, representatives, or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer.

It is further ordered, That the complaint herein, insofar as it relates to Respondent Frederick C. Bloxom, Sr., deceased, be, and the same hereby is, dismissed.

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

It is ordered, That Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually and as copartners trading as F. C. Bloxom & Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

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

[F. R. Doc. 55-8076; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket 6332]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MACKVINE CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. I. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of batts and battings or other "wool products", as such products are defined in and subject to said Wool Products Labeling Act which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, and on the part of respondent corporation, and its officers, and respondent Bernard E. Levine, individually and as an officer of said corporation, and respondents' representatives, etc., misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and, II, in connection with the offering for sale, sale, or distribution of batts or battings or any other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, and on the part of the aforesaid respondents, their representatives, etc., misrepresenting the constituent fibers of which respondents' wool products are composed, or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45,

68-68c) [Cease and desist order, Mackvine Corporation et al., New Haven, Conn., Docket 6332, September 17, 1955]

In the Matter of Mackvine Corporation, a corporation; and Edward Levine, David Levine, and Bernard E. Levine, Individually and as Officers of Said Corporation.

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondent corporation, and respondents Edward, David, and Bernard E. Levine, individually and as officers of said corporation, with having violated the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, including certain batts and battings, and through misrepresenting the constituent fibers, etc., of their said products in sales invoices, etc., in violation of the latter act; and upon an agreement for consent order, which was reached after the filing of respondents' answer and a hearing, adjourned without the taking of testimony to permit the reaching of an agreement in said matter, and which was submitted to said hearing examiner, in accordance with § 3.25 of the Commission's rules of practice, and was signed by counsel supporting the complaint, counsel for respondents, and the respondent corporation and respondent Bernard E. Levine, and was approved by the Director of the Commission's Bureau of Litigation.

By the terms of said agreement, respondents agreed to the withdrawal of their answer; admitted all the jurisdictional allegations of the complaint; and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; and said agreement further provided that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; that respondents also agreed that the order to cease and desist issued in accordance with said agreement for consent order should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; and that the complaint in the matter might be used in construing the terms of the order provided for in said agreement, and that the signing of said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

As respects the fact that the order agreed upon was the same as that proposed in the "Notice" portion of the complaint, except for the elimination therefrom of respondents Edward Levine and David Levine, it appeared that there had been submitted to the hearing examiner three affidavits, each signed by one of the individual respondents, attesting to the fact that the respondents Edward Levine and David Levine were minority stockholders of the corporate respondent, did not formulate, direct, and control its acts, practices, and policies, and did not have their business address at the same address as said respondents, and that by memorandum transmitting the agreement for consent order and the aforesaid affidavits, counsel supporting the complaint had advised the hearing examiner that, based on the facts stated in the aforesaid affidavits, they recommended dismissal of the proceeding as to the two respondents not included in the order, and further that the agreement for consent order was entered into on the understanding and agreement between counsel that it was conditioned upon a dismissal of the proceeding as to said respondents.

Thereafter, the aforesaid proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid agreement for consent order and accompanying affidavits, the answer previously filed by respondents being deemed withdrawn, said hearing examiner made his initial decision in which he set forth the aforesaid matters; and that being satisfied, on the basis of the statements made in said affidavits and in the transmittal memorandum of counsel supporting the complaint, that the aforesaid agreement for consent order provided for an appropriate disposition of the proceeding, the said agreement and accompanying affidavits were accepted and ordered filed by him upon becoming part of the Commission's decision in accordance with §§ 3.21 and 3.25 of the rules of practice; and in which he made certain jurisdictional findings, including findings as to said stipulating respondents, and findings that the Commission had jurisdiction of the subject matter of the proceeding and of the aforesaid respondents, and that the complaint stated a cause of action against them under the aforesaid acts, and the proceeding was in the interest of the public; and in which he issued his order, including order to cease and desist, and order of dismissal as to respondents Edward Levine and David Levine.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 9, 1955, became, on September 17, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That the respondents Mackvine Corporation, a corporation, and its officers, and Bernard E. Levine, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of batts and battings or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the consitutent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicious manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

It is further ordered, That respondents Mackvine Corporation, a corporation, and its officers, and Bernard E. Levine, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of batts or battings or any other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the constituent fibers of which their wool products are composed, or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner.

It is further ordered, That the complaint be, and the same hereby is, dismissed without prejudice as to the respondents Edward Levine and David Levine.

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

It is ordered, That the respondents Mackvine Corporation, a corporation,

and its officers, and Bernard E. Levine, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 9, 1955.

By the Commission.

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

[F. R. Doc. 55-8096; Filed, Oct. 5, 1955; 8:53 a. m.]

[Docket 6360]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BROWNSVILLE WOOLEN MILLS ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of blankets or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Chester A. Page d. b. a. Brownsville Woolen Mills et al., Brownsville, Ore., Docket 6360, September 8, 1955]

In the Matter of Chester A. Page, Individually, Trading and Doing Business as Brownsville Woolen Mills, and Chester E. Page, Individually

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission which charged respondents with the misbranding of wool products in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and with unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act, and upon an agreement entered into by respondents with counsel supporting the complaint, which provided for the entry of a consent order disposing of all the issues in the proceeding, was approved by the Director of the Bureau of Litigation, and was submitted to said hearing examiner, theretofore duly designated, for his consideration in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice for adjudicative proceedings.

Said agreement set forth that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; further provided that respondents expressly waived the filing of an answer in the matter, a hearing before a hearing examiner, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and set forth that respondents also agreed that the order to cease and desist issued in accordance with said agreement should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order.

It was also agreed that the aforesaid agreement, together with the complaint, should constitute the entire record in the matter; that the said complaint might be used in construing the terms of the order provided for in said agreement; that said agreement was subject to approval in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice; that the order to be issued should have no force and effect unless and until it became the order of the Commission; and that the signing of said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, the matter having come on for final consideration by the hearing examiner on the complaint and the aforesaid agreement for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said agreement provided for an appropriate disposition of the proceeding and his acceptance thereof; and his findings for jurisdictional purposes, including his findings as to respondents, and his findings that the Commission had jurisdiction of the subject matter of the proceeding and of said respondents, and that the complaint stated a cause of action against said respondents under the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by the order of the Commission dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Chester A. Page, individually, trading and doing business as Brownsville Woolen Mills, or trading under any other name, and respondent Chester E. Page, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of blankets or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any

non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said order of the Commission dated September 8, 1955, report of compliance was required as follows:

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

Issued: September 8, 1955.

By the Commission.

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

[F. R. Doc. 55-8094; Filed, Oct. 5, 1955; 8:53 a. m.]

[Docket 6357]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HATHAWAY WATCH CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1980 *Guarantee, in general.* In connection with the offering for sale, sale, or distribution of watches in commerce, representing, directly or indirectly: (1) That the retail price of a watch is any amount which is in excess of the price at which said watch is usually and regularly sold at retail; (2) that a watch is a "jeweled" watch, or that it contains a jeweled movement, unless said watch contains at least 7 jewels, each of which serves a mechanical purpose as a frictional bearing; (3) that respondent manufactures the watches offered for sale, or sold by him, or that he is a watch manufacturer; and (4) that the watches he offers for sale or sells are guaranteed unless and until the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Irving Kathman d. b. a. Hathaway Watch Company, New York, N. Y., Docket 6357, September 13, 1955]

In the Matter of Irving Kathman, an Individual Doing Business as Hathaway Watch Company

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondent with violation of the Federal Trade Commission Act in connection with certain misrepresentations relative to watches dealt in by him, and upon an "Agreement Containing Consent Order to Cease and Desist", which was entered into by respondent with counsel supporting the complaint, in conformity with the provisions of § 3.25 of the rules of practice and procedure of the Commission, and which, after approval by the Director, Bureau of Litigation, was submitted to the hearing examiner, who, being of the opinion that it effectually disposed of all the issues in the matter, accepted the same.

By said agreement, it was set forth, among other things, that respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record might be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations; that the agreement disposed of all of the proceeding as to all parties; and that respondent waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all of the rights he might have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

Said agreement further set forth that the record on which the initial decision and the decision of the Commission should be based should consist solely of the complaint and said agreement; that latter should not become a part of the official record unless and until it became a part of the decision of the Commission; that the agreement was for settlement purposes only and did not constitute an admission by respondent that it had violated the law as alleged in the complaint; and that the order to cease and desist involved might be entered in the proceeding by the Commission without further notice to respondent; that when so entered it should have the same force and effect as if entered after a full hearing; that it might be altered, modified, or set aside in the manner provided for other orders; and that the complaint might be used in construing the terms of the order.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and, pursuant to said agreement, and in order to effectuate the intent thereof, being of the opinion that the order agreed upon would effectually safeguard the public interest, and that the proceeding was in the public interest, issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 13, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Irving Kathman, trading as Hathaway Watch Company, or trading under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That the retail price of a watch is any amount which is in excess of the price at which said watch is usually and regularly sold at retail;

2. That a watch is a "jeweled" watch, or that it contains a jeweled movement, unless said watch contains at least 7 jewels, each of which serves a mechanical purpose as a frictional bearing;

3. That he manufactures the watches offered for sale, or sold by him, or that he is a watch manufacturer;

4. That the watches he offers for sale or sells are guaranteed unless and until the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

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

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

Issued: September 13, 1955.

By the Commission.

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

[F. R. Doc. 55-8095; Filed, Oct. 5, 1955; 8:53 a. m.]

[Docket 6298]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE FUR DOCTOR

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or service; § 12.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products La-*

beling Act; Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.* In connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act: (A) Misbranding fur products by: (1) Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured; (2) failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised, or offered it for sale in commerce, or transported or distributed it in commerce; (f) the name of the country of origin of any imported furs used in the fur product; (3) setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in "(A) (2) (a)" above; (4) setting forth on labels attached to fur products: (a) Required information in abbreviated form or in handwriting; (b) nonrequired information mingled with required information; (5) failing to show on labels attached to fur products made in whole or in part of imported fur the term "Fur Origin" preceding the country of origin on said labels, as required by Rule 12 (e) of the aforesaid rules and regulations; (B) Falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name and address of the person issuing such invoice; (f) the name of the country of origin of any imported furs contained in a fur product; (2) setting forth required information in abbreviated form; (C) Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose: (a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) the country of origin of imported furs, as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder; (2) contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Products Labeling Act; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, T. F. Denman t. a. The Fur Doctor, San Francisco, Calif., Docket 6298, September 8, 1955]

In the Matter of T. F. Denman, an Individual Trading as The Fur Doctor

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondent with unfair and deceptive acts and practices in connection with the sale in commerce of imported and domestic fur products, in violation of the Fur Products Labeling Act and the Federal Trade Commission Act, and upon a Stipulation for Consent Order, which disposed of all the issues involved in the proceeding and which was submitted to the hearing examiner pursuant to an agreement entered into by respondent with counsel supporting the complaint, subsequent to the filing of respondent's answer.

By the terms of said stipulation, respondent admitted all the jurisdictional allegations set forth in the complaint, and stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; withdrew his answer; and expressly waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner or the Commission to which respondent might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission.

Respondent agreed that the order contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondent specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and it was also agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and it was further provided that the complaint in the matter might be used in construing the terms of the aforesaid order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and that the signing of the Stipulation for Consent Order was for settlement purposes only, and did not constitute either an admission or a denial by respondent of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and that for all legal purposes respondent's answer would be regarded as withdrawn; set forth his conclusion, in view of the facts indicated and the further fact that the order embodied in the aforesaid stipulation was identical with that which accompanied the complaint, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and, accordingly, in consonance with the terms of the aforesaid stipulation, accepted the Stipulation for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, T. F. Denman, an individual trading as The Fur Doctor or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are

defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

5. Failing to show on labels attached to fur products made in whole or in part of imported fur the term "Fur Origin" preceding the country of origin on said labels, as required by Rule 12 (e) of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) The country of origin of imported furs, as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder.

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Products Labeling Act.

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

It is ordered, That respondent T. F. Denman, an individual, trading as The Fur Doctor, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

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

[F. R. Doc. 55-8077; Filed, Oct. 5, 1955; 8:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—GENERAL RULES AND REGULATIONS INVESTMENT COMPANY ACT OF 1940

PRO-RATA DISTRIBUTION

On February 7, 1955, the Securities and Exchange Commission published notice that it had under consideration the adoption of § 270.17a-5 (Rule N-17A-5) under the Investment Company Act of 1940 and invited all interested persons to comment upon the proposal. The Commission has considered all comments and suggestions received and has determined to adopt Rule N-17A-5 in the form set forth below.

The rule would exclude from the terms "purchase" and "sale" as used in section 17 (a) any pro-rata distribution in cash, or in kind by any company among the holders of its common stock. The Commission considers that none of the abuses against which section 17 of the act was directed are present in such a pro-rata distribution.

This action is taken pursuant to section 6 (c) and section 38 (a) of the Investment Company Act of 1940.

The text of the rule is as follows:

§ 270.17a-5 *Pro rata distribution neither "sale" nor "purchase."* When a company makes a pro-rata distribution in cash or in kind among its common stockholders without giving any election to any stockholder as to the specific assets which such stockholder shall receive, such distribution shall not be deemed to involve a sale to or a purchase from such distributing company as those terms are used in section 17 (a) of the act.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

Effective September 28, 1955.

By the Commission.

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

SEPTEMBER 27, 1955.

[F. R. Doc. 55-8078; Filed, Oct. 5, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9703]

PART 11—INDUSTRIAL RADIO SERVICES

SPECIAL INDUSTRIAL RADIO SERVICE

In the matter of revision of Subpart K of Part 11, Rules Governing the Special Industrial Radio Service; Docket No. 9703.

The Commission's Report and Order of September 7, 1955 (FCC 55-923), in the above entitled matter, which was published in the FEDERAL REGISTER on September 20, 1955 (20 F. R. 7039), is corrected as follows:

1. The last word of footnote 1 to the table of frequencies appearing in section 11.516 (b) should be corrected to read "18000 Mc" in lieu of "1800 Mc."

2. The table of frequencies appearing in § 11.516 (c) should be corrected to read as follows:

Mc.	*Mc.*	*Mc.*	*Mc.*
169.425	171.025	[1] 406.050	[2] 40.68
169.475	171.075	[1] 406.150	
169.525	171.125	[1] 406.250	
169.575	171.175	[1] 406.350	
170.225	171.825	[1] 406.450	
170.275	171.875	[1] 406.550	
170.325	171.925	[1] 406.650	
170.375	171.975	[1] 406.750	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

3. The table of frequencies appearing in § 11.517 (c) should be corrected by the insertion of the heading "Mc" at the head of each column.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 30, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8091; Filed, Oct. 5, 1955; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1955 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

CALENDAR YEAR; QUARTER BEGINNING OCT. 1, 1955

OCTOBER 1, 1955.

§ 129.18 *Calendar year, 1955.* * * *

(d) *Quarter beginning October 1, 1955.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1955, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.]

Country	Monetary unit	Value in U. S. terms of money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8086; Filed, Oct. 5, 1955; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

POINT-GAINING ACTIVITIES FOR AIR FORCE RESERVISTS

In Part 861 §§ 861.31 to 861.36 are rescinded and the following substituted therefor:

Sec.
861.31 Purpose and policy.
861.32 Definitions.
861.33 Period of equivalent training and duty.
861.34 Active and inactive duty points.
861.35 Limitations and minimum standards.
861.36 Maximum credits.

AUTHORITY: §§ 861.31 to 861.36 issued under sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101-259, 601-603, 66 Stat. 481-498, 501; 50 U. S. C. 901-1010, 1091-1093.

DERIVATION: AFR 45-15, May 26, 1955.

§ 861.31 *Purpose and policy*—(a) *Purpose.* Sections 861.31 to 861.36 establish the basis and standards for earning and awarding points for retirement benefits for personnel of the Air Force Reserve under title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087; 10 U. S. C. 1036) as amended by Act September 7, 1949 (63 Stat. 693; 10 U. S. C. 1036b). Sections 861.31 to 861.36 apply to all Reservists in an active status.

(b) *Policy*—(1) *Active Air Force Reserve program elements.* The active Air Force Reserve program elements include flying training units, air depot wings, Airways and Air Communications Service units, aerial port squadrons, personnel processing squadrons, navigation training squadrons, pilot training squadrons, air Reserve squadrons (Air National Guard nurse training); the Mobilization Assignment Reserve Section; numbered air Reserve center groups and squadrons; the Mobilization Designation Reserve Section; and the Nonaffiliated Reserve Section. Points required to meet participation standards in these program elements will be awarded on the same basis as the points awarded for retirement purposes.

(2) *Persons assigned to Ineligible Reserve Section, on Inactive Status List, or in Retired Reserve.* Persons who are assigned to the Ineligible Reserve Section may not participate in point-gaining activities, but will be awarded 15 gratuitous points annually for Reserve membership. Persons who are on the Inactive Status List (Standby Reserve) or in the Retired Reserve are not eligible for participation in inactive duty training for the award of points.

(3) *Pay status.* Points may be earned pursuant to § 861.34 whether or not the persons are in a pay status, except that persons earning points under § 861.34 (h) must be in an inactive duty training pay status.

(4) *Reserve personnel of other services.* Reserve personel of other services attached for duty with the Air Force Reserve will be governed by appropriate regulations of their respective services.

(5) *Simultaneous participation in more than one activity.* Sections 861.31 to 861.36 will not be interpreted as permitting simultaneous participation in more than one activity for point-gaining purposes. For example, if points are being credited for attendance at a unit training assembly, points will not be credited for flying time accomplished in connection with such assembly.

§ 861.32 *Definitions*—(a) *Points.* Credits awarded members of the Air Force Reserve for military service on extended active duty; when not on extended active duty (but while in an active status); for performance of active duty training and inactive duty training; and gratuitous points for Reserve membership.

(b) *Active military service.* Full-time duty with the active establishment, either extended active duty or active duty for training. In §§ 861.31 to 861.36, the terms "active military service" and "active duty" are synonymous.

(c) *Active duty for training.* Full-time duty with the active establishment for training.

(d) *Inactive duty training.* Training, instruction duty, appropriate duties, or equivalent training, including hazardous duty, which has been authorized and performed with or without compensation by a member of the Air Force Reserve. (Such duty is performed while not on active duty or on active duty for training.) Inactive duty training also includes authorized additional duties performed in connection with the prescribed

training and maintenance activities of the unit to which the person is assigned or for studies in connection with the completion of USAF extension courses.

(e) *Training period.* An authorized period of instruction performed by persons who are training as individuals. Such training will normally be of 4 hours' duration but may not be of less than 2 hours' duration. Two training periods if conducted within one calendar day must total at least 8 hours. This term includes authorized attendance at a scheduled class of instruction under contract school training.

(f) *Unit training assembly.* An authorized and scheduled period of instruction conducted by T/O, unit manning document, and non-T/O units. Unit training assemblies will normally be of 4 hours' duration but may not be of less than 2 hours' duration. Two training assemblies if conducted in one calendar day must total at least 8 hours.

(g) *Active status.* The status of all Reservists except those on the Inactive Status List (Standby Reserve) and in the Retired Reserve.

§ 861.33 *Period of equivalent training and duty*—(a) *Period of equivalent training or instruction.* Attendance at, or participation in, any one of the following activities for a continuous period of normally 4 but not less than 2 hours:

(1) Supervised training on an inactive duty status with units or activities of the active establishments of the Armed Forces, when such training is specifically authorized and when the character of the training is such as to result in increased military proficiency of the person concerned, and when satisfactory participation is certified by the commander of the Regular unit or activity concerned.

(2) Training on inactive duty status with units of the Army, Navy, Marine Corps, or Coast Guard Reserve under the conditions specified in subparagraph (1) of this paragraph.

(3) Flight training performed by rated personnel in military aircraft when such flight training is accomplished in accordance with published minimum proficiency standards for the Reserve program element to which assigned provided that such training is not conducted as part of any other point-gaining activity specified herein.

(4) Group training of military personnel, other than unit training assemblies, when such training is pursuant to an approved course of training or otherwise specifically authorized.

(5) Duties performed by medical and dental personnel for the accomplishment of the following:

(i) A minimum of two authorized physical examinations for flying or three general physical examinations for personnel of any component of the United States Armed Forces and Air Force ROTC students, or for enlistment or appointment therein.

(ii) A minimum number of the following types of authorized dental examinations for personnel of any component of the United States Armed Forces and Air Force ROTC students, or for enlistment or appointment therein (a pro rata combination of various types of examinations is authorized):

(*a*) Three type 1 examinations.

(*b*) Six type 2 examinations (Standard Form 88, "Report of Medical Examination," is included in this type only when X-rays are taken).

(*c*) Eight type 3 examinations (SF 88 is included in this type when x-rays are not taken).

(*d*) Sixty type 4 examinations.

(iii) A minimum of 12 authorized inoculations.

(6) Duties performed in operation of Military Amateur Radio System supervised network drills.

(7) Instructor duties at Civil Air Patrol and Air Explorer assemblies and with the Ground Observer Corps groups pursuant to an authorized course of instruction when such duty is authorized.

(b) *Period of equivalent duty or appropriate duties.* Accomplishment of any one of the following duties, while on an inactive duty status, for a continuous period of normally 4 hours but not less than 2 hours:

(1) Duties performed under the jurisdiction of the Selective Service System when such duty is approved by the Director of Selective Service or by his authorized military representative, and when the appropriate supervisor has certified that the performance of such duty was satisfactory.

(2) Duty relating to procurement planning and industrial mobilization when certified as satisfactorily performed by the commander of the appropriate major command; Chief of Staff, USAF; Joint Chiefs of Staff; or Department of Defense agency under whose jurisdiction the work is performed.

(3) Recruiting duty when authorized and participation is certified as satisfactory by an authorized military representative of the recruiting service.

(4) Duty in connection with the planning supervision of training, administration and supply of the Reserve Forces, including administration, liaison and maintenance duties with Civil Air Patrol, when such duty is authorized and satisfactory accomplishment is certified by the officer under whose jurisdiction such duty was performed, and, under similar conditions, other duties which may be authorized from time to time by the Air Force.

(5) Duties in connection with the functions of the unit of assignment or in furtherance of its mission which may be assigned on a project basis.

§ 861.34 *Active and inactive duty points.* Air Force Reserve personnel will be awarded points as follows:

(a) Fifteen points for each year of membership in the Reserve of the Air Force, except as provided in § 861.31 (b) (2).

(b) One point for attendance at an authorized unit training assembly.

(c) One point for each day of active duty, including extended active duty and active duty training. This includes the active duty performed by a Reserve officer or warrant officer on extended active duty in other than his officer or warrant officer status.

(d) One point for accomplishment of an authorized training period.

(e) One point for participation in a period of equivalent training or instruction.

(f) One point for accomplishment of a period of equivalent duty or appropriate duties.

(g) One point for each 3 hours of extension courses satisfactorily completed. Points will be awarded to officers only for the completion of courses above precommissioning and indoctrination level.

(h) One point for each 4 hours of flying time performed in military aircraft by rated personnel and recorded on the person's AF Form 5, "Individual Flight Record (Pilot)," or AF Form 5A, "Individual Flight Record (Aircraft Observer)," when such flying time is accomplished pursuant to published minimum proficiency standards for the Reserve program element to which assigned. Flying time credited as a point-gaining activity for the purpose of §§ 861.31 to 861.36 need not be accomplished in a continuous or within any specified period of time and will be cumulative.

(i) One point for duty as instructor at:

(1) Authorized unit training assemblies.

(2) Authorized unit schools.

(3) Authorized group training of military personnel other than unit training assemblies, subject to conditions specified in §§ 861.32 (e) and 861.33 (a) (1).

(4) Air Force ROTC, Army ROTC, or Naval ROTC classes.

(5) Civil Air Patrol on Air Explorer assemblies and with ground Observer Corps groups pursuant to an authorized course of instruction when such duty is ordered by competent authority. (A person will not be credited for instructional duty accomplished at an assembly for which he is being credited with attendance. This restriction will not affect credit for preparation.)

(j) One point for preparation of each hour of instruction, but not to exceed two points for preparation of any one instruction period. If the subject is presented more than once, additional points will not be credited for subsequent preparation.

(k) Except for points awarded under paragraph (g) of this section, not more than one point will be credited to a person within any one calendar day for participation in, or accomplishment of any of the point-gaining activities outlined in paragraphs (a) through (j) of this section unless the total duration of such participation or accomplishment is at least 8 hours. In no case can more than two points be earned on any one day. Flying time, by itself or in combination with other activities, may not be credited under §§ 861.31 to 861.36 if such credit would result in the earning of more than two points in one calendar day, although such flying time will apply toward flying minimums.

§ 861.35 *Limitations and minimum standards*—(a) *Limitations.* Points are awarded under §§ 861.31 to 861.36 to provide an inducement or incentive for

members of the Reserve to participate in the various Reserve programs. These credits accrue towards retirement benefits as compensation for time and effort spent in maintaining proficiency in a military skill. The fact that a Reservist through his civilian pursuits may maintain proficiency in a military skill is incidental and does not imply sacrifice on the part of the person.

(b) *Minimum standards.* To qualify for the award of points for participation in any type of inactive duty training, the duty must:

(1) Be performed in the person's capacity as a Reservist and with a view toward enhancing his mobilization potential.

(2) Require an outlay of time and effort beyond that required in the normal course of his civilian occupation.

(3) Have been authorized by competent authority prior to commencement of the training.

(4) Be performed without remuneration other than pay as a member of the Air Force Reserve.

(5) Demonstrably improve the person's fitness to perform his prospective mobilization duties or similarly improve the fitness of others.

(6) Be controlled and/or supervised by the military.

(c) *Training in connection with professional or trade conventions.* Activities within the Air Force desiring to take advantage of a concentration of specialized Reservists in attendance at a professional or trade convention, may, with prior approval of Headquarters USAF, conduct a seminar for which Reservists in attendance may receive points. The seminar may be held in the same locality and on the same days as a convention but it must be separate from the convention program. Requests for credit for attendance at such seminars will be forwarded to the Director of Military Personnel, Headquarters USAF, Attention: Reserve Activities Group, Washington 25, D. C.

§ 861.36 *Maximum credit*—(a) *For inactive duty training.* Not more than 60 points for inactive duty training may be credited for retirement purposes during any one year.

(b) *For active duty or combined active duty and inactive duty training.* Not more than 365 points (366 during leap years) for active duty or a combination of active duty and inactive duty training may be credited for retirement purposes during any one year.

(c) *Gratuitous points.* Fifteen gratuitous points will be awarded annually, as authorized: *Provided,* That the totals established in paragraphs (a) and (b) of this section are not exceeded.

(d) *For purposes other than retirement.* Sections 861.31 to 861.36 do not limit the number of points a person may be awarded for purposes other than retirement for participation in authorized training activities.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-8049; Filed, Oct. 5, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[31 CFR Part 226]

PURCHASE OF BONDS TO COVER OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) that the Secretary of the Treasury is considering the issuance of regulations pursuant to the provisions of Pub. Law 323, 84th Cong.; 69 Stat. 618; 6 U. S. C. 14, to govern the purchase of bonds to cover civilian officers and employees and military personnel of the executive branch of the Federal Government.

It is proposed to prescribe new regulations to be contained in 31 CFR Part 226 as set forth in paragraphs 1 to 18 below:

1. *General.* The head of each department and independent establishment in the executive branch of the Federal Government shall, within the authority contained in the Act of August 9, 1955, 69 Stat. 618, (Public Law 323, 84th Congress) and in conformity with these regulations, obtain blanket, position schedule, or other types of surety bonds covering the civilian officers and employees and military personnel of such department or independent establishment who are required by law or administrative ruling to be bonded.

The term "executive department and independent establishment", and "the act of August 9, 1955" are hereinafter referred to as "agency" and "the act", respectively. The term "head of agency" as used hereinafter shall include a designee authorized pursuant to law by the head of such agency to act for him hereunder.

2. *Corporate sureties required; underwriting limitation.* Bonds shall be obtained only from corporate surety companies holding certificates of authority from the Secretary of the Treasury under the act of July 30, 1947 (6 U. S. C. 1–15) as acceptable sureties on Federal bonds.[1] The penal amount of a bond for any individual included in a blanket or position schedule bond or other type of bond executed by any company shall not exceed the underwriting limitation established for such company, unless the excess is protected as provided by Treasury Department regulations contained in 31 CFR 223.12.

3. *Types of bonds.* There are basically four types of bonds which may be obtained under the provisions of the act, namely:

(a) Individual bonds each of which covers a single employee for a specified amount.

(b) Name schedule bonds which cover the employees listed in a schedule attached to the bond, each for a specified amount.

(c) Position schedule bonds which cover employees who occupy the positions listed in the schedule attached to the bond, each incumbent of a position being covered for a specified amount.

(d) Blanket bonds which cover a group of employees without the necessity of a schedule or list of employees or positions. There are two general types of blanket bonds, namely, the multiple penalty bond which permits recovery in an amount equal to as many times the penalty for each employee as there are employees involved in the loss; and the aggregate penalty bond which limits recovery to the amount of the penalty of the bond regardless of the number of employees involved in the loss.

4. *Selection and review of coverage.* Agencies will select the type of coverage which most economically will meet their bonding needs for the number and type of personnel to be bonded. To the maximum extent practicable, blanket and schedule bonds should be obtained in order to reduce both the cost of procurement and the administrative expenses in the processing and filing of such bonds. However, this does not preclude the procurement of individual bonds where they are clearly more economical or advantageous.

Where the number of employees to be bonded by any agency in a particular location, region or district is sufficient from an operating standpoint to warrant the obtaining of a blanket or schedule bond, a separate blanket or schedule bond shall be obtained for each such location, region or district, as may be designated by the head of the agency, unless the head of the agency shall determine that considerations of economy or administrative efficiency render desirable the inclusion of such employees in a general bond or bonds covering all of the personnel of the agency, or in a general bond or bonds covering employees in more than one particular location, region or district.

Each agency, before initially procuring a bond or bonds pursuant to these regulations, and from time to time thereafter, but not less frequently than every second year, shall review the number of employees bonded to decrease or strengthen the amounts of coverage where such action is appropriate and to eliminate the

[1] A list of these companies is published annually (Treasury Department, Fiscal Service, Form 356, Revised).

bonding of employees where no need therefor exists; provided, however, that agencies should not eliminate the bonding of an employee required by statute to be bonded nor decrease a penalty fixed by statute.

5. *Congressional intent.* The Act provides that each bond shall be of the most economical type. In construing this provision, the conference report states:

> * * * It is not the intent of this provision that a bond or bonds obtainable at the lowest premium rate per annum shall constitute in all cases a bond of the "most economical type." Such would seem to be the case as a general rule, all other factors and considerations being equal. However, in many cases, variations in such factors and considerations as differences in the relative financial standing and reliability of the surety, the terms of the respective surety bond contracts available, and the number and types of personnel to be bonded may require, in the interests of the Federal Government other than in the strictly financial sense, the purchase of such bonds at premium rates per annum which are higher than the lowest premium rates per annum actually obtainable. * * *

6. *Bonds where penal sum is fixed by statute and bonds of certifying officers.* Positions for which the penalty of the bond is fixed by statute may be included in a blanket, position schedule, name schedule, or other type of bond, provided the penalty of the bond for such positions is equal to the statutory requirement.

Certifying officers may be included in a position or name schedule bond limited to such officers alone, or may be included in a blanket bond or other type of bond covering other bonded personnel, or, where circumstances warrant, may be covered by individual bonds.

7. *Bond condition.* Each bond shall run solely in favor of the United States, except where a specific statutory provision requires that the bond shall run in favor of the United States and an additional obligee, or in favor of another obligee; each bond shall be conditioned upon the faithful performance of the duties of the individual or individuals so bonded and shall expressly provide that the term "faithful performance of the duties" shall be deemed to include the proper accounting for all funds or property received by reason of the position or employment of the individual or individuals so bonded and the discharge of all duties and responsibilities now or hereafter imposed upon such individual or individuals by law or by regulation issued pursuant thereto.

8. *Bond penalties.* The head of the agency shall fix the bond penalty applicable to employees or positions included in a bond procured pursuant to these regulations, except where the penalty is prescribed by statute, or by other authority. The penalty in a blanket bond shall be in the minimum amount estimated by the head of the agency as sufficient to protect the interests of the United States. The bond penalty for each position designated in a schedule bond, in cases not specified by law or other authority, shall be fixed in the minimum amount consistent with the duties and degree of responsibility of the position with due regard for the effectiveness of related internal control. Similar consideration should be given in fixing the penalties of other types of bonds. However, the bond penalties applicable to disbursing officers, assistant disbursing officers, agent officers, agent cashiers and imprest fund cashiers operating under delegation by the Secretary of the Treasury or the Division of Disbursement, Treasury Department, shall be fixed only with the concurrence of the Chief Disbursing Officer, Treasury Department.

9. *Bond premium period.* The bond premium may cover a period not exceeding two years. In view of the economies to be derived, premiums should be paid for a period of two years to the extent funds are available, except where a shorter period is more advantageous to the Government.

10. *Procurement of new coverage.* New coverage should be procured under these regulations at least every two years. Timely steps should be taken for such procurement in advance of the expiration of the prior premium period.

11. *Advertising for proposals.* If, in the opinion of the head of the agency concerned, the premium cost for any bond procured under the act covering officers or employees in the executive branch of the Federal Government will exceed the rate of $150 per annum, the procurement of such bond shall be made by the head of such agency after advertising for proposals for the furnishing of such bond.

There are several recognized methods of advertising, such as publication in the FEDERAL REGISTER, publication in newspapers, posting of notices in public places, and the sending of invitations to bid to persons or companies engaged in the industry. In this connection, a notice sent to the head office of each company appearing on the Treasury Department list [2] of approved surety companies doing a "direct writing" business will be regarded as a satisfactory method of advertising.

If the premium cost will not exceed the rate of $150 per annum, procurement may be made by the agency without advertising, but informal bids ordinarily should be solicited from at least three sources.

Specifications for alternate types of coverage may be included in invitations to bid in order to enable the agency to procure the most economical type of bond.

Advertising for proposals will not be required in any case in which the head of the agency determines that the public exigencies require the immediate procurement of such bond.

12. *Place of execution of bonds.* Bonds must be executed by a surety company in a state or other jurisdiction wherein it has obtained a license to transact a fidelity and surety business. This requirement shall not; however, preclude an agency from accepting bonds covering officers, employees or military personnel located where the surety is not licensed provided the bond is executed by the surety at its home office or within a state or other jurisdiction where it has obtained a license.

13. *Cancellation; limitation on recoveries.* No bond shall contain any provision for its cancellation at the option of the surety prior to the expiration of its term nor shall any bond contain any limitation upon the time in which a loss must be discovered in order to be recoverable under the bond, or any limitation upon the time in which recovery may be made on account of any loss arising thereunder. In this connection, attention is called to the provisions of 6 U. S. C. 5, as follows:

> If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

14. *Examination and filing of bonds.* All surety bonds obtained in accordance with the act, together with a transmittal letter in duplicate listing the bond or bonds transmitted shall be sent to the Treasury Department, Bureau of Accounts, Surety Bonds Branch, for examination and approval of the authority of the surety executing the bond. After examination, the transmitting agency will be advised as to the sufficiency of execution by the surety. The bond will be returned to the agency concerned, or, at its request, will be held in the files of the Surety Bonds Branch.

15. *Existing bonds.* Any bond procured with agency funds prior to January 1, 1956, may be allowed by the agency to continue in effect until the expiration of its premium period.

In this connection, 6 U. S. C. 14, as amended by the act of August 9, 1955, provides:

> Whenever any civilian officers or employees or military personnel are covered by a bond under authority of this section, the surety or sureties on any existing bond of any such civilian officers or employees or military personnel shall not be liable for any defaults occurring subsequent to the date of the new coverage.

This language terminates the liability of a surety on a bond existing prior to obtaining coverage under the act, for any default occurring subsequent to the date of the new coverage, regardless of whether an existing bond was paid for from agency funds or the personal funds of a civilian officer, employee or military personnel.

16. *Reports.* In order for the Secretary of the Treasury to transmit to the Congress, on or before June 30, 1956, a comprehensive report of the operations of the agencies as required by the act, each agency that procures bonds under the act and these regulations shall furnish the Treasury Department with a report not later than June 1, 1956, with respect to operations under the act prior to April 30, 1956.

Thereafter, in order for the Secretary of the Treasury to transmit reports to the Congress on or before October 1 of each year, a report shall be submitted by each agency to the Treasury Depart-

[2] See footnote 1, supra.

ment not later than August 15 of each year, covering operations during the preceding fiscal year.

Both initial and subsequent reports will include the following information:

a. The number of officers and employees covered by bonds procured under the act.

b. The number and types of bonds procured under the act and the individual penal sums thereof.

c. The amounts of premiums paid for bonds procured under the act.

d. The number of officers and employees bonded, by types of bonds and penal sums, classified by duties for which bonded, e. g., disbursing, certifying, collecting.

e. The amounts of losses covered by bonds under the act and the number of officers and employees involved, classified by type of duties. There should be shown in this connection the amounts of claims filed with surety companies, the amounts recovered and the amounts of pending claims subject to adjustment by the sureties.

f. The direct costs of administration of operations under the act.

g. Such other information relating to the subject matter of these regulations as may be requested by the Fiscal Assistant Secretary of the Treasury, or as the reporting agency may consider of sufficient interest or importance.

Instructions covering the form and classification of the information to be submitted will be issued by the Fiscal Assistant Secretary of the Treasury.

17. *Reservation of right to amend.* The right is expressly reserved to amend, revise, or waive the foregoing, from time to time, to such extent not inconsistent with law, as may be considered necessary.

18. *Effective date.* These regulations shall take effect January 1, 1956.

Comments on the proposed regulations set forth above are invited and should be submitted in writing to the Fiscal Assistant Secretary, Treasury Department, Washington 25, D. C., in time to be received prior to the expiration of fifteen days after the date of publication of this notice. No hearing will be held to consider this matter.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

OCTOBER 3, 1955.

[F. R. Doc. 55-8098; Filed, Oct. 5, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY TO DETERMINE AVAILABILITY OF HOUSING FACILITIES AT OR NEAR MILITARY TACTICAL INSTALLATIONS

By virtue of the authority vested in the Secretary of Defense, there is hereby delegated to the Assistant Secretary of Defense (Properties and Installations) the authority to determine the availability of adequate housing facilities at or near military tactical installations, and, on the basis of such determinations, to allocate to the Departments of the Army, Navy, and Air Force the authority under Section 515 of Public Law 161, 84th Congress (69 Stat. 352), or under similar provisions in future statutes, to lease housing facilities for assignment as public quarters.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 55-8093; Filed, Oct. 5, 1955; 8:53 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[472.13]

TWISTED JUTE PACKING, SINGLE STRAND PACKING, AND PLUMBERS' OAKUM

PROSPECTIVE TARIFF CLASSIFICATION

After further review of the question of the proper tariff classification of twisted jute packing, single strand packing, and plumbers' oakum, the Secretary of the Treasury proposes to request an opinion of the Attorney General pursuant to section 502 (b) of the Tariff Act of 1930 (19 U. S. C. 1502 (b)) concurring in a reclassification of this merchandise under paragraph 1729, Tariff Act of 1930 (19 U. S. C. 1201, par. 1729), as oakum, free of duty.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Secretary of the Treasury, Washington 25, D. C. To assure consideration, such communications must be received in the Treasury not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

SEPTEMBER 30, 1955.

[F. R. Doc. 55-8099; Filed, Oct. 5, 1955; 8:54 a. m.]

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 968]

2¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1956; TAX ANTICIPATION SERIES

OFFERING OF CERTIFICATES

OCTOBER 3, 1955.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for Tax Anticipation Certificates of Indebtedness of the United States, designated 2¼ percent Treasury Certificates of Indebtedness of Series C-1956. The amount of the offering is $2,750,000,000, or thereabouts. The books will be open only on October 3, 1955 for the receipt of subscriptions.

II. *Description of certificates.* 1. The certificates will be dated October 11, 1955, and will bear interest from that date at the rate of 2¼ percent per annum, payable with the principal at maturity on June 22, 1956. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on June 15, 1956.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 5

percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 5 percent payment in excess of 5 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before October 11, 1955, or on later allotment. In every case where payment is not so completed, the payment with application up to 5 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-8085; Filed, Oct. 5, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11180; FCC 55M-837]

BILL MATHIS

NOTICE OF HEARING

In re application of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; for construction permit.

Pursuant to an order issued by the Federal Communications Commission on September 21, 1955, in which it determined, among other things, that a hearing in the above-entitled proceeding is necessary to resolve the issues therein, notice is hereby given that such hearing is scheduled to be held in the offices of this Commission at 10:00 o'clock a. m., on Thursday, November 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Dated: September 30, 1955.

[F. R. Doc. 55-8092; Filed, Oct. 5, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEPH FABRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph Fabre, Marseille, France, $18,126.28 in the Treasury of the United States. Claim No. 61930, Vesting Order No. 17995.

Executed at Washington, D. C., on September 29, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8087; Filed, Oct. 5, 1955; 8:53 a. m.]

Office of the Attorney General

[Order No. 100-55]

OFFICE OF ALIEN PROPERTY

AMENDMENT TO ORDER OF ESTABLISHMENT

The order establishing the Office of Alien Property, as amended, 16 F. R. 6895, is hereby amended to read as follows:

1. There is created in the Department of Justice the Office of Alien Property, at the head of which shall be a Director.

2. Subject to the provisions of Departmental Order No. 75-55, dated February 25, 1955, all the authority, rights, privileges, powers, duties, and functions vested in or transferred to the Attorney General by Executive Orders No. 9788 of October 14, 1946, No. 9989 of August 20, 1948, No. 10244 of May 17, 1951, No. 10254 of June 15, 1951, and No. 10587 of January 13, 1955, are hereby placed in the Office of Alien Property, Department of Justice.

(R. S. 161, 5 U. S. C. 22; sec. 5, 40 Stat. 415, as amended, 50 U. S. C. App. 5; Reorganization Plan No. 2 of 1950, 64 Stat. 1261; E. O. 8389 April 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897; E. O. 8832, July 26, 1941, 6 F. R. 3715; E. O. 8963, Dec. 9, 1941, 6 F. R. 6348; E. O. 8998, Dec. 26, 1941, 6 F. R. 6785, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10587, Jan 13, 1955, 20 F. R. 361)

Dated: March 15, 1955.

[SEAL] HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 55-8088; Filed, Oct. 5, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 69297]

CALIFORNIA

PARTIALLY REVOKING DEPARTMENTAL ORDER OF MAY 7, 1908, REVOKING DEPARTMENTAL ORDERS OF MARCH 27, 1908 AND AUGUST 22, 1908, WHICH WITHDREW NATIONAL FOREST LANDS FOR ADMINISTRATIVE SITES

SEPTEMBER 29, 1955.

Upon recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

1. The order of the First Assistant Secretary of the Interior of May 7, 1908, reserving lands in the Stanislaus National Forest for use of the Forest Service, Department of Agriculture, as the Buckskin Administrative Site, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 21 E.,
Sec. 1, SE¼SE¼;
Sec. 12, E½NE¼, NE¼SE¼.

The areas described aggregate 160 acres.

2. The order of the First Assistant Secretary of the Interior of March 27, 1908, withdrawing the following-described public lands in the Stanislaus National Forest for use of the Forest Service, Department of Agriculture, as the Sierra Gem Administrative Site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 3 N., R. 24 E.,
Sec. 22, E½NW¼SW¼, W½NE¼SW¼, SE¼SE¼;
Sec. 23, W½SW¼SW¼;
Sec. 26, NW¼SW¼;
Sec. 27, NE¼NE¼NE¼.

The areas described aggregate 150 acres.

3. The order of the First Assistant Secretary of the Interior of August 22, 1908, withdrawing the following-described public lands in the Mono National Forest for use of the Forest Service, Department of Agriculture, as the Big Hole Administrative Site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 23 E.,
Sec. 17, SW¼NW¼, NW¼SW¼;
Sec. 18, SE¼NE¼, NE¼SE¼.

The areas described aggregate 160 acres.

4. Subject to any valid existing rights and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Bureau of Land Management, Sacramento, California, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 4, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 4, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, Smith Building, 1479 Wells Avenue, Reno, Nevada.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55–8050; Filed, Oct. 5, 1955; 8:45 a. m.]

[Misc. 771486]

COLORADO

PARTIALLY REVOKING ORDER OF AUGUST 7, 1918, WHICH OPENED LANDS UNDER THE FOREST HOMESTEAD ACT

SEPTEMBER 29, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, Section 2.22 (a) of August 16, 1950, it is ordered as folows:

The Departmental order of August 7, 1918, opening lands in the Pike National Forest for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506–509), is hereby revoked so far as it affects the lands hereinafter described:

(List No. 2–2314)

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 73 W.,
Sec. 5, NE¼NW¼ of lot 4, NW¼NE¼ of lot 4, E½NE¼ of lot 4, S½S½ of lot 4;
Sec. 6, N½N½ of lot 2;
Sec. 9, N½SW¼SW¼SE¼, SE¼SE¼SE¼SW¼.
T. 9 S., R. 74 W.,
Sec. 8, W½NW¼SE¼, SW¼SW¼NE¼;
Sec. 22, W½NW¼SW¼;
Sec. 26, S½NE¼NW¼, N½SE¼SE¼.

The areas described aggregate 129.68 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55–8051; Filed, Oct. 5, 1955; 8:45 a. m.]

[Misc. 69328]

UTAH

PARTIALLY REVOKING DEPARTMENTAL ORDERS OF JANUARY 21, 1908, AND OCTOBER 30, 1908, WHICH WITHDREW LANDS FOR USE OF FOREST SERVICE AS HUB ADMINISTRATIVE SITE

SEPTEMBER 29, 1955.

Upon recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The orders of the First Assistant Secretary of the Interior of January 21, 1908 and October 30, 1908, reserving public lands within the Uinta National Forest, Utah, for use of the Forest Service as the Hub Ranger Station Administrative Site, are hereby revoked so far as they affect the following-described lands:

UINTA MERIDIAN

T. 2 S., R. 12 W.,
Sec. 21, S½SW¼SW¼SE¼;
Sec. 28, SW¼NW¼NE¼NE¼, N½NW¼NW¼NE¼, SE¼NW¼NW¼NE¼, W½NE¼NW¼NE¼, SE¼NE¼NW¼NE¼.

The tracts described contain 22.5 acres.

Subject to any valid existing rights and to the requirements of applicable law, the released lands are hereby opened to such applications, selections and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Bureau of Land Management, Salt Lake City, Utah, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 4, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 4, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah. Other inquiries shall be addressed to the Regional Forester, Forest Service Building, Ogden, Utah.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55–8052; Filed, Oct. 5, 1955; 8:46 a. m.]

[Misc. 783114]

OREGON

REVOKING DEPARTMENTAL ORDER OF OCTOBER 10, 1918, WHICH OPENED LANDS UNDER FOREST HOMESTEAD ACT

SEPTEMBER 29, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, Section 2.22 (a) of August 16, 1950, it is ordered as follows:

The Departmental order of October 10, 1918, opening lands in the Rogue River National Forest, Oregon, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506–509), is hereby revoked:

(List No. 6–3030)

WILLAMETTE MERIDIAN

T. 38 S., R. 3 W.,
Sec. 14, lots 1, 2, 3, and 5.

The tracts described contain 56.30 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55–8053; Filed, Oct. 5, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 106

SEPTEMBER 27, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Fairbanks, Alaska, Land District, are hereby classified as chiefly valuable for residence and business site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

FAIRBANKS AREA—EIELSON UNIT

FOR LEASE AND SALE—FOR RESIDENCE OR BUSINESS SITES

Fairbanks Meridian

T. 4 S., R. 3 E.,
Section 1: Lots 15, 18, 23, 26, 27, 30, 31, 34, 35, 38, 39, 42, 43, 46, 47, 50, 54, 55, 59, 62, 63, 66, 67, 70, 71, 74, 75, 78, 79, 82 and NW¼SW¼NW¼SE¼, NE¼SW¼NE¼SW¼, SE¼SW¼NE¼SW¼, SW¼SW¼NW¼SE¼.

Comprising 30 tracts aggregating 91.91 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located approximately 30 miles south and east of Fairbanks, lying immediately south of Eielson Air Force Base. All the tracts are adjacent to the Richardson Highway right-of-way and are readily accessible the year around. The area is flat, level, generally well drained and suitable for

residence or business use purposes. The vegetative cover consists of black spruce, larch, birch and aspen. The soils are composed largely of micaceous, fine-grained alluvium, generally underlaid with permafrost at shallow depths. Aside from being serviced by the public road system, there are no other utilities available in the area. Stores, churches, and other public services are available at North Pole, Alaska, Mile Post 18 of the Richardson Highway.

4. The individual tracts vary in size from 1.08 to 4.87 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Fairbanks Land Office, Fairbanks, Alaska. The appraised values of the tracts vary from $280 to $660 per lot as shown below. As indicated on the "Appraisal Schedule", each lot is subject to a 50 foot easement for future east and west roadways joining the Richardson Highway. Each lot adjoins the right-of-way reserve of the Richardson Highway, which consists of a 150 foot parcel of land lying on either side of the centerline. The corners of these lots are not monumented by subdivisional survey markings, however, identification can be determined from temporary stakes located on the Highway shoulder and reference to a sketch map contained in the brochure concerning this small tract unit.

FAIRBANKS AREA—EIELSON SMALL TRACT UNIT—APPRAISAL SCHEDULE

Official description	Acreage	Advance rental (2 years)	Easements (50 feet)	Appraised value
Fairbanks Meridian, T. 4 S., R. 3 E., Section 1, Lot:				
15	1.58	$32	N	$320
18	1.08	28	N	280
23	1.46	32	S	320
26	1.23	28	S	280
27	3.27	50	N	500
30	1.91	36	N	360
31	2.36	40	S	400
34	2.82	44	S	440
35	4.87	66	N	660
38	2.81	44	N	440
39	3.26	50	S	500
42	4.42	60	S	600
43	3.96	56	N	560
46	3.72	54	N	540
47	4.16	58	S	580
50	3.52	52	S	520
54	2.12	38	N	380
55	2.61	42	S	420
59 and NW¼SW¼NW¼SE¼	4.43	60	N	600
62 and NE¼SW¼NE¼SW¼	3.22	48	N	480
63 and SE¼SW¼NE¼SW¼	3.94	56	S	560
66 and SW¼SW¼NW¼SE¼	3.68	54	S	540
67	2.93	46	N	460
70	2.19	38	N	380
71	2.94	46	S	460
74	2.18	38	S	380
75	3.93	56	N	560
78	3.69	54	N	540
79	4.44	60	S	600
82	3.18	48	S	480

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-round occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Business structures must be suitable for the purpose indicated in the lease.

7. Beginning at 10:00 a. m., on October 19, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Fairbanks Land Office, Fairbanks, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on November 9, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on February 7, 1956, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21-day period extending between 10:00 a. m. on January 18, 1956, and February 8, 1956, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21-day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on February 8, 1956, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for residence sites is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease, however, the minimum rental will be $5.00 per tract per year. The annual rental on tracts leased for business purposes will be 1/20th or $20.00 minimum to be adjusted at the end of the lease year in accordance with a percentage of the gross income as specified on lease Form 4–776. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to December 2, 1938, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–8054; Filed, Oct. 5, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 107

SEPTEMBER 27, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 34.52 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for residence or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

KENAI AREA—UNIT NO. 6

FOR LEASE AND SALE—FOR RESIDENCE OR BUSINESS SITES

Seward Meridian

T. 6 N., R. 12 W.,
Sec. 11: Lots 1 and 2.

Containing 34.52 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a). The subject land is embraced in a Special Land Use Permit (Anchorage 021376) issued to Raymond F. Trotochau.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-8055; Filed, Oct. 5, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 108

SEPTEMBER 30, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in Section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District, are hereby classified as chiefly valuable for residence site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

SITKA AREA—THIMBLEBERRY BAY UNIT

FOR LEASE AND SALE—FOR RESIDENCE SITES

U. S. Survey 3302: Lots 1–19, 19A, 20, 20A, 21–27.
U. S. Survey 3249: Lot 2.

Comprising 30 lots aggregating 88.72 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located approximately 2½ to 3 miles southeast of Sitka, Alaska via the South Sitka Highway. Most of the lots are on the upper side of the Highway but a few lots are on the beach side of the Highway near the Forest Service boundary. Exposure is generally south and some lots contain excellent views of Sitka Sound. The area is covered with a non-commercial stand of hemlock, cedar and spruce, with the hemlock and cedar predominant. The undergrowth is generally heavy, consisting of reproduction and local shrubs. Soils are generally thin with some rock outcroppings present. The area is not presently served with any form of electric energy or telephone service. Stores, churches, schools and other public services are available in Sitka.

4. The individual tracts vary in size from 1.43 to 4.93 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $140 to $360 per lot as shown below.

As shown below on the Appraisal Schedule, some of the lots are subject to the easement for the right-of-way of the South Sitka Highway which extends 50 feet on either side of the centerline. The lots vary in the width of the right-of-way they embrace, however, the exact area subject to this easement can be determined from the official plat of survey, U. S. Survey No. 3302. Leases and subsequent patents, if issued, shall note the existence of this easement.

Lots 3, 4, 5, 6, 12, 13, 14, 15 and 25 are subject to easement for existing powerline and leases and subsequent patents will be subject to Section 24 of the Federal Power Act.

SITKA AREA SMALL TRACTS—THIMBLEBERRY BAY GROUP—APPRAISAL SCHEDULE

Official description	Acreage	Advance rental (2 years)	Easements	Appraised value
U. S. Survey 3302, Lot:				
1	2.63	$22	SW 100 ft.	$220
2	1.85	20	SW 100 ft.	200
3	3.03	24	(1 2)	240
4	4.58	32	(1 2)	320
5	4.36	32	(1 2)	320
6	4.91	32	(1 2)	320
7 3	3.15	24	(1)	240
8	3.20	24	(1)	240
9	1.57	16	(1)	160
10	1.91	16	(1)	160
11	2.60	22	SW 100 ft.	220
12	2.60	22	SW 100 ft. 2	220
13	2.60	22	SW 100 ft. 2	220
14	2.60	22	SW 100 ft. 2	220
15	2.96	22	(1 2)	220
16	2.78	24	SW 50 ft.	240
17	1.56	14	(1)	140
18	2.72	22	NE 50 ft.	220
19	3.05	24	NE 50 ft.	240
19A	2.47	28	None	280
20	2.96	22	(1)	220
20A	3.08	28	None	280
21	4.61	34	(1)	340
22	2.98	34	(1)	340
23	1.43	16	None	160
24 4	1.60	20	(1)	200
25 4	2.64	32	(1 2)	320
26	4.00	32	(1)	320
27 4	4.16	36	None	360
U. S. Survey 3249, Lot 2.	4.93	34	None	340

1 Unless otherwise specified these lots are subject to an easement for the existing South Sitka Highway which easement varies in width from zero to 100 feet. This is due to the method of survey and relocation of highway, and for accurate location the plat of survey or the Bureau of Public Roads rights-of-way maps should be consulted.

2 Subject to easement for existing powerline and patents will be subject to section 24 of the Federal Power Act covering said powerline right-of-way.

3 Subject to preference right by virtue of Petition for Classification under Small Tract Act and therefor not available for competitive filing.

4 Subject to preference right by virtue of Notice of Location and therefor not available for competitive filing.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on October 6, 1955, the lands will be open for filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on October 27, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on January 25, 1956, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m., on January 5, 1956, and January 26, 1956, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on January 26, 1956, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for residence sites is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease, however, the minimum rental will be $5.00 per tract per year. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to the effective date of this order will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–8056; Filed, Oct. 5, 1955; 8:47 a. m.]

UTAH

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

A plat of survey of each township as described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on November 2, 1955:

SALT LAKE MERIDIAN

T. 26 S., R. 10 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,577.36 acres. Plat of survey accepted August 3, 1955.

T. 27 S., R. 10 E.,
Sections 2, 16, 31, 32, and 36.

Area surveyed: 3,218.29 acres. Plat of survey accepted August 3, 1955.

Public lands included in surveys aggregate 660.06 acres.

The primary purpose of these surveys was to accommodate the right of the State of Utah under Grant for Common Schools in the Act of July 16, 1894 (28 Stat. 107). It is presumed that the right of the State of Utah attached to Sections 2, 16, 32, and 36, of the above described townships on the date of acceptance of plats of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, do not attach to these sections.

The soil of the lands in these townships is very poor quality and is very limited in supporting plant and animal life. Owing to the soft composition of the soil and lack of vegetation, the area is under a state of rapid erosion.

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

Subject to any existing valid rights and the requirements of applicable law, the lands in Section 31, Township 27 South, Range 10 East, of the Salt Lake Meridian, Utah, are hereby open to filing of applications in accordance with the following:

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

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

2. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on November 2, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 1, 1956, will be governed by the time of filing.

3. All valid applications under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 1, 1956, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

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

Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312 Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor.

SEPTEMBER 27, 1955.

[F. R. Doc. 55–8057; Filed, Oct. 5, 1955; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 29, 1955.

The Bureau of Land Management has filed an application, Serial No. C–012310, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mineral leasing and location under the mining laws. The applicant desires the land for the purpose of conducting various desert range land studies in the Badger Wash Area by the Bureau of Land Management, U. S. Forest Service, U. S. Geological Survey and U. S. Bureau of Reclamation.

For a period of 30 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, 357 New Custom House, Box 1018, Denver 1, Colorado.

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:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 103 W.,
Sec. 19: Lots 6, 7, 8, and Lot 12 of Tract 56;
Sec. 30: Lots 5, 6, 7, and Lots 10 and 11 of Tract 56;
Sec. 31: Lots 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15.

T. 8 S., R. 104 W.
Sec. 24: E½; S½NW¼; E½SW¼; NW¼SW¼;
Sec. 25: All;
Sec. 26: SE¼NE¼; SE¼;
Sec. 35: E½; E½SW¼;
Sec. 36: All.

T. 9 S., R. 103 W.,
Sec. 6: Lots 3 and 4.

The area described above aggregates approximately 3,119.91 acres.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55-8058; Filed, Oct. 5, 1955; 8:47 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

MAY 5, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5005), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 2 E.,
Sec. 24, SE¼SE¼;
Sec. 26, E½SW¼, W½SE¼;
Sec. 27, NW¼NE¼.
T. 30 N., R. 3 E.,
Sec. 28, NE¼NW¼;
Sec. 30, NE¼NW¼, NW¼NE¼.

The above areas aggregate 360.0 acres.

E. G. NIELSEN,
Assistant Commissioner.

[Montana—016008]

SEPTEMBER 29, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, Montana.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Montana, for use in connection with the proposed Lower Marias Unit, Marias Division, Missouri River Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the Determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 55-8059; Filed, Oct. 5, 1955; 8:47 a. m.]

Office of the Secretary

[Order 2802]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE FOR SERVICES OF ARCHITECTURAL FIRMS

SEPTEMBER 29, 1955.

SEC. 1. *Delegation of authority.* (a) The Director, National Park Service, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated by the Administrator of General Services (20 F. R. 6111) to the Secretary of the Interior, for the period ending June 30, 1957, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for the services of architectural firms in connection with the construction activities of the National Park Service in Yosemite, Grand Canyon, and Grand Teton National Parks, located in California, Arizona, and Wyoming, respectively, and other areas under the administrative jurisdiction of the National Park Service.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the Act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 2. *Redelegation.* The Director, National Park Service, may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

F. E. WORMSER,
Acting Secretary of the Interior.

[F. R. Doc. 55-8060; Filed, Oct. 5, 1955; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SEPTEMBER 1955 DOMESTIC AND EXPORT SALES LIST; AMENDMENT

SALES OF CERTAIN COMMODITIES

The September 1955 Domestic and Export Sales List (20 F. R. 6805) is amended with respect to rough and milled rice, soybeans and dry skim milk and such commodities are available for sale, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, in the quantities stated and on the price basis set forth:

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Rice, rough	*Export sales:* The 1955 support rate f. a. s., west Gulf Ports (port of CCC option), effective Sept. 1.
Rice, milled	*Export sales:* At prices quoted in August Export Sales List, f. a. s., West Gulf Ports (port of CCC option), effective Sept. 1, except U. S. No. 5 (35 percent brokens) 1953 crop lowered to $6 and price support Group IV varieties of 1954 crop to $6.49 per hundredweight, effective Sept. 13.
Soybeans (remaining stocks about 500,000 bushels).	*Domestic or export sales:* The market price, effective Sept. 14. Domestic sales for crushing only. Available through Chicago, Kansas City and Minneapolis CSS Commodity Offices.
Dry skim milk	*Export sales:* Restricted use (animal and poultry feed). Competitive bid under Announcement LD-20 f. a. s., port of export. Offers to be considered on and after Sept. 15 by the Livestock and Dairy Division, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: September 30, 1955.

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

[F. R. Doc. 55-8105; Filed, Oct. 5, 1955; 8:55 a. m.]

Office of the Secretary

PARK COUNTY, WYO.

DESIGNATION OF AREAS 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 Park County, Wyoming a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1956, production emergency loans will not be made in the above-named county except to borrowers who are indebted for such loans.

Done at Washington, D. C., this 30th day of September 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8113; Filed, Oct. 5, 1955; 8:57 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the

provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24 as amended April 19, 1955, 20 F. R. 2304).

Ann Lee Frocks, Inc., 631 Fellows Avenue, Lyndwood, Pa., effective 9-15-55 to 9-14-56; 10 learners for normal labor turnover purposes (dresses).

Blue Bell, Inc., Rupley, Miss., effective 9-25-55 to 9-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

C. B. S. Dress Co., Inc., 116 Second Avenue, Henderson, Ky., effective 10-8-55 to 10-7-56; 5 learners for normal labor turnover purposes (women's and misses' cotton dresses).

Carwood Manufacturing Co., Monroe Plant No. 2, Atlanta Highway, Monroe, Ga.; effective 9-14-55 to 2-29-56; 40 learners for plant expansion purposes (men's and boys' cotton work clothing).

Elberton Manufacturing Co., Elberton, Ga., effective 9-15-55 to 9-14-56; 10 learners for normal labor turnover purposes (ladies' blouses).

Elizabethtown Manufacturing Co., Elizabethtown, N. C., effective 9-15-55 to 2-29-56; 30 learners for plant expansion purposes (cotton dresses).

Foster Bros. Manufacturing Co., P. O. Box 312, Luverne, Ala., effective 9-16-55 to 9-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Goldstone Bros., 300 Main Street, Petaluma, Calif., effective 9-19-55 to 9-18-56; 5 learners for normal labor turnover purposes (men's work clothes).

Goldstone Bros., 26 Sebestopel Avenue, Santa Rosa, Calif., effective 9-19-55 to 9-18-56; 5 learners for normal labor turnover purposes (men's work clothing).

Guin Manufacturing Corp., 22 Southside Eleventh Avenue, Guin, Ala., effective 9-19-55 to 9-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Jerold Corp., P. O. Box 708, Smithfield, N. C., effective 9-15-55 to 2-29-56; 10 learners for plant expansion purposes (outerwear, jackets and sportswear).

The Jerold Corp., P. O. Box 708, Smithfield, N. C., effective 9-15-55 to 9-14-56; 10 learners for normal labor turnover purposes (outerwear, jackets and sportswear).

Liberty Trouser Co., 2205-11 2217 First Avenue North, Birmingham, Ala., effective 9-15-55 to 9-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' overalls, trousers and dungarees).

Mauston Manufacturing Co., 424 LaCrosse Street, Mauston, Wis., effective 9-15-55 to 9-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's cotton dresses).

Oberman Manufacturing Co., Morrillton, Ark., effective 9-16-55 to 2-29-56; 10 learners for plant expansion purposes (men's and boys' single pants).

Opp Textiles, Inc., 307-09 Rear South Side Cummins Avenue, Opp, Ala., effective 9-15-55 to 9-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (hunting coats, pants, ski vests, parka, etc.)

Pierro Manufacturing Co., 20½ Commercial Avenue, Sanford, Fla., effective 9-15-55 to 9-14-56; 5 learners for normal labor turnover purposes (men's and boys' pajamas and shirts).

Pike Garments, Inc., Troy, Ala., effective 9-14-55 to 2-29-56; 25 learners for plant expansion purposes (men's and boys' pajamas).

Ridge Springs Garment Co., Stapleton, Ga., effective 9-15-55 to 2-29-56; 15 learners for plant expansion purposes (jackets).

Boris Smoler & Sons, Inc., 600-620 Crawford Avenue, Elkhart, Ind., effective 9-19-55 to 9-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton and synthetic dresses).

Boris Smoler & Sons, Inc., 507 Jefferson Street, La Porte, Ind., effective 9-19-55 to 9-18-56; 10 learners for normal labor turnover purposes (cotton and synthetic dresses).

Springfield Garment Manufacturing Co., Springfield, Mo., effective 9-13-55 to 9-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and semidress trousers).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

C. W. Anderson Hosiery Co., Inc., Clinton, S. C., effective 9-30-55 to 9-29-56; 5 learners for normal labor turnover purposes (full-fashioned hose).

Chattanooga Mills, Inc., Summerville, Ga., effective 9-14-55 to 9-14-56; 5 learners for normal labor turnover purposes (seamless).

Francis-Louise Full Fashion Mills, Inc., Valdese, N. C., effective 9-16-55 to 2-29-56; 25 learners for plant expansion purposes (full-fashioned).

Liberty Hosiery Mills, Inc., Liberty, N. C., effective 9-20-55 to 9-19-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Brumby Knitting Mills, Young Harris, Ga., effective 9-14-55 to 2-29-56; 20 learners for plant expansion purposes (cotton knitted underwear; men's and boys' outerwear).

Dixie Belle Textiles, Gibsonville, N. C., effective 9-15-55 to 2-29-56; 10 learners for plant expansion purposes (ladies' and children's knitted underwear; ladies' and children's woven underwear).

Dixie Belle Textiles, Gibsonville, N. C., effective 9-15-55 to 9-14-56; 5 learners for normal labor turnover purposes (ladies' and children's knitted underwear; ladies' and children's woven underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Stony Point Chair and Bench Co., Route 1, Stony Point, N. C., effective 9-14-55 to 2-29-56; 7 learners for normal labor turnover purposes; in occupation of hand-woven bag and rug makers, 240 hours, at 65 cents an hour (ladies' hand woven bags, and rugs).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Esquire Manufacturing Corp., State Road No. 3, Km. 83.6 Humacao, P. R., effective 9-6-55 to 3-5-56; 100 learners on any one work day in the occupations hereinafter listed: Sewing machine operators, final pressers, cutters, and spreaders each 160 hours at 30 cents an hour; 160 hours at 36 cents an hour; and 160 hours at 42 cents an hour. Machine operations other than hand sewing, marking, collar turning, and snapping each 160 hours at 36 cents an hour. Final inspection, trimming, and matching each 160 hours at 36 cents an hour (men's and boys' pajamas).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 23d day of September 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-8061; Filed, Oct. 5, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6881 et al.]

AMERICAN AIRLINES, INC. ET AL.; FIRST-CLASS AND OTHER PREFERENTIAL MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation to be paid to American Airlines, Inc.; Capital Airlines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Slick Airways, Inc.; The Flying Tiger Line, Inc.; and Riddle Airlines, Inc.; for the transportation of first-class and other preferential mail (other than air mail and air parcel post) by aircraft, the facilities used and useful therefor, and the services connected therewith between Washington, D. C. and Chicago; between New York/Newark and Chicago, between New York/Newark and Jacksonville, Tampa and Miami; between Washington, D. C., and Jacksonville, Tampa and Miami; and between Chicago and Jacksonville, Tampa and Miami.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, that hearing in the above-indicated proceeding will be held on October 13, 1955, at 10 a. m., e. s. t., in Hearing Room "F", Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., September 30, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8115; Filed, Oct. 5, 1955; 8:57 a. m.]

[Docket No. 7118]

PETER A. BERNACKI, INC. AND CROSS WORLD TRAVEL AGENCY, INC.; INTERLOCKING RELATIONSHIP

NOTICE OF HEARING

In the matter of the application of Peter A. Bernacki, Helen D. Bernacki, and Peter A. Bernacki, Inc., an air freight forwarder, for approval under sections 408 and 409 of control and interlocking relationships involving Cross World Travel Agency, Inc., a person engaged in a phase of aeronautics, Docket No. 7118.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 12, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 3, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8114; Filed, Oct. 5, 1955; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9411]

HUNT OIL CO.

ORDER GRANTING AND FIXING DATE FOR REHEARING

On September 9, 1955, Hunt Oil Company (Applicant), filed an Application for Rehearing and reconsideration of a letter of rejection dated August 11, 1955, by which action the Commission rescinded a prior acceptance of Applicant's FPC Gas Rate Schedule No. 13 and rejected the filing of an amendment to said Gas Rate Schedule.

In its application for rehearing, Applicant contends that it has a separate contract for the sale of gas involved in its gas rate schedule and that Applicant does not base its claims for increased gas rates upon the contract executed by the operator of the gas producing properties and the buyer Arkansas-Louisiana Gas Company.

The Commission finds:

(1) It is not clear from the terms and provisions of Applicant's FPC Rate Schedule No. 13 whether there exists a separate contract for the sale of gas involved in the said rate schedule No. 13.

(2) The application for rehearing should be granted.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, 16, and 20, the application for rehearing filed by Hunt Oil Company on September 9, 1955, pertaining to its FPC Gas Rate Schedule No. 13 be and the same is hereby granted and a public hearing be held commencing December 12, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., covering the matters involved and the issues presented by the said application for rehearing.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in its proceeding, as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Arkansas Louisiana Gas Company,

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Arkansas Louisiana Gas Company,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(iv) All contracts and agreements, including operating agreements specifying an operator of facilities, pertaining to the gas sales transaction involved in Applicant's FPC Gas Rate Schedule No. 13.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8062; Filed, Oct. 5, 1955; 8:48 a. m.]

[Docket No. G-9416]

J. M. HUBER CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

J. M. Huber Corporation (Applicant) on September 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of Change (undated)...	Northern Natural Gas Co....	Supplement No. 5 to FPC Gas Rate Schedule No. 2.	Oct. 2, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until March 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: September 28, 1955.

Issued: September 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8063; Filed, Oct. 5, 1955; 8:48 a. m.]

[Docket No. G-9417]

BYRD OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Byrd Oil Corporation (Applicant) on September 2, 1955 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of Change dated Sept. 1, 1955.	Mississippi River Fuel Corp.	Supplement No. 5 to FPC Gas Rate Schedule No. 6.	Oct. 26, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until March 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: September 28, 1955.

Issued: September 30, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8064; Filed, Oct. 5, 1955; 8:48 a. m.]

[Docket Nos. G-3718—G-3723; G-3726—G-3740; G-3742; G-3743 and G-4576]

TIDE WATER ASSOCIATED OIL CO.

NOTICE OF FINAL DECISION ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1955.

Notice is hereby given that the Presiding Examiner's Decision issuing certificates of public convenience and necessity in the above-designated matters was issued and served upon all parties August 29, 1955. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's Rules of Practice and Procedure, said Decision became effective on September 29, 1955, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8065; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G-2058]

GULF INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1955.

Notice is hereby given that on September 23, 1955, the Federal Power Commission issued its findings and order adopted September 21, 1955, in the above-entitled matter, modifying order issuing a certificate of public convenience and necessity by removing the limitations and conditions contained in paragraph (C) (iii) of the Commission's order issued May 20, 1953, accompanying Opinion No. 251 (18 F. R. 3051), In the Matter of Gulf Interstate Gas Company, Docket No. G-2058, and paragraph (C) (iii) is hereby deleted.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8066; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G-2578]

ALBERT PLUMMER

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1955.

Notice is hereby given that on September 29, 1955, the Federal Power Commission issued its findings and order adopted September 14, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8067; Filed, Oct. 5, 1955; 8:49 a. m.]

[Project No. 1574]

MANTI CITY CORP.

NOTICE OF ORDER AMENDING LICENCE

SEPTEMBER 29, 1955.

Notice is hereby given that on September 26, 1955, the Federal Power Commission issued its order adopted September 21, 1955, further amending license (Major) and dismissing application for amendment of license in the above-entitled matter.

[SEAL] LEON M. FUQAY, *Secretary.*

[F. R. Doc. 55-8068; Filed, Oct. 5, 1955; 8:49 a. m.]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

NOTICE OF ORDER ISSUING LICENSE

SEPTEMBER 29, 1955.

Notice is hereby given that on September 26, 1955, the Federal Power Commission issued its order adopted September 21, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8069; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G-2505 etc.]

NORTHERN NATURAL GAS CO. ET AL

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Northern Natural Gas Company, Docket No. G-2505; Northern Natural Gas Producing Company, Docket No. G-9409; and Permian Basin Pipeline Company, Docket No. G-9410.

By order issued in Docket No. G-2505 on July 29, 1954, the Commission entered upon a public hearing concerning the lawfulness of rates, charges, and classifications contained in Northern Natural Gas Company's FPC Gas Tariff Original Volume No. 1, as proposed to be changed by First Revised Sheets Nos. 5, 6 and 9 which were tendered by Northern for filing on July 2, 1954. By the same order the Commission also suspended and deferred the use of said First Revised Sheets Nos. 5, 6 and 9 until December 27, 1954, and until such further time as they might be made effective in the manner prescribed by the Natural Gas Act. Thereafter, pursuant to appropriate motion of Northern, the First Revised Sheets Nos. 5, 6, and 9, became effective as of December 27, 1954, subject to such refunds as may hereafter be ordered by the Commission.

Pursuant to the Commission's Opinion No. 281 and the accompanying order, as modified, Northern, on July 5, 1955, filed its FPC Gas Tariff, First Revised Volume No. 1 (superseding Original Volume No. 1), which provides the tariff revisions required by said order. By order issued August 2, 1955, this First Revised Volume No. 1 of Northern's tariff was made

[2] Commissioner Digby dissenting.

effective as of June 27, 1955, as to all sales of gas by Northern, subject to the jurisdiction of the Commission, subject to such refunds as may be hereafter ordered by the Commission in the proceedings in Docket No. G–2505. By this order the Commission provided that the schedule of rates and charges set forth in Northern's FPC Gas Tariff, First Revised Volume No. 1, be substituted as of June 27, 1955, for Northern's FPC Gas Tariff, Original Volume No. 1, as modified by First Revised Sheets 5, 6, and 9, subject to such refunds as may be hereafter ordered in the proceedings in Docket No. G–2505.

Concurrently herewith the Commission has adopted and issued orders instituting investigations into and concerning all rates and charges of Northern Natural Gas Producing Company and Permian Basin Pipeline Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission; and the Commission has fixed November 14, 1955, as the date for the commencement of hearings in such matters. Permian Basin Pipeline Company and Northern Natural Gas Producing Company are both subsidiaries of Northern Natural Gas Company and each is a major supplier of natural gas to the parent company. Under these circumstances it is appropriate and in the public interest that the three proceedings be consolidated for the purpose of hearing.

The Commission orders:

(A) The proceedings at Docket Nos. G–2505, G–9409, and G–9410, involving Northern Natural Gas Company, Northern Natural Gas Producing Company, and Permian Basin Pipeline Company, respectively, be and they are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on November 14, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, or classifications demanded, observed, charged, or collected by Northern Natural Gas Company, Northern Natural Gas Producing Company, and Permian Basin Pipeline Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

(C) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8070; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G–4333]

PHILLIPS PETROLEUM CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 29, 1954, the Commission issued its order in this proceeding suspending proposed changes in rates filed by Phillips Petroleum Company (Applicant) pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco).

The Commission finds: It is proper and in the public interest that this proceeding be set for hearing and that prior thereto Applicant submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held commencing November 15, 1955, at 10:00 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 and the issues presented in this proceeding.

(B) Applicant submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transco;

(ii) Major pipe line facilities by which the gas is transported from each well to the points of delivery to Transco; and,

(iii) Important pipe line facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipe line facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as provided in paragraph (C), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (C) and (D), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner for the purpose of permitting the parties to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8071; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G–6822]

SUNRAY MID-CONTINENT OIL CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On January 7, 1955, the Commission issued its order in this proceeding suspending proposed changes in rates filed by Sunray Mid-Continent Oil Company (formerly named Sunray Oil Corporation) (Applicant) pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation, (Transco).

The Commission finds: It is proper and in the public interest that this proceeding be set for hearing and that prior thereto Applicant submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held commencing November 22, 1955, at 10:00 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 in this proceeding.

(B) Applicant submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transco;

(ii) Major pipe line facilities by which gas is transported from each well to the points of delivery to Transco; and

(iii) Important pipe line facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipe line facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall be forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as provided in paragraph (C), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (C) and (D), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner for the purpose of permitting the parties to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8072; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket No. G-9409]

NORTHERN NATURAL GAS PRODUCING CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Northern Natural Gas Producing Company, a Delaware corporation, having its principal place of business at Omaha, Nebraska, is engaged in the production of natural gas in the States of Texas and Kansas and in the sale thereof in interstate commerce for resale for ultimate public consumption, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued September 2, 1955, in Docket No. G-8589.

On the basis of data available to the Commission, it appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Northern Natural Gas Producing Company, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Northern Natural Gas Producing Company for or in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Northern Natural Gas Producing Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to said Northern Natural Gas Producing Company whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on November 14, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8073; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket No. G-9410]

PERMIAN BASIN PIPELINE CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Permian Basin Pipeline Company, a Delaware corporation, having its principal place of business at Omaha, Nebraska, owns and operates, among other facilities, a natural-gas pipeline system located in the States of Texas and New Mexico, and by such operations is engaged in the transportation and sale in interstate commerce of natural gas for resale for ultimate public consumption, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued February 1, 1954, in Docket No. G-2283.

On the basis of data available to the Commission, it appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Permian Basin Pipeline Company, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Permian Basin Pipeline Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders:

(A) An investigation of Permian Basin Pipeline Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to said Permian Basin Pipeline Company whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on November 14, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8074; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket No. G-5165 etc.]

WESTERN OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 29, 1955.

In the matters of Western Oil Company, Docket No. G-5165; Samedan Oil Corporation, et al., Docket Nos. G-5169

to G–5171, incl.; Martin Gas Company, Docket No. G–7587; John Gas Company, Docket No. G–7588; Woodall and Jackson Gas Company, Docket No. G–7589; Laurel Hill Gas Company, Docket No. G–7590; Sue Gas Company, Docket No. G–7591; Emery Gas Company, Docket No. G–7592; Triangle Gas Company, Docket No. G–7593; Templeton Gas Company, Docket No. G–7594; Houston Gas Company, Docket No. G–7595; R. H. Adkins, Trustee for Pridemore, et al., Docket No. G–7596; Hill Gas Company, Docket No. G–7597; Tincher Gas Company, Docket No. G–7598; Stockton Gas Company, Docket No. G–7599; Muriel Gas Company, Docket No. G–7600; Hoover Gas Company, Docket No. G–7601; Hamilton Creek Gas Company, Docket No. G–7602; Ethel Gas Company, Docket No. G–7603; McComas Gas Company, Docket No. G–7604; Harts Gas Company, Docket No. G–7605; Charley's Branch Gas Company, Docket No. G–7606; Elkins Branch Gas Company, Docket No. G–7607; Watson Gas Company, Docket No. G–7608; Juda Gas Company, Docket No. G–7609; Wolf Pen Gas Company, Docket No. G–7610; Barcamp Gas Company, Docket No. G–7611; Cooper Gas Company, Docket No. G–7612; Dean Gas Company, Docket No. G–7613; Toms Creek Gas Company, Docket No. G–7614; Edsel Gas Company, Docket No. G–7615; Midland Gas Company, Docket No. G–7616; Jenny's Creek Gas Company, Docket No. G–7617; Ranger Gas Company, Docket No. G–7618; Hall Gas Company, Docket No. G–7620; R. F. Turley, Agent, Docket No. G–7621; Morris Mizel, Docket No. G–8038; Graokla Gas Corporation, Docket No. G–8045; H. H. Coffield, Docket No. G–8046; Texas Gas Corporation, Docket No. G–8048; R. E. Hibbert, Docket No. G–8049; Husky Oil Company, Docket Nos. G–8052 and G–8053.

There have been filed with the Federal Power Commission applications as hereinafter specified.

Docket No.	Address	Date filed	Location of field	Buyer
G–5165	Ardmore, Okla.	Nov. 22, 1954	Drinkard Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G–5169, G–5170	do	do	Jalmat Field, Lea County, N. Mex.	Do.
G–5171	do	do	Blinberry and Drinkard Field, Lea County, N. Mex.	Do.
G–7587	Hamlin, W. Va.	Dec. 2, 1954	Lincoln County, W. Va.	South Penn Natural Gas Co.
G–7588	do	do	do	United Fuel Gas Co.
G–7589	do	do	Wayne County, W. Va.	Do.
G–7590	do	do	Lincoln County, W. Va.	Do.
G–7591	do	do	Cabell County, W. Va.	South Penn Natural Gas Co.
G–7592	do	do	do	Do.
G–7593	do	do	Putnam County, W. Va.	United Fuel Gas Co.
G–7594	do	do	Cabell County, W. Va.	South Penn Natural Gas Co.
G–7595	do	do	Lincoln County, W. Va.	United Fuel Gas Co.
G–7596	do	do	do	Do.
G–7597	do	do	do	South Penn Natural Gas Co.
G–7598	do	do	Putnam County, W. Va.	United Fuel Gas Co.
G–7599	do	do	Lincoln County, W. Va.	Do.
G–7600	do	do	Wayne County, W. Va.	Do.
G–7601	do	do	Logan County, W. Va.	Do.
G–7602	do	do	Lincoln County, W. Va.	Do.
G–7603	do	do	Wayne and Mingo Counties, W. Val	Do.
G–7604	do	do	Cabell County, W. Va.	Do.
G–7605	do	do	Lincoln County, W. Va.	Do.
G–7606	do	do	do	Do.
G–7607	do	do	do	South Penn Natura Gas Co.
G–7608	do	do	do	United Fuel Gas Co.
G–7609	do	do	do	South Penn Natural Gas Co.
G–7610	do	do	do	Do.
G–7611	do	do	do	United Fuel Gas Co.
G–7612	do	do	Putnam County, W. Va.	South Penn Natural Gas Co.
G–7613	do	do	Lincoln County, W. Va.	United Fuel Gas Co.
G–7614	do	do	Cabell County, W. Va.	South Penn Natural Gas Co.
G–7615	do	do	Lincoln County, W. Va.	United Fuel Gas Co.
G–7616	do	do	Putnam County, W. Va.	Do.
G–7617	do	do	Mingo County, W. Va.	Do.
G–7618	do	do	Lincoln County, W. Va.	Do.
G–7620	do	do	Wayne County, W. Va.	Do.
G–7621	do	do	Putnam County, W. Va.	Do.
G–8038	905 Kennedy Bldg., Tulsa, Okla.	Dec. 6, 1954	West Panhandle Field, Hutchinson County, Tex.	Frank C. Henderson Trust No. 2.
G–8045	902 Chrysler Bldg., New York 17, N. Y.	do	Scholem Alechem Field, Carter County, Okla.	Lone Star Gas Corp.
G–8046	Rockdale, Tex.	do	West Weesatche Field, Goliad County, Tex.	Wilcox Trend Gathering System, Inc.
G–8048	Houston, Tex.	do	Stowell, South Mayes, East Mayes and East Jackson Pasture Fields, Chambers County, Tex.; East Mayes, Stowell, Big Hill and Fannett Fields, Jefferson County, Tex.; North Port Neches and West Port Neches Fields, Orange County, Tex.	Texas Eastern Transmission Corp.
G–8049	do	do	Pletzseh Bend Field, Wharton County, Tex.	Transcontinental Gas Pipe Line Corp.
G–8052	P. O. Box 380, Cody, Wyo.	do	Ace Unit Field, Moffatt County, Colo.	Mountain Fuel Supply Co.
G–8053	do	do	Salt Wells Unit Area Field, Sweetwater County, Wyo.	Do.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinbefore described, subject to the jurisdiction of the Commission, all as moré fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, 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 October 31, 1955, 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 section 1.30 (c) (1) or (c) (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 October 17, 1955. 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] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8075; Filed, Oct. 5, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 3, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31146: *Zinc—To Watuppa and Fitchburg, Mass.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zinc, pig, slab or spelter and zinc anodes, straight or mixed carloads from specified points in Arkansas, Okla-

homa, and Texas to Watuppa and Fitchburg, Mass.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 75 to Agent Kratzmeir's I. C. C. 4045.

FSA No. 31147: *Salt—Ojibway, Ontario, to Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on salt, rock (sodium chloride), carloads from Ojibway, Ont., Canada to specified points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin.

Grounds for relief: Circuitous routes with respect to certain rates and water-truck and water-rail competition and circuity with respect to other rates.

Tariff: Agent R. K. Watson's tariff I. C. C. No. 191.

FSA No. 31148: *Cast iron pipe—To Northern Illinois, Southern and extended Zone "C" Territory in Wisconsin.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from points in official territory to points in northern Illinois, southern Wisconsin and extended zone "C" in Wisconsin.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 6 to Agent Boin's I. C. C. No. A–1062.

FSA No. 31149: *Citrus pomace syrup—Florida to Philadelphia, Pa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on citrus pomace final syrup, tank-car loads from specified points in Florida to Philadelphia, Pa.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 29 to Agent Spaninger's I. C. C. 1240.

By the Commission.

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

[F. R. Doc. 55–8084; Filed, Oct. 5, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3379]

OHIO EDISON CO.

ORDER PERMITTING EXCHANGE OF UTILITY ASSETS

SEPTEMBER 30, 1955.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company has filed an application-declaration and amendments thereto pursuant to the applicable sections of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-44 promulgated thereunder involving the exchange of certain properties pursuant to an exchange agreement with the Toledo Edison Company ("Toledo"), a nonaffiliated public utility company organized and operating in the State of Ohio. The proposed transactions are set forth in the application-declaration and the amendments thereto and are summarized as follows:

Ohio Edison proposes to acquire from Toledo certain electric distribution and transmission facilities which are interconnected with Ohio Edison's remaining properties and proposes to transfer to Toledo certain of its distribution and transmission facilities which are interconnected or capable of interconnection with Toledo's other properties, and to pay Toledo a cash adjustment balance of $1,460,000 subject to certain closing entries to adjust for taxes, unbilled revenues, accounts receivable, etc.

The original cost of the properties to be conveyed has not been finally determined. The cash adjustment to be paid by Ohio Edison to Toledo was determined on the basis of multiplying by four the difference in the gross revenues from the distribution properties being exchanged and adding to that product the difference in the transmission and related properties taken at their reproduction cost new less depreciation.

The proposed transactions have been approved by the Public Utilities Commission of Ohio and it is represented that the accounting entries by Ohio Edison with respect to the proposed acquisition and disposition will be made in accordance with and subject to the requirements of the uniform system of accounts of the Federal Power Commission. The filing further indicates that when the original cost and accrued depreciation of the properties to be acquired and disposed of are finally determined, Ohio Edison will eliminate any debit amount includible in Account 100.5, Electric Plant Acquisition Adjustments, under the aforementioned system of accounts, by a contra entry to earned surplus or any credit amount by a contra entry to the depreciation reserve.

Notice of filing of said application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the Act, and the Commission not having received a request for a hearing with respect thereto, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to all the transactions proposed in said application-declaration, as amended, including the proposed acquisition and disposition of electric distribution, transmission and related facilities by Ohio Edison, that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 55–8079; Filed, Oct. 5, 1955; 8:51 a. m.]

[File No. 70–3411]

NEW ENGLAND ELECTRIC SYSTEM AND SOUTHERN BERKSHIRE POWER & ELECTRIC CO.

NOTICE OF PROPOSED RIGHTS OFFERING BY SUBSIDIARY, WITH PARENT COMPANY PROPOSING TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS AND TO OFFER TO PURCHASE ALL SHARES HELD BY MINORITY STOCKHOLDERS

SEPTEMBER 30, 1955.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Southern Berkshire Power & Electric Company ("Southern Berkshire"), have filed an amended joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (b), 9 (a), and 10 of the Act as applicable to the proposed transactions, which are summarized as follows:

Southern Berkshire, which presently has outstanding 30,368 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 15,184 additional shares, which will be offered to its stockholders at the par value of $25 per share, on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 15 days. Full shares only will be issued.

NEES, which now owns 27,928 shares (91.965 percent) of Southern Berkshire's capital stock, proposes to exercise its rights to subscribe for 13,964 additional shares to which it will be entitled. New England Gas and Electric Association ("NEGEA"), an exempt holding company, owns 2,256 shares (7.43 percent) of Southern Berkshire's capital stock. The remaining 184 shares of such stock are owned by eleven holders.

NEES proposes to offer to purchase from all minority stockholders for $25 per share their present holdings of Southern Berkshire's stock and any shares which they may acquire through exercise of their subscription rights for a period of 60 days following the date of the initial offer of additional capital stock by Southern Berkshire. NEGEA has agreed to sell its share to NEES pursuant to said offer.

It is stated that the price of $25 per share for the additional capital stock to be issued by Southern Berkshire was fixed by its directors after consideration of the earnings and book value of the stock and of the market price and earnings of other comparable utility-company stocks.

NEES will use treasury funds for its proposed acquisitions. The proceeds from the sale of the additional capital stock, amounting to $379,600, will be applied by Southern Berkshire to the payment of a like amount of notes payable to NEES.

Southern Berkshire and NEES desire to consummate the proposed transac-

tions in order to finance permanently a portion of the capitalizable additions to Southern Berkshire's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Southern Berkshire.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Southern Berkshire is organized and doing business, has approved the issuance and sale of the new shares by Southern Berkshire and the direct sale of any unsubscribed shares to NEES at the price of $25 per share.

Total expenses of Southern Berkshire herein are estimated at $3,100 and of NEES at $300.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than October 11, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as now amended or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 55-8080; Filed, Oct. 5, 1955; 8:51 a. m.]

[File No. 70-3406]

DELAWARE POWER & LIGHT CO.

ORDER AUTHORIZING BANK LOANS AGGREGATING $12,000,000

SEPTEMBER 30, 1955.

Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility company, has filed a declaration and an amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions:

Delaware proposes to borrow funds for construction purposes from time to time prior to February 1, 1958, under an agreement which it has entered into with a group of seven banks in Wilmington, Delaware and New York City whereby the banks will hold for its use for a period extending from August 1, 1955 to February 1, 1958, a revolving credit in the amount of $12,000,000. At the time of each advance to it from the revolving credit Delaware will issue unsecured promissory notes due in 90 days from the date of each such issue. Until August 1, 1957, the interest rate will be the highest prime rate charged on the date of the loan by any of the participating banks which are members of the New York Clearing House Association, but not in excess of 3½ percent per annum; after August 1, 1957, the interest rate will be such highest prime rate on the date of the loan, even though in excess of 3½ percent per annum. The notes may be prepaid at any time without penalty, except that Delaware may not prepay any note in whole or in part from the proceeds of any subsequent loan under the agreement at a lower rate of interest. No commitment or similar fee is being paid to the banks for their extension of credit.

The names of the lending banks and their respective participations are as follows:

Wilmington Trust Co	$1,800,000
Irving Trust Co	4,800,000
The First National City Bank of New York	2,400,000
The New York Trust Co	1,200,000
Equitable Security Trust Co	900,000
The President, Directors and Company of the Farmers Bank of The State of Delaware	600,000
Delaware Trust Co	300,000
Total	12,000,000

It is contemplated that notes aggregating close to the full $12,000,000 credit may be outstanding from time to time during the period of the agreement.

Delaware plans to repay amounts borrowed under the revolving credit agreement by the subsequent sale from time to time during the next 30 months of bonds and equity securities in the aggregate amount of $42,000,000. The proceeds of such permanent financing not required for the payment of the temporary bank loans will be used for construction purposes, estimated to aggregate $68,000,000 for the years 1955, 1956, and 1957. The nature and extent of the permanent financing will be determined by conditions existing at the time, but it is anticipated that such financing will include the issuance of bonds, preferred and common stocks in amounts which will maintain conservative capitalization ratios. Such permanent financing will be the subject of separate filings.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 55-8081; Filed, Oct. 5, 1955; 8:51 a. m.]