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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

In Federal Register Document 56-5881 filed July 19, 1956, § 6.328 (m) should have been designated as § 6.128 (m) as set out below.

§ 6.128 *Small Business Administration.* * * *

(m) Not to exceed June 30, 1957, the Deputy Chairman, Loan Review Committee.

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

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

[F. R. Doc. 56-5981; Filed, July 24, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

SUBSEQUENT DIRECT AND INSURED FARM OWNERSHIP LOAN PROCESSING

Part 333 of Title 6, Code of Federal Regulations (20 F. R. 7955), is revised to read as follows:

Sec.
333.1 General.
333.2 Subsequent direct loans.
333.3 Subsequent insured loans.

AUTHORITY: §§ 333.1 to 333.3 issued under sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 333.1 *General.* (a) This part prescribes the authority, policies, and procedures for processing subsequent direct and insured Farm Ownership loans. The term "subsequent loan," as used in this part, means (1) a Farm Ownership loan to a person who is indebted for a direct or insured Farm Ownership loan, (2) a direct Farm Ownership loan made in connection with a credit sale of real estate on Farm Ownership terms, or (3) a direct Farm Ownership loan made to a transferee in connection with the transfer of a Farm Ownership farm in accordance with Part 372 of this chapter. The term "Farm Ownership debt," as used in this part, means any amount owed by a Farm Ownership borrower on his Farm Ownership account.

(b) When a borrower with a direct Farm Ownership loan requests a subsequent loan, his credit needs will be met, if possible, with an insured Farm Ownership loan. Such a borrower's credit needs may be met with a direct loan only if he cannot qualify for an insured loan.

(c) Ordinarily, a subsequent direct or insured loan will not be processed if the amount of funds required is less than $1,000.

(d) The State Director is authorized to approve or disapprove subsequent direct and insured Farm Ownership Loans.

(e) A subsequent direct or insured loan may be made for the same purposes and under the same conditions as an initial loan. In addition, a subsequent direct loan may be made to pay equity to a transferor in connection with the transfer of a Farm Ownership farm. A Farm Ownership borrower who owns an efficient family-type farm is not eligible for a subsequent direct or insured Farm Ownership loan.

(f) A subsequent direct or insured loan may be made to a Building Improvement borrower for the same purposes as other Farm Ownership loans. Whenever a loan to a Building Improvement borrower includes funds for land development or purchase, the borrower will receive supervision in the same manner as other Farm Enlargement or Farm Development borrowers.

(g) If a reappraisal is required in connection with a subsequent insured loan, an additional fee of $20 will be charged. A new appraisal report will be required in connection with a subsequent direct or insured loan only when:

(1) Subsequent loan funds will be used to purchase land, or to refinance debts

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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against land not covered by the mortgage for the initial Farm Ownership loan; or

(2) The County Committee requests a new appraisal report; or

(3) The State Director or the County Supervisor determines that there have been physical changes in the farm which appear to have altered significantly its normal earning capacity, or such changes are likely to result if the subsequent loan is made.

(h) Closing instructions will be issued by the Attorney for all subsequent direct and insured Farm Ownership loans, and each loan will be closed under the guidance of such instructions.

(Secs. 1, 2, 3, 4, 12, 44, 60 Stat. 1072, 1073, 1074, 1075, 1076, 1068, sec. 16, added 69 Stat. 553; 7 U. S. C. 1001, 1002, 1003, 1004, 1005b, 1006c, 1018)

§ 333.2 *Subsequent direct loans*—(a) *Refinancing of existing Farm Ownership debt required.* Existing Farm Ownership debts will be refinanced when the borrower's Farm Ownership indebtedness represents an asset of (1) a State Rural Rehabilitation Corporation, (2) a Defense Relocation Corporation, the accounts of which are not yet considered Government accounts, or (3) a land-leasing or land-purchasing association or similar organization. The amount to be refinanced will include interest on the Farm Ownership debt to the date the subsequent loan is closed. The determination of the balance to be refinanced, the receipt for payment, note, mortgage, and satisfaction or release of the mortgage in connection with the debt being refinanced will be handled in accordance with Part 366 of this chapter, except as modified by the closing instructions issued by the Attorney in Charge.

(b) *Refinancing of existing Farm Ownership debt not required.* Existing Farm Ownership debts, except the three types indicated in paragraph (a) of this section, will not be refinanced unless special authorization is obtained from the Administrator. When the outstanding Farm Ownership debt is not refinanced:

(1) The subsequent Farm Ownership loan will bear interest at 4½ percent and the outstanding debt(s) will be continued at the present rate(s) of interest.

(2) The mortgage(s) securing the outstanding debt will not be released, and the mortgage securing the subsequent loan will contain a covenant to the effect that it secures not only the subsequent loan, but also secures performance of and compliance with all of the covenants, conditions, and provisions of all mortgages which secure the Farm Ownership debt.

(3) Each borrower whose initial loan was approved prior to November 1, 1946, will execute Form FHA-165, "Variable-Payment Agreement," for his initial loan at the time he receives a subsequent loan if he has not previously done so. Execution of Form FHA-165 will change the repayment plan, eliminate the 90-day grace period, and establish December 31 as the installment due date. However, if a prior subsequent loan has been made with a March 31 installment due date, the installment due date for the new subsequent loan also will be March 31.

(c) *Reamortization of outstanding Farm Ownership debts.* The outstanding Farm Ownership debt will be reamortized in accordance with Part 361 of this chapter, as of the date the subsequent loan is processed in the Finance Office, except an account need not be reamortized if it was on schedule as of the last preceding installment due date. When the outstanding Farm Ownership debt is to be reamortized, the borrower will execute Form FHA-176, "Request for Reamortization of Farm Ownership Loan."

(d) *Amortization of subsequent loan.* Ordinarily, a subsequent loan will be amortized so as to mature within one year of the maturity date of the earliest outstanding Farm Ownership note. The loan may be amortized over a longer period if the approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note.

(e) *Certification by County Committee.* The County Committee will certify again, on Form FHA-491, "County Committee Certification (Farm Ownership Loans)," as to the fair and reasonable value of the farm, after the contemplated improvements are made. The Committee will take into consideration any information on farm production that has become available as a result of operating history, as well as the normal earning capacity of the farm as indicated on the latest appraisal report.

(f) *Loan processing actions.* The subsequent loan docket will be assembled, title clearance will be required, and the loan will be processed and closed in the same manner as prescribed in Part 332 of this chapter, except that:

(1) Additional Forms FHA-643, "Farm Development Plan," FHA-42, "Valuation of Buildings," and FHA-596, "Appraisal Report," will be completed and included in the docket only when applicable.

(2) The docket will include Forms FHA-165 and FHA-176 when applicable.

(3) A new mortgagee's policy will not be required except when: (i) The outstanding Farm Ownership debt is being refinanced, or (ii) the purchase of land other than from the Farmers Home Administration is involved. When the purchase of such other land is involved and the mortgage for the initial loan is not being refinanced, the new mortgagee's policy will cover only the land to be acquired. With respect to the land not covered by the new mortgagee's policy, or when a new mortgagee's policy is not required, title evidence will be in accordance with the requirements of the closing instructions issued by the Attorney in Charge.

(4) The installment due date of the subsequent loan will be January 1 except in those cases in which a borrower previously executed an initial or a subsequent loan note or an assumption agreement which provided for a March 31 installment due date. If the borrower previously executed an initial or a subsequent loan note or an assumption agreement with a March 31 installment due date, the installment due date of the subsequent loan will be March 31.

(Secs. 1 (a), 2 (b) and (d), 3 (a) and (b), 43 (a) and (e), 44 (a) (2) and (3), 44 (b), 48, 60 Stat. 1072, 1073, 1074, 1067, 1068, 1069, 1070, sec. 1 (b), 68 Stat. 525; 7 U. S. C. 1001 (a), 1002 (b) and (d), 1003 (a) and (b), 1017 (a) and (e), 1018 (a) (2) and (3), 1018 (b), 1022)

§ 333.3 *Subsequent insured loans*—(a) *General.* A subsequent insured loan may be approved only for the purpose of furnishing additional funds to the borrower for authorized loan purposes and under the same conditions as an initial insured loan and for refinancing an existing insured or direct Farm Ownership loan. A subsequent loan may be made by the holder of the initial loan promissory note or by a new lender. If the holder is located in the County Supervisor's area, the County Supervisor will contact the holder to determine whether he will make the subsequent loan. If the holder is not such a local lender, the County Supervisor will contact the State Director to determine whether the holder will make the subsequent loan. If the holder is not located in the State Director's area, or if the National Office selected the holder to make the initial loan, the State Director will contact the National Office to determine whether the holder is interested in making the subsequent loan. If the holder is not interested in making the subsequent loan, the loan may be made by another lender. When a subsequent loan is made, the initial loan will be refinanced, the initial note will be canceled, and the initial mortgage will be satisfied except as provided in subparagraph (1) of this paragraph.

(1) In any State where local law requires the lien of the initial mortgage to be kept alive in order to obtain adequate security for the subsequent loan, the initial note and mortgage will not be canceled and satisfied, and the State Director may approve the taking of a subsequent loan promissory note and mortgage which will renew and consolidate the unpaid balance of principal and interest on the initial loan with the additional advance, provided the same lender will hold both the initial and subsequent promissory notes and the Government will hold the initial and subsequent mortgages. In any State where this method is to be followed, the State Director will issue a State Instruction which will supplant, but will be consistent insofar as possible with, the procedure in this section.

(b) *Arrangements with respect to funds for refinancing initial loan and providing additional advance*—(1) *Refinancing initial direct loan.* In cases where the subsequent loan is for the purpose of refinancing a direct Farm Ownership loan and providing additional funds, the transaction will be accomplished in accordance with procedure for processing an initial insured loan, except as modified by the applicable provisions of this section and closing instructions from the Attorney in Charge.

(2) *Holder of insured loan providing funds.* In cases where the holder refinances the existing insured loan and provides the additional funds, the transaction will be accomplished without the exchange of funds for payment of the old

promissory note. Since no funds are involved in final payment of the old note account, only the collection of any amount owed the loan insurance account will be transmitted to the Finance Office. Final payment of the old note account will be accomplished by exchanging the new insured note for the old insured note and a check for the additional funds, and, when applicable, the old insured mortgage running to the holder, and a satisfaction or release of such mortgage. The mortgage taken on Form FHA-242____, "Real Estate Mortgage for ________ (Insured Farm Ownership Loan)" in connection with the subsequent loan will run to the Government.

(3) *New lender providing funds.* When a lender other than the holder refinances the existing insured loan and provides the additional funds, the funds used for refinancing the existing loan will be processed through the Finance Office.

(c) *Satisfaction of mortgage for initial loan*—(1) *By lender.* The holder of the initial insured mortgage (which has not been assigned to the Government in trust), upon receiving full payment of the initial insured loan, will execute a satisfaction or release of the initial insured mortgage in accordance with the closing instructions issued by the Attorney in Charge.

(2) *By Government.* In case the initial loan is a direct Farm Ownership loan, an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, the County Supervisor is authorized to execute a satisfaction or release of the initial mortgage in accordance with the closing instructions issued by the Attorney in Charge.

(d) *Form FHA-366, "Consent and Release of Interest of United States."* In case the initial insured loan is one for which the lender holds the mortgage, or one for which the mortgage has been assigned to the Government in trust, the County Supervisor will prepare and is authorized to execute Form FHA-366. Form FHA-366 will be delivered only after the old note account and all loan insurance charges on the old loan have been paid and a satisfaction or release of the old insured mortgage is ready to be delivered. Form FHA-366 will not be used when a direct Farm Ownership loan is being refinanced or when the Government is named as mortgagee in the mortgage for the insured loan being refinanced.

(e) *Recordation of satisfaction and Form FHA-366.* Form FHA-366, when used, will be recorded normally along with the satisfaction. The cost of recording the satisfaction or release and Form FHA-366 will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions or releases and to pay the cost of recording. When the mortgagee is required to pay the recording cost:

(1) The cost of recording Form FHA-366 will be paid by the Government.

(2) The cost of recording the satisfaction or release will be paid by the mortgagee. The Government is the mortgagee for all mortgages taken on Form FHA-242____ and will be considered as the mortgagee for any mortgage taken on Form FHA-363____, "Real Estate Mortgage for ____________," for which a trust assignment to the Government has been executed.

(3) Any recording costs required to be paid by the Government will be paid by voucher.

(f) *Redemption date.* The fixed period for redemption by the Government of the subsequent insured loan will begin from the date of the subsequent loan note.

(g) *Actions prior to loan closing.* (1) The County Supervisor will request the Finance Office to send him Form FHA-835, "Certified Statement on Account."

(2) A subsequent loan docket will be prepared in accordance with Part 332 of this chapter.

(i) If a reappraisal is not required, the existing Form FHA-596, "Earning Capacity Report," will be included in the docket.

(ii) If a reappraisal is required, the borrower will pay a $20 appraisal fee.

(iii) Loan limitations will apply as in the case of an initial insured loan.

(3) The entire amount of the subsequent loan promissory note will bear three and one half (3½) percent interest, unless the Administrator and the lender have agreed on a lower interest rate.

(4) Title clearance will be required as in the case of an initial insured loan. If title insurance is used, the new mortgagee's policy for the full amount of the new promissory note generally will be required since the initial title policy will expire upon satisfaction or release of the initial mortgage.

(5) Ordinarily, the subsequent loan will be amortized so as to mature within one year of the maturity date of the initial loan. The subsequent loan may be amortized over a longer period if the approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note. The note and security instrument taken in connection with the subsequent loan will indicate the proper amortization period of the loan.

(h) *Loan closing actions.* The subsequent loan will be closed in accordance with the closing instructions issued by the Attorney in Charge. When the subsequent loan is to be made by the holder, it will be closed before the County Supervisor requests the loan check for the additional advance. When the subsequent loan is to be made by a new lender, the loan check will be available in the County Office on the date of loan closing.

(1) Form FHA-240, "Promissory Note (Insured Farm Ownership Loan)," will be prepared in the same manner as for an initial insured loan.

(2) On the date of loan closing, the County Supervisor will collect from the borrower all loan insurance charges and, if applicable, a reappraisal fee, as follows:

(i) Any amount owed the loan insurance account on the initial insured loan as of the date the subsequent loan is closed.

(ii) The initial loan insurance charge on the subsequent loan calculated as follows:

(*a*) If the note for the initial insured loan has a December 31 or January 1 installment due date, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated on the amount of the difference between the amount of the new promissory note and the unpaid balance of principal on the old promissory note as of the date of closing the subsequent insured loan.

(*b*) If the note for the initial insured loan has a March 31 installment due date and the subsequent loan is closed during the months of January, February, or March, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated on the full amount of the subsequent loan note.

(*c*) If the note for the initial insured loan has a March 31 installment due date and the subsequent loan is closed during the months of April through December, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated as follows:

(*1*) The amount of the principal balance on the initial insured loan as of the date of loan closing will be subtracted from the amount of the subsequent loan;

(*2*) The charge on such difference from the date of closing the subsequent loan to the next January 1 will be calculated.

(*3*) From the above result, one-fourth of the annual loan insurance charge on the initial loan which was charged to the account on the March 31 preceding the date of closing the subsequent loan will be subtracted. If such amount is greater than the amount calculated under the preceding paragraph, no initial loan insurance charge on the subsequent loan will be collected.

(iii) If a reappraisal was made, an appraisal fee of $20.

(3) The County Supervisor will transmit the collection of the loan insurance charges and any reappraisal fee to the Finance Office in the usual manner.

(4) When subsequent loan is made by holder: (i) The County Supervisor will calculate the unpaid balance of principal and interest on the borrower's initial loan promissory note as of the date of closing the subsequent loan. The difference between such unpaid balance on the initial note and the amount of the subsequent loan note will be the amount of the loan check to be requested from the holder. Form FHA-971, "Request for Check," will be used to request such loan check.

(ii) The County Supervisor will send the following instruments to the State Director: (*a*) Form FHA-993, "Notice of Receipt of Final Payment on Insured Loan," (*b*) the subsequent loan promissory note, and (*c*) Form FHA-971, modified to fit the circumstances, and an explanatory statement attached.

(iii) The State Director will deliver to the holder the original and two copies of Form FHA-993, the original of the subsequent loan promissory note, and the original of Form FHA-971 with a letter explaining the transaction. Form FHA-971 will be attested as in the case of an initial insured loan. The State Director will inform the holder of the amount of the unpaid balance of principal and interest on the borrower's initial loan promissory note as of the date of closing the subsequent loan which will be the date of final payment shown on Form FHA-993. The State Director will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA-993, and send to the appropriate County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note for the initial loan. If the mortgage for the initial loan is held by the holder, the State Director also will request the holder to send to the County Supervisor the mortgage and an appropriate instrument of satisfaction or release of the mortgage. The State Director also will request the holder to send a check to the County Supervisor drawn to the order of the borrower in the amount specified on Form FHA-971.

(iv) The loan check received from the holder will be deposited in the borrower's supervised bank account.

(v) When the executed Forms FHA-993 and the canceled promissory note are received from the holder, the County Supervisor will send Form FHA-993 to the Finance Office.

(vi) Upon receipt of Form FHA-993, the Finance Office will determine if the full amount owed the loan insurance account for the initial loan has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA-993. Finance Office records on the initial loan will be satisfied as a paid-in-full account, and the borrower's new account will be established in accordance with the information on the conformed copy of Form FHA-240 for the subsequent loan.

(vii) After the satisfaction or release of the mortgage for the initial loan and, when appropriate, Form FHA-366 have been recorded, the County Supervisor will deliver to the borrower the canceled promissory note, the satisfied mortgage, the instrument of satisfaction or release and, when appropriate, Form FHA-366.

(5) When subsequent loan is made by new lender: (i) When a subsequent loan to be made by a new lender is ready for closing, the County Supervisor will request a check by use of Form FHA-971 in the same manner as for an initial insured loan.

(ii) The subsequent loan check will be deposited in the borrower's supervised bank account on the date of loan closing.

(iii) The borrower will be requested to draw a check to the order of the Farmers Home Administration in the amount of the unpaid balance of principal and interest on the initial loan promissory note as of the date of loan closing, plus 10 days additional interest if an initial insured loan is being refinanced, but no additional interest if a direct loan is being being refinanced, the note, mortgage, refinanced. In case a direct loan is and satisfaction or release of the mortgage in connection with the direct loan will be handled in accordance with Part 366 of this chapter, except as modified by the closing instructions from the Attorney in Charge.

(iv) The borrower's check will be remitted to the Finance Office as final payment of the borrower's initial note account.

(v) Any overpayment of interest will be applied to the borrower's subsequent note account as a regular payment.

(vi) In case an insured loan is being refinanced, the County Supervisor will send Form FHA-993 to the Finance Office on the date of loan closing.

(vii) Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the borrower's initial insured note account as of the date of the U. S. Treasury check to be issued to the holder of the initial note, and if the amount owed the loan insurance account has been paid, the Director, Finance Office, will sign the original and two copies of Section II of Form FHA-993 and send them to the holder of the initial note; if the collection pays in full the outstanding balance of the borrower's initial direct loan account, the final payment will be processed in accordance with Part 366 of this chapter.

(viii) The Finance Office will establish the amount of the subsequent loan in accordance with the information on the conformed copy of Form FHA-240.

(ix) In case an insured loan is being refinanced, the Director, Finance Office, will inform the holder of the amount of the unpaid balance of principal and interest on the note account to the date of the U. S. Treasury check and request the holder to insert the date "Final Payment Received" (date of the U. S. Treasury check) and to execute Section I of the original and copy of Form FHA-993 upon receipt of the U. S. Treasury check, if the amount of the U. S. Treasury check is in agreement with his records. The holder will be requested to send the original and one copy of Form FHA-993, together with the canceled promissory note, to the County Supervisor. In case the lender holds the mortgage for the initial loan, the holder also will be advised to send to the County Supervisor the original real estate mortgage and an appropriate instrument of satisfaction or release of the real estate mortgage.

(x) Upon receipt in the County Office of the completed Form FHA-993, the original will be sent to the Finance Office. The County Office records will be adjusted to show a subsequent insured loan and the name of the lender. After the satisfaction or release of the mortgage for the initial loan and, when appropriate, Form FHA-366 have been recorded, the County Supervisor will deliver to the borrower the canceled promissory note, the satisfied mortgage, the instrument of satisfaction or release and, when appropriate, Form FHA-366.

(xi) Upon receipt of the completed original of Form FHA-993 in the Finance Office, the account for the initial insured loan will be closed.

(Secs. 1 (a), 12 (c), (d), (e) (1), (f) (1), and (h), 44 (b), 60 Stat. 1072, 1076, 1077, 1069, sec. 12 (j), added 62 Stat. 535, sec. 1 (c), 68 Stat. 525, sec. 16 (a) and (b), added 69 Stat. 553, 554; 7 U. S. C. 1001 (a), 1005b (c), (d), (e) (1), (f) (1), (h), and (j), 1006c (a) and (b), 1018 (b))

Dated: July 20, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-5996; Filed, July 24, 1956; 8:52 a. m.]

Subchapter E—Account Servicing

[FHA Instruction 451.5]

PART 361—ROUTINE

PAYMENT IN FULL AND REFINANCING OF INSURED FARM OWNERSHIP LOANS

The title of Subpart B of Part 361 in Title 6, Code of Federal Regulations (16 F. R. 6994, 12537), is revised to read "Subpart B—Payment in Full and Refinancing of Insured Farm Ownership Loans," § 361.30 (16 F. R. 6996, 17 F. R. 5, 60) is revoked (the provisions thereof having been revised and incorporated in Part 333 of this chapter), and §§ 361.26 to 361.29 (16 F. R. 6994, 17 F. R. 60, 2411) are redesignated and revised to read as follows:

SUBPART B—PAYMENT IN FULL AND REFINANCING OF INSURED FARM OWNERSHIP LOANS

Sec.
361.21 Scope.
361.22 General.
361.23 Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when holder finances purchaser.
361.24 Payment in full by refinancing with holder on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder.
361.25 Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured Farm Ownership loan from holder.

AUTHORITY: §§ 361.21 to 361.25 issued under sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 361.21 *Scope.* Sections 361.21 to 361.25 prescribe the authorities, policies, and procedures for processing the following servicing transactions for insured Farm Ownership loans:

(a) *Payment in full and refinancing—* (1) *Insured mortgage.* Payment in full and refinancing when the lender holds the note and mortgage. (In case the note and mortgage are held by the insurance fund, payment in full and refinancing will be handled in accordance with the provisions of Part 366 of this chapter.)

(2) *Insured mortgage assigned to Government in trust.* Payment in full and refinancing when the mortgage has been assigned in trust to the Government and the lender holds the note.

(3) *Insured note.* Payment in full and refinancing when the Government is named in the mortgage as the mortgagee and the lender holds the note.

(b) *Sale within program.* Payment in full as the result of sale (transfer) of farm within the program to another insured Farm Ownership loan applicant.

(c) *Sale outside program.* Payment in full as the result of sale of farm outside the program to a person not eligible for a Farm Ownership loan.

§ 361.22 *General.* The authorities, policies, and general procedures set out in this section are applicable to all types of transactions covered in §§ 361.21 to 361.25. Specific authorities and procedures applicable to particular types of transactions are set out in §§ 361.23 to 361.25. For the purposes of this subpart, the terms "lender" and "holder" mean the current holder of the insured note and, when applicable, also the insured mortgage and related instruments. The term "refinancing" means payment in full by refinancing except by means of a subsequent insured Farm Ownership loan.

(a) *Special restrictions.* The Bankhead-Jones Farm Tenant Act, as amended, and the security instrument taken in connection with each insured Farm Ownership loan provide that, without the consent of the Government, no final payment of an insured Farm Ownership loan will be accepted, nor release of mortgagee's interest made, in less than five years from the date of the mortgage relating to the loan. It is further provided that the farm or any interest therein may not be sold without consent of the Government and, when applicable, the consent of the holder. Subject to the policies and procedures prescribed in §§ 361.21 to 361.25, the County Supervisor is authorized, on behalf of the Government, to execute instruments of satisfaction, release or consent in connection with the payment in full or refinancing of an insured Farm Ownership loan or sale of the farm of an insured Farm Ownership borrower.

(b) *Loan insurance charges when loan is repaid*—(1) *Repayment of the loan after borrower has used loan funds.* In all cases of final payment or refinancing of insured loan indebtedness when the borrower has had use of all or any part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current, if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of the installment due date preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment or refinancing of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment or refinancing of the note account is accomplished by the exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the insured loan is refinanced. This will be the date entered in the space entitled "Final Payment Received" on Form FHA-993, "Notice of Receipt of Final Payment on Insured Loan."

(i) In addition, when the loan is repaid in less than five years by sale of the farm when profit making seems to be the only significant motive for the sale, the County Supervisor will advise the State Director of the circumstances. If the State Director finds that profit making is the only significant motive for the sale, the borrower will be required to pay an additional loan insurance charge in an amount equal to the loan insurance charge for the year in which the loan is paid in full. In such case, the State Director will inform the County Supervisor and the Finance Office that the additional charge should be added to any other loan insurance charges that the borrower may owe and that all such charges should be collected from the borrower on or before the date final payment is made on the note account.

(2) *Loan funds refunded in full after Farm Ownership loan closing.* If a borrower decides to refund in full his Farm Ownership loan, he will be required to pay a loan insurance charge from the date of loan closing to the date the U. S. Treasury check is remitted to the lender. In the event the borrower has prepaid his loan insurance charge, any overpayment will be refunded by the Finance Office unless the borrower has a delinquent loan account, in which case the overpayment will be applied to the delinquent loan account. (Interest will be charged on the note account from the date of loan closing to the date the U. S. Treasury check is remitted to the lender.)

(c) *Return of funds in supervised bank account.* Any Farm Ownership funds remaining in the borrower's supervised bank account will be withdrawn and remitted to the Finance Office for application on the borrowers' note account as a refund prior to the request for a statement of account.

(d) *Actions subsequent to final payment*—(1) *Satisfaction of mortgage*—(i) *By lender.* The holder of an insured mortgage (which has not been assigned to the Government in trust), upon receiving full payment of the note account, will execute the customary form of satisfaction or release of the real estate mortgage, unless otherwise provided by State Instruction in certain States using deeds of trust. Upon request of any holder of an insured mortgage, the County Supervisor will furnish an appropriate form of satisfaction or release previously prepared or approved for this purpose by the Attorney in Charge.

(ii) *By Government.* In case of payment in full or refinancing of an insured Farm Ownership loan for which the lender holds only the note, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, the County Supervisor will execute the customary form of satisfaction or release of the real estate mortgage on a form previously prepared or approved for this purpose by the Attorney in Charge, unless otherwise provided by State Instruction in certain States using deeds of trust.

(2) *Form FHA-366, "Consent and Release of Interest of United States."* In case of payment in full or refinancing of an insured Farm Ownership loan for which the lender holds the mortgage, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, the County Supervisor will prepare and execute Form FHA-366. Form FHA-366 will be delivered only after the note account and all loan insurance charges have been paid and a satisfaction or release of the real estate mortgage is ready to be delivered. Form FHA-366 will not be used when the Government is named as mortgagee in the mortgage.

(3) *Recordation of satisfaction and Form FHA-366.* The satisfaction or release of the real estate mortgage will be recorded, and the cost of such recording will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions or releases and to pay the cost of recording. When used, Form FHA-366 will be recorded normally along with the satisfaction or release. The cost of recording Form FHA-366 will not be borne by the Government, except when State law requires the mortgagee to pay such cost. Any recording cost required to be paid by the Government will be paid by voucher.

(4) *Special instructions.* If State law or custom provides for any special method or requirement for processing or executing the satisfaction or release or Form FHA-366, or if any problems arise as to satisfactions or releases to be executed by out-of-state lenders, the State Director will issue a State Instruction, approved by the Attorney in Charge.

(e) *Redemption date.* When a new insured loan is made, the fixed period for redemption will begin from the date of the new promissory note.

(f) *Closing instructions for new insured loan.* When a new insured loan is made, closing instructions will be issued by the Attorney in Charge, and each loan will be closed under the guidance of such instructions.

(Secs. 3 (b) (6), 12 (c) (4), 12 (e) (1), 12 (h), 60 Stat. 1074, 1076, 1077, sec. 12 (j), added 62 Stat. 535; 7 U. S. C. 1003 (b) (6), 1005b (c) (4), 1005b (e) (1), 1005b (h), 1005b (j))

§ 361.23 *Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when holder finances purchaser.* This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, the proceeds from refinancing with a new lender on a noninsured basis, the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, and the proceeds from the sale of a farm outside the program when a new lender furnishes the funds. The County Supervisor is authorized to approve all of the above transactions except that involving the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, in which case, the loan approval official is author-

ized to approve the transaction. The funds for final payment in all such cases will be processed through the Finance Office. The loan to a new borrower involving the sale (transfer) of a farm within the program when a new lender furnishes the funds, will be processed in accordance with the applicable provisions of Part 332 of this chapter. In such case, the loan check for the new borrower in the full amount of the new borrower's promissory note will be requested from the new lender in the same manner as for an initial insured Farm Ownership loan and, upon receipt of such loan check, final payment and satisfaction of the old borrower's loan will be handled as provided in this section, except as may be modified by the closing instructions from the Attorney in Charge.

(a) *Determining balance of indebtedness and collection.* When the borrower is ready to make his final payment, the County Supervisor will, upon receipt of Form FHA-635, "Certified Statement of Account," from the Finance Office, compute the amount necessary to repay in full the note and loan insurance accounts.

(1) The County Supervisor will collect from the borrower the full amount, if any, owed the loan insurance account and the balance of the principal and interest due on the note account. He will remit the collection to the Finance Office with Form FHA-993. Any overpayment will be refunded to the borrower by the Finance Office unless the borrower is delinquent on another loan account.

(2) Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(b) *Processing of final payment and Form FHA-993.* The County Supervisor will send Form FHA-993 to the Finance Office together with the final payment.

(c) *Finance Office action*—(1) *Adjustment of records.* If the collection pays in full the outstanding balance of the loan insurance account to the date of the receipt issued to the borrower, and the outstanding balance of the note account to the date of the U. S. Treasury check to be issued to the holder, the Director, Finance Office, will sign Form FHA-993 and will satisfy the Finance Office records as a fully paid account.

(2) *Notice to holder.* The Finance Office will furnish the original and two copies of Form FHA-993 to the holder and will advise the holder that the borrower has made final payment of the note account. The Finance Office will inform the holder of the unpaid balance of principal and interest on the note account to the date of the U. S. Treasury check and request the holder to insert the date "Final Payment Received" (date of U. S. Treasury check) and to execute Section I of the original and one copy of Form FHA-993 upon receipt of the U. S. Treasury check, if the amount of the U. S. Treasury check is in agreement with his records. In each case, the holder will be requested to send the original and one copy of Form FHA-993, together with the canceled promissory note, to the County Supervisor. In the case of an insured Farm Ownership loan for which the lender holds the mortgage, the holder also will be advised to send to the County Supervisor the original real estate mortgage and an instrument of satisfaction or release of the real estate mortgage in accordance with § 361.22 (d).

(d) *County Office action.* Upon receipt from the holder of the canceled promissory note and Form FHA-993, and in the case of an insured Farm Ownership loan for which the lender held the mortgage, also the real estate mortgage and an instrument of satisfaction or release, the County Supervisor will proceed as follows:

(1) In the case of an insured Farm Ownership loan for which the lender held the mortgage, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, an instrument of satisfaction and Form FHA-366 will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Except in the case of sale (transfer) of a farm within the program, any abstracts of title held by the Farmers Home Administration which are the property of the borrower also will be delivered to the borrower.

(2) In the case of an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, an instrument of satisfaction or release will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower.

(e) *Escrow arrangements.* In any case in which the new lender or purchaser insists upon a satisfaction or release of the mortgage and cancellation of the note at the time of delivering the funds for payment of the Farm Ownership loan in full, he will be advised that he may make his own escrow arrangements. All amounts owed by the borrower on the note and loan insurance accounts must be paid to the County Supervisor before or at the time the satisfaction and, if applicable, Form FHA-366 are delivered by the escrow agent. The note held by the old lender may be delivered to the escrow agent at the time of delivery of the satisfaction to the escrow agent. The escrow agent may cancel the note after all funds owed on the note and loan insurance accounts are paid to the County Supervisor and then forward the note to the borrower. No part of the expense for an escrow arrangement will be paid by the Government.

(Sec. 12 (c) (6), 60 Stat. 1076, sec. 12 (f), 60 Stat. 1077, as amended 62 Stat. 535; 7 U. S. C. 1005b (c) (6), 1005b (f))

§ 361.24 *Payment in full by refinancing with holder on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder.* This section applies when final payment of the insured loan indebtedness is to be made by refinancing by the holder on a noninsured basis, or by sale of the farm outside the program to a person obtaining a noninsured loan from the holder in an amount not less than the outstanding balance due on the insured note account. In either case, final payment of the note account may be accomplished by exchanging a noninsured note for the insured promissory note and, when applicable, by exchanging a noninsured mortgage for the insured mortgage. Since no funds are involved in final payment of the note account, only the amount, if any, owed the loan insurance account will be transmitted to the Finance Office.

(a) *Collection of loan insurance account.* When final payment of the note account of the insured borrower is to be accomplished by either of the above methods, the County Supervisor, upon receipt of Form FHA-835 from the Finance Office, will collect from the borrower the full amount, if any, owed the loan insurance account. If Form FHA-835 shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. He will remit the collection to the Finance Office.

(b) *Processing of Form FHA-993.* The County Supervisor will furnish the original and two copies of Form FHA-993 to the holder and will inform the holder of the outstanding balance of principal and interest on the insured note account as of the date of Form FHA-835 and the daily rate of accrual of interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA-993, and return to the County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note. If the lender holds the mortgage, the County Supervisor also will request the holder to return the satisfied mortgage. If requested by the holder, the County Supervisor will file for recordation any instrument of satisfaction or release of the mortgage furnished by the holder.

(c) *Finance Office action.* Upon receipt of Form FHA-993 from the County Supervisor, the Finance Office will determine if the full amount owed the insurance account has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA-993 and the Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action*—(1) *Insured mortgage or insured mortgage assigned to the Government in trust.* For an insured Farm Ownership loan for which the lender held the mortgage, or for an insured Farm Ownership loan for which the mortgage has been assigned in trust to the Government, the County Supervisor, upon receipt of the completed copy of Form FHA-993 from the Finance Office, will sign and acknowledge Form FHA-366. For an insured Farm Owner-

ship loan for which the lender held the mortgage Form FHA-366 will be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. For an insured Farm Ownership loan for which the mortgage has been assigned in trust to the Government, an instrument of satisfaction or release and Form FHA-366 will be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. The canceled promissory note, the satisfied real estate mortgage, and any abstracts of title held by the Farmers Home Administration which are the property of the borrower will be delivered to the borrower.

(2) *Insured note.* For an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, an instrument of satisfaction or release will, upon receipt of the completed copy of Form FHA-993 from the Finance Office, be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower.

(Sec. 12 (f), 60 Stat. 1077, as amended, 62 Stat. 535; 7 U. S. C. 1005b (f))

§ 361.25 *Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured Farm Ownership loan from holder.* This section applies when an insured Farm Ownership borrower sells his farm to an eligible applicant who obtains an insured loan from the holder in an amount not less than the outstanding balance due on the insured note account.

(a) *General.* (1) The transfer of ownership of an insured Farm Ownership borrower's farm to another eligible applicant will be accomplished by refinancing the initial loan.

(2) Final payment of the old borrower's note account will be accomplished by exchanging the new borrower's promissory note for the promissory note, and, when applicable, the mortgage of the old borrower, and additional funds, if any. Since no funds are involved in final payment of the note account, only the collection of any amount owed the loan insurance account will be transmitted to the Finance Office.

(3) The insured loan to the new borrower may include funds for any purpose authorized in connection with an initial insured Farm Ownership loan.

(b) *Determining balance of indebtedness and collection of loan insurance account.* Upon receipt of Form FHA-835, the County Supervisor will compute the amount necessary to pay the old borrower's note account in full and any balance due on his loan insurance account as of the date of closing the new insured loan. On or before closing the new insured loan, the County Supervisor will collect from the old borrower the full amount, if any, he owes the loan insurance account.

(c) *Loan docket for new borrower.* (1) A loan docket, including an option from the old borrower, will be prepared for the new borrower in accordance with Part 332 of this chapter as in the case of an initial insured loan. The new borrower will pay the usual appraisal fee.

(2) Loan limitations will apply as in the case of an initial insured loan.

(3) Title clearance will be required as in the case of an initial insured loan.

(d) *Loan insurance charge for new borrower.* The new borrower will be required to pay an initial loan insurance charge from the date his insured loan is closed to the next January 1. The charge must be paid by the new borrower even though the old borrower has paid a loan insurance charge covering the same period.

(e) *Down payment for new borrower.* On or before the date of loan closing, the new borrower will be required to deposit in a supervised bank account a down payment of not less than the amount required in the case of an initial insured Tenant Purchase loan.

(f) *Actions prior to closing.* Upon approval of the loan to the new borrower, the holder will be informed by the State Director that, upon closing of the insured loan, the new borrower's note will be sent to him to be substituted for the old borrower's promissory note and that a check for the additional advance, if any, will be requested from him at that time. If the holder does not desire to proceed with the transaction, the County Supervisor will be so informed, and the sale (transfer) of the farm within the program will be completed by having a new lender furnish the funds for making the new insured loan. (See § 361.23.)

(g) *Loan closing actions.* The loan to the new borrower will be closed in accordance with closing instructions received from the Attorney in Charge. When additional funds are to be advanced to the new borrower, the loan will be closed before the County Supervisor requests the loan check for the new borrower in the amount of such additional funds.

(1) The County Supervisor will calculate the unpaid balance of principal and interest on the old borrower's promissory note as of the date the insured loan to the new borrower is closed. The difference, if any, between such unpaid balance on the old borrower's promissory note and the amount of the new borrower's promissory note will be the amount of the loan check to be requested from the holder. Form FHA-971, "Request for Check," will be used to request such loan check.

(2) The County Supervisor will send to the State Director Form FHA-993, the new borrower's promissory note, and, when appropriate, Form FHA-971 modified to fit the circumstances and with an explanatory statement attached.

(3) The State Director will deliver to the holder the original and two copies of Form FHA-993, the original of the new borrower's promissory note, and, when appropriate, the original of Form FHA-971 with the explanatory attachment mentioned above. Form FHA-971 will be attested as in the case of an initial insured Farm Ownership loan. The State Director will inform the holder of the amount of the unpaid balance of principal and interest on the old borrower's promissory note as of the date of closing the insured loan for the new borrower which will be the date of final payment shown on Form FHA-993. The State Director will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA-993, and return to the appropriate County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note of the old borrower. If the lender holds the old mortgage, the State Director also will request the holder to return to the County Supervisor the mortgage and an appropriate instrument of satisfaction or release of the mortgage. If the amount of the new borrower's promissory note is in excess of the unpaid balance of principal and interest on the old borrower's promissory note, the State Director will request the holder to send a check to the County Supervisor drawn to the order of the new borrower in the amount of the difference as specified on Form FHA-971.

(4) On the date of loan closing, the County Supervisor will collect from the new borrower the appraisal fee and the initial loan insurance charge and transmit these collections to the Finance Office in the usual manner. When the executed Form FHA-993 is received from the holder, it will be sent to the Finance Office.

(h) *Final actions on old borrower's account*—(1) *Finance Office action.* Upon receipt of Form FHA-993, the Finance Office will determine if the full amount owed the loan insurance account of the old borrower has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA-993. Finance Office records on the old borrower will be satisfied as a paid-in-full account.

(2) *County Office action.* After the satisfaction or release and, when appropriate, Form FHA-366 have been recorded, the County Supervisor will deliver to the old borrower the canceled promissory note, the satisfied real estate mortgage, the instrument of satisfaction or release of the mortgage and, when appropriate, Form FHA-366.

(Secs. 1, 2, 12, 44, 60 Stat. 1072, 1073, 1076, 1068, secs. 3, 4, 62 Stat. 534, 535, sec. 1 (c), 68 Stat. 525, sec. 16 (a) and (b), added 69 Stat. 553, 554; 7 U. S. C. 1001, 1002, 1005b, 1006a (a) and (b), 1018)

Dated: July 20, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-5997; Filed, July 24, 1956; 8:52 a. m.]

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

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 5, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN RE-EXTENDED RESEAL LOAN PROGRAM

A re-extended reseal loan program has been announced for 1953-crop corn.

The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705, and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplements 1, 2, 3, and 4, Corn (18 F. R. 5359, 6983, 19 F. R. 1595, 2712, 5591, 6809, and 20 F. R. 3584, 4101), containing the specific requirements for the 1953-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.263 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, and 4, Corn.
421.264 Availability.
421.265 Eligible corn.
421.266 Approved storage.
421.267 Quantity eligible for re-extended reseal loan.
421.268 Service charges.
421.269 Set-offs.
421.270 Storage and track-loading payments.
421.271 Maturity and satisfaction.
421.272 Support rates.

AUTHORITY: §§ 421.263 to 421.272 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.263 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, and 4, Corn.* The following sections of the 1953 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, and 4, Corn, as amended, published in 18 F. R. 1960, 3705, 5359, 6983, 19 F. R. 1149, 1595, 2712, 5591, 6809, and 20 F. R. 3584, 4101, shall be applicable to the 1953 Corn Re-extended Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.70 *Interest rate;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.55 *Determination of quantity;* § 421.255 *Approved forms;* § 421.258 *Transfer of producer's equity;* § 421.64 *Eligible producer.* Other sections of 1953 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, and 4, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.264 *Availability*—(a) *Area and scope.* The re-extended reseal program will be available in all counties where 1953-crop corn is under extended reseal loan except in angoumois moth areas designated by the ASC State committee: *Provided, however,* That the program will be available only where ASC State committees determine that there may be a shortage of space and that the corn can be safely stored on the farm for the period of the re-extended reseal loan. This program provides, under certain circumstances, for the re-extension of 1953-crop corn farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has an extended reseal loan and who desires to extend such loan must make application to the county committee which approved his extended reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

§ 421.265 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.53 (a), (b), (c), and (e) of 1953 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; and (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (4) must, in addition, meet the sanitation requirements set forth in paragraph (b) of this section.

(b) *Sanitation requirements.* The corn (1) must be of a quality which meets the sanitation requirements, if any, of the Federal Food and Drug Administration in effect at the time the reseal loan is re-extended, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(c) *Inspection.* If a producer makes application to re-extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(d) *Determination of quality.* Quality determinations shall be made as set forth in § 421.56: *Provided,* That determinations, if any, with respect to sanitation requirements specified in paragraph (b) of this section shall be made in accordance with instructions issued by CCC.

§ 421.266 *Approved storage.* Corn covered by any re-extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1957, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1957.

§ 421.267 *Quantity eligible for re-extended reseal loan.* The quantity of corn eligible for a re-extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.268 *Service charges.* When a reseal loan is re-extended, the producer will not be required to pay an additional service charge.

§ 421.269 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s) made under the Farm Storage Facility Loan Program, or the Mobile Drying Equipment Loan Program, any storage payment due the producer for storage of the corn in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due and (c) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.270 *Storage and track-loading payments*—(a) *Storage payment for 1955–56 storage period.* (1) A producer who reextends his farm-storage reseal loan will at the time of reextension of the reseal loan receive a payment for earned storage during the 1955–56 extended reseal loan period. This payment will be computed at the rate of 15 cents per bushel on the quantity of corn held in farm storage for the full reseal period, ending July 31, 1956. The storage payment will be disbursed to the producer by the office of the ASC county committee.

(b) *Storage payment for 1956–57 storage period.* A storage payment for the 1956–57 extended reseal storage period will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1957, (ii) delivers corn to CCC on or after July 31, 1957, or (iii) delivers corn to CCC prior to July 31, 1957, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the corn was not damaged or otherwise impaired.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of 0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1956, will be made to the producer (i) in the case of loss assumed by CCC under

under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1957, and (iii) in the case of corn delivered to CCC prior to July 31, 1957, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however*, That no storage payment will be made with respect to corn so delivered which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(c) *Adjustment upon delivery*. Upon delivery of 1953-crop corn to CCC, the quantity shall be determined by weighing. The quantity so determined shall be used to determine the actual quantity that was held in farm storage under the reseal, extended reseal, and re-extended reseal loan programs. The storage payments previously made to the producer when the reseal loan was extended and re-extended, covering the 1954–55 and 1955–56 storage periods, will be recomputed on the basis of the actual quantity determined to have been covered by the reseal loan and extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the reseal and extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer when the reseal loan was extended and re-extended shall be collected from the producer.

(d) *Track-loading payment*. A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.271 *Maturity and satisfaction*. Re-extended reseal loans will mature on demand but not later than July 31, 1957. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn, he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under re-extended reseal loan is stored. The provisions of § 421.18 (a), (c), (e), and (f) and of § 421.60 (a) shall be applicable: *Provided*, That, if upon delivery, the corn is of a quality which does not meet sanitation requirements (§ 421.265 (b)) in effect at the time the loan was re-extended, the corn, in the event of failure to meet the requirements of §421.265 (b) (1), shall be sold for feed, or for industrial uses other than food or beverages, and, in the event of failure to meet the requirements of § 421.265 (b) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further*, That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

§ 421.272 *Support rates*. (a) The support rate for a re-extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.58 (b), shall be applicable in determining the settlement value.

Issued this 19th day of July 1956.

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

[F. R. Doc. 56-5903; Filed, July 24, 1956; 8:51 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat (21 F. R. 4000), containing specific requirements applicable to price support operations on the 1956 wheat crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.1643 as follows:

(d) *Support rates*. Basic support rates for wheat placed under loan or delivered under purchase agreements are set forth in this paragraph.

(1) *Basic support rates at designated terminal markets*. Basic support rates per bushel for Grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel	
	Wheat produced in commercial area	Wheat produced in noncommercial area
Astoria, Oreg	$2.23	$1.67
Portland, Oreg	2.23	1.67
Longview, Wash	2.23	1.67
Seattle, Wash	2.23	1.67
Tacoma, Wash	2.23	1.67
Vancouver, Wash	2.23	1.67
Los Angeles, Calif	2.31	1.73
Oakland, Calif	2.31	1.73
San Francisco, Calif	2.31	1.73
Stockton, Calif	2.31	1.73
Atchison, Kans	2.31	1.73
Council Bluffs, Iowa	2.31	1.73
Kansas City, Kans	2.31	1.73
Kansas City, Mo	2.31	1.73
Louisville, Ky	2.31	1.73
Saint Joseph, Mo	2.31	1.73
Omaha, Nebr	2.31	1.73
Sioux City, Iowa	2.31	1.73
Duluth, Minn	2.34	1.76
Minneapolis, Minn	2.34	1.76
St. Paul, Minn	2.34	1.76
Superior, Wis	2.34	1.76
Cairo, Ill	2.31	1.73
Chicago, Ill	2.31	1.73
East St. Louis, Ill	2.31	1.73
Memphis, Tenn	2.31	1.73
Milwaukee, Wis	2.31	1.73
St. Louis, Mo	2.31	1.73
Albany, N. Y	2.43	1.82
Baltimore, Md	2.43	1.82
Norfolk, Va	2.43	1.82
Philadelphia, Pa	2.43	1.82
New York, N. Y	2.43	1.82
Corpus Christi, Tex	2.46	1.84
Galveston, Tex	2.46	1.84
Houston, Tex	2.46	1.84
New Orleans, La	2.46	1.84

(2) *Basic county support rates*. (i) The following basic county support rates per bushel are established for Grade No. 1 wheat. Both farm-storage and county warehouse-storage loans, except as otherwise provided in paragraph (b) of § 421.1643, will be made at the support rate established for the county in which the wheat is stored: *Provided, however*, That if the wheat is produced in the commercial wheat-producing area and stored outside the commercial producing area, or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the rate shall be the applicable rate where stored, adjusted to the percentage level applicable to where the wheat was produced.

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

ALABAMA

County	Rate per bushel
All counties	$1.63

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.22	Mohave	$1.28
Cochise	1.47	Navajo	1.22
Coconino	1.30	Pima	1.54
Gila	1.30	Pinal	1.56
Graham	1.33	Santa Cruz	1.43
Greenlee	1.33	Yavapai	1.38
Maricopa	1.56	Yuma	1.58

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$2.03	Lee	$2.10
Ashley	2.08	Lincoln	2.05
Baxter	1.99	Little River	2.08
Benton	1.95	Logan	1.95
Boone	1.90	Lonoke	2.05
Bradley	2.07	Madison	1.95
Calhoun	2.06	Marion	1.98
Carroll	1.95	Miller	2.09
Chicot	2.08	Mississippi	2.09
Clark	2.08	Monroe	2.06
Clay	2.07	Montgomery	2.05
Cleburne	2.05	Nevada	2.08
Cleveland	2.05	Newton	1.97
Columbia	2.09	Ouachita	2.03
Conway	2.01	Perry	2.00
Craighead	2.08	Phillips	2.06
Crawford	1.95	Pike	2.08
Crittenden	2.13	Poinsett	2.11
Cross	2.10	Polk	2.08
Dallas	2.07	Pope	1.99
Desha	2.06	Prairie	2.05
Drew	2.07	Pulaski	2.03
Faulkner	2.01	Randolph	2.07
Franklin	1.96	St. Francis	2.10
Fulton	1.98	Saline	2.03
Garland	2.05	Scott	2.00
Grant	2.05	Searcy	1.90
Greene	2.07	Sebastian	1.97
Hempstead	2.08	Sevier	2.08
Hot Spring	2.08	Sharp	2.03
Howard	2.08	Stone	2.02
Independence	2.05	Union	2.09
Izard	2.01	Van Buren	1.99
Jackson	2.07	Washington	1.95
Jefferson	2.03	White	2.06
Johnson	1.98	Woodruff	2.06
Lafayette	2.09	Yell	2.02
Lawrence	2.07		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$2.18	Plumas	$1.96
Alpine	1.99	Riverside	2.13
Amador	2.12	Sacramento	2.14
Butte	2.10	San Benito	2.14
Calaveras	2.12	San Bernardino	2.16
Colusa	2.11	San Diego	2.12
Contra Costa	2.18	San Joaquin	2.15
El Dorado	2.09	San Luis Obispo	2.10
Fresno	2.11	San Mateo	2.19
Glenn	2.09	Santa Barbara	2.11
Humboldt	1.94	Santa Clara	2.18
Imperial	2.09	Santa Cruz	2.15
Inyo	1.96	Shasta	2.04
Kern	2.11	Sierra	1.97
Kings	2.11	Siskiyou	1.95
Lake	2.12	Solano	2.17
Lassen	1.95	Sonoma	2.17
Los Angeles	2.17	Stanislaus	2.14
Madera	2.13	Sutter	2.12
Marin	2.18	Tehama	2.08
Mariposa	2.15	Tulare	2.11
Mendocino	2.10	Tuolumne	2.15
Merced	2.14	Ventura	2.17
Modoc	1.89	Yola	2.14
Mono	1.94	Yuba	2.13
Monterey	2.12		
Napa	2.17		
Orange	2.15		
Placer	2.13		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.95	Douglas	$1.95
Alamosa	1.85	Eagle	1.78
Arapahoe	1.95	Elbert	1.95
Archuleta	1.77	El Paso	1.95
Baca	1.96	Fremont	1.91
Bent	1.95	Garfield	1.77
Boulder	1.95	Grand	1.81
Chaffee	1.82	Huerfano	1.93
Cheyenne	1.97	Jackson	1.48
Conejos	1.84	Jefferson	1.95
Costilla	1.85	Kiowa	1.96
Crowley	1.95	Kit Carson	1.97
Custer	1.89	La Plata	1.77
Delta	1.77	Larimer	1.95
Denver	1.95	Las Animas	1.94
Dolores	1.63	Lincoln	1.95

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Logan	$1.95	Pueblo	$1.95
Mesa	1.77	Rio Blanco	1.77
Moffat	1.77	Rio Grande	1.84
Montezuma	1.67	Routt	1.77
Montrose	1.77	Saguache	1.84
Morgan	1.95	San Miguel	1.70
Otero	1.95	Sedgwick	1.98
Ouray	1.77	Summit	1.81
Phillips	1.97	Washington	1.95
Pitkin	1.77	Weld	1.95
Prowers	1.96	Yuma	1.96

CONNECTICUT

All counties $1.66

DELAWARE

County	Rate per bushel
Kent	$2.25
New Castle	2.25
Sussex	2.24

FLORIDA

All counties $1.63

GEORGIA

All counties $2.20

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.79	Gem	$1.80
Adams	1.77	Gooding	1.74
Bannock	1.75	Idaho	1.87
Bear Lake	1.78	Jefferson	1.74
Benewah	1.89	Jerome	1.74
Bingham	1.74	Kootenai	1.88
Blaine	1.73	Latah	1.89
Boise	1.79	Lemhi	1.74
Bonner	1.86	Lewis	1.86
Bonneville	1.74	Lincoln	1.74
Boundary	1.84	Madison	1.74
Butte	1.74	Minidoka	1.74
Camas	1.72	Nez Perce	1.89
Canyon	1.80	Oneida	1.75
Caribou	1.75	Owyhee	1.79
Cassia	1.75	Payette	1.81
Clark	1.74	Power	1.75
Clearwater	1.89	Shoshone	1.86
Custer	1.74	Teton	1.73
Elmore	1.77	Twin Falls	1.77
Franklin	1.75	Valley	1.78
Fremont	1.74	Washington	1.82

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Iroquois	$2.10
Alexander	2.10	Jackson	2.10
Bond	2.12	Jasper	2.09
Boone	2.12	Jefferson	2.10
Brown	2.08	Jersey	2.12
Bureau	2.10	Jo Daviess	2.08
Calhoun	2.11	Johnson	2.04
Carroll	2.09	Kane	2.13
Cass	2.10	Kankakee	2.13
Champaign	2.10	Kendall	2.13
Christian	2.10	Knox	2.08
Clark	2.09	Lake	2,14
Clay	2.10	LaSalle	2.11
Clinton	2.12	Lawrence	2.09
Coles	2.10	Lee	2.10
Cook	2.14	Livingston	2.10
Crawford	2.08	Logan	2.10
Cumberland	2.10	McDonough	2.08
De Kalb	2.12	McHenry	2.12
DeWitt	2.10	McLean	2.10
Douglas	2.10	Macon	2.10
DuPage	2.14	Macoupin	2.12
Edgar	2.10	Madison	2.13
Edwards	2.08	Marion	2.10
Effingham	2.10	Marshall	2.10
Fayette	2.10	Mason	2.10
Ford	2.10	Massac	2.09
Franklin	2.10	Menard	2.10
Fulton	2.09	Mercer	2.07
Gallatin	2.05	Monroe	2.12
Greene	2.12	Montgomery	2.11
Grundy	2.12	Morgan	2.10
Hamilton	2.09	Moultrie	2.10
Hancock	2.07	Ogle	2.11
Hardin	2.02	Peoria	2.10
Henderson	2.07	Perry	2.10
Henry	2.09	Piatt	2.10

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Pike	$2.09	Stephenson	$2.09
Pope	2.05	Tazewell	2.10
Pulaski	2.10	Union	2.10
Putnam	2.10	Vermilion	2.10
Randolph	2.10	Wabash	2.07
Richland	2.09	Warren	2.08
Rock Island	2.08	Washington	2.10
Saint Clair	2.12	Wayne	2.08
Saline	2.05	White	2.06
Sangamon	2.10	Whiteside	2.09
Schuyler	2.09	Will	2.14
Scott	2.10	Williamson	2.10
Shelby	2.10	Winnebago	2.10
Stark	2.10	Woodford	2.10

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.04	Lawrence	$2.11
Allen	2.05	Madison	2.05
Bartholomew	2.11	Marion	2.07
Benton	2.07	Marshall	2.07
Blackford	2.06	Martin	2.06
Boone	2.07	Miami	2.07
Brown	2.07	Monroe	2.13
Carroll	2.08	Montgomery	2.06
Cass	2.08	Morgan	2.06
Clark	2.15	Newton	2.09
Clay	2.04	Noble	2.06
Clinton	2.07	Ohio	2.08
Crawford	2.11	Orange	2.13
Daviess	2.04	Owen	2.06
Dearborn	2.08	Parke	2.06
Decatur	2.10	Perry	2.07
De Kalb	2.05	Pike	2.06
Delaware	2.04	Porter	2.11
Dubois	2.08	Posey	2.04
Elkhart	2.07	Pulaski	2.09
Fayette	2.07	Putnam	2.07
Floyd	2.10	Randolph	2.05
Fountain	2.05	Ripley	2.08
Franklin	2.07	Rush	2.07
Fulton	2.08	Saint Joseph	2.07
Gibson	2.04	Scott	2.11
Grant	2.06	Shelby	2.07
Greene	2.06	Spencer	2.09
Hamilton	2.06	Starke	2.08
Hancock	2.07	Steuben	2.05
Harrison	2.08	Sullivan	2.03
Hendricks	2.07	Switzerland	2.08
Henry	2.05	Tippecanoe	2.07
Howard	2.07	Tipton	2.06
Huntington	2.05	Union	2.07
Jackson	2.11	Vanderburgh	2.09
Jasper	2.11	Vermillion	2.06
Jay	2.05	Vigo	2.08
Jefferson	2.09	Wabash	2.07
Jennings	2.09	Warren	2.07
Johnson	2.08	Warrick	2.07
Knox	2.05	Washington	2.13
Kosciusko	2.06	Wayne	2.05
Lagrange	2.06	Wells	2.04
Lake	2.12	White	2.10
La Porte	2.09	Whitley	2.06

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.10	Dallas	$2.09
Adams	2.11	Davis	2.05
Allamakee	2.09	Decatur	2.08
Appanoose	2.06	Delaware	2.08
Audubon	2.12	Des Moines	2.06
Benton	2.08	Dickinson	2.10
Black Hawk	2.08	Dubuque	2.07
Boone	2.08	Emmet	2.11
Bremer	2.09	Fayette	2.09
Buchanan	2.08	Floyd	2.10
Buena Vista	2.08	Franklin	2.09
Butler	2.09	Fremont	2.14
Calhoun	2.09	Greene	2.09
Carroll	2.11	Grundy	2.08
Cass	2.11	Guthrie	2.10
Cedar	2.06	Hamilton	2.08
Cerro Gordo	2.10	Hancock	2.10
Cherokee	2.09	Hardin	2.08
Chickasaw	2.10	Harrison	2.14
Clarke	2.08	Henry	2.05
Clay	2.09	Howard	2.11
Clayton	2.08	Humboldt	2.09
Clinton	2.07	Ida	2.10
Crawford	2.12	Iowa	2.06

Iowa—Coninued

County	Rate per bushel	County	Rate per bushel
Jackson	$2.07	Plymouth	$2.10
Jasper	2.07	Pocahontas	2.08
Jefferson	2.04	Polk	2.08
Johnson	2.06	Pottawattamie	2.15
Jones	2.07	Poweshiek	2.06
Keokuk	2.04	Ringgold	2.08
Kossuth	2.10	Sac	2.09
Lee	2.06	Scott	2.07
Linn	2.08	Shelby	2.13
Louisa	2.06	Sioux	2.09
Lucas	2.08	Story	2.08
Lyon	2.08	Tama	2.08
Madison	2.08	Taylor	2.10
Mahaska	2.05	Union	2.10
Marion	2.06	Van Buren	2.05
Marshall	2.08	Wapello	2.05
Mills	2.15	Warren	2.08
Mitchell	2.11	Washington	2.05
Monona	2.12	Wayne	2.07
Monroe	2.06	Webster	2.08
Montgomery	2.13	Winnebago	2.11
Muscatine	2.06	Winneshiek	2.10
O'Brien	2.08	Woodbury	2.10
Osceola	2.09	Worth	2.11
Page	2.13	Wright	2.09
Palo Alto	2.10		

Kansas

County	Rate per bushel	County	Rate per bushel
Allen	$2.10	Linn	$2.10
Anderson	2.11	Logan	2.00
Atchison	2.13	Lyon	2.09
Barber	2.03	McPherson	2.05
Barton	2.03	Marion	2.05
Bourbon	2.10	Marshall	2.09
Brown	2.12	Meade	2.00
Butler	2.05	Miami	2.13
Chase	2.08	Mitchell	2.05
Chautauqua	2.08	Montgomery	2.09
Cherokee	2.09	Morris	2.07
Cheyenne	1.99	Morton	1.96
Clark	2.01	Nemaha	2.10
Clay	2.07	Neosho	2.10
Cloud	2.06	Ness	2.03
Coffey	2.10	Norton	2.03
Comanche	2.02	Osage	2.10
Cowley	2.05	Osborne	2.05
Crawford	2.10	Ottawa	2.05
Decatur	2.01	Pawnee	2.03
Dickinson	2.06	Phillips	2.03
Doniphan	2.13	Pottawatomie	2.10
Douglas	2.13	Pratt	2.03
Edwards	2.03	Rawlins	2.00
Elk	2.08	Reno	2.05
Ellis	2.03	Republic	2.06
Ellsworth	2.05	Rice	2.05
Finney	2.00	Riley	2.09
Ford	2.02	Rooks	2.04
Franklin	2.13	Rush	2.03
Geary	2.08	Russell	2.04
Gove	2.01	Saline	2.05
Graham	2.03	Scott	2.00
Grant	1.99	Sedgwick	2.05
Gray	2.01	Seward	1.99
Greeley	1.99	Shawnee	2.10
Greenwood	2.08	Sheridan	2.01
Hamilton	1.99	Sherman	1.99
Harper	2.05	Smith	2.05
Harvey	2.05	Stafford	2.03
Haskell	2.00	Stanton	1.98
Hodgeman	2.03	Stevens	1.99
Jackson	2.11	Sumner	2.05
Jefferson	2.13	Thomas	2.00
Jewell	2.05	Trego	2.03
Johnson	2.13	Wabaunsee	2.09
Kearny	1.99	Wallace	1.99
Kingman	2.05	Washington	2.07
Kiowa	2.03	Wichita	1.99
Labette	2.09	Wilson	2.09
Lane	2.01	Woodson	2.10
Leavenworth	2.13	Wyandotte	2.13
Lincoln	2.05		

Kentucky

County	Rate per bushel	County	Rate per bushel
Adair	$2.14	Bath	$2.15
Allen	2.13	Bell	2.14
Anderson	2.15	Boone	2.14
Ballard	2.11	Bourbon	2.16
Barren	2.13	Boyd	2.16

Kentucky—Continued

County	Rate per bushel	County	Rate per bushel
Boyle	$2.16	Lee	$2.15
Bracken	2.15	Lewis	2.16
Breathitt	2.14	Lincoln	2.16
Breckenridge	2.12	Livingston	2.11
Bullitt	2.14	Logan	2.12
Butler	2.12	Lyon	2.12
Caldwell	2.12	McCracken	2.11
Calloway	2.11	McCreary	2.14
Campbell	2.14	McLean	2.11
Carlisle	2.11	Madison	2.16
Carroll	2.14	Magoffin	2.14
Carter	2.15	Marion	2.15
Casey	2.15	Marshall	2.11
Christian	2.12	Mason	2.15
Clark	2.16	Meade	2.12
Clay	2.14	Menifee	2.14
Clinton	2.15	Mercer	2.16
Crittenden	2.11	Metcalfe	2.13
Cumberland	2.14	Monroe	2.14
Daviess	2.11	Montgomery	2.15
Edmonson	2.12	Morgan	2.14
Elliott	2.15	Muhlenberg	2.12
Estill	2.15	Nelson	2.15
Fayette	2.16	Nicholas	2.15
Fleming	2.15	Ohio	2.12
Franklin	2.15	Oldham	2.14
Fulton	2.11	Owen	2.15
Gallatin	2.14	Owsley	2.14
Garrard	2.16	Pendleton	2.15
Grant	2.15	Powell	2.15
Graves	2.11	Pulaski	2.16
Grayson	2.13	Robertson	2.15
Green	2.15	Rockcastle	2.16
Greenup	2.16	Rowan	2.16
Hancock	2.12	Russell	2.14
Hardin	2.13	Scott	2.15
Harrison	2.15	Shelby	2.14
Hart	2.13	Simpson	2.13
Henderson	2.11	Spencer	2.14
Henry	2.14	Taylor	2.15
Hickman	2.11	Todd	2.12
Hopkins	2.12	Trigg	2.12
Jackson	2.14	Trimble	2.14
Jefferson	2.14	Union	2.11
Jessamine	2.16	Warren	2.12
Johnson	2.14	Washington	2.16
Kenton	2.14	Wayne	2.15
Knox	2.14	Webster	2.11
Larue	2.14	Whitley	2.14
Laurel	2.15	Wolfe	2.14
Lawrence	2.15	Woodford	2.16

Louisiana

All counties ---------- $1.56

Maine

All counties ---------- $1.63

Maryland

County	Rate per bushel	County	Rate per bushel
Allegany	$2.15	Howard	$2.27
Anne Arundel	2.22	Kent	2.25
Baltimore	2.23	Montgomery	2.23
Calvert	2.20	Prince Georges	2.21
Caroline	2.25	Queen Annes	2.25
Carroll	2.23	St. Marys	2.20
Cecil	2.23	Somerset	2.23
Charles	2.20	Talbot	2.25
Dorchester	2.24	Washington	2.18
Frederick	2.22	Wicomico	2.24
Garrett	2.10	Worcester	2.23
Harford	2.23		

Massachusetts

All counties ---------- $1.65

Michigan

County	Rate per bushel	County	Rate per bushel
Alcona	$1.94	Benzie	$2.01
Alger	2.00	Berien	2.07
Allegan	2.04	Branch	2.04
Alpena	1.93	Calhoun	2.04
Antrim	1.92	Cass	2.07
Arenac	1.95	Charlevoix	1.91
Baraga	2.05	Cheboygan	1.92
Barry	2.03	Chippewa	1.92
Bay	2.01	Clare	2.01

Michigan—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$2.03	Manistee	$1.98
Crawford	1.95	Marquette	2.04
Delta	1.99	Mason	1.97
Dickinson	1.99	Mecosta	1.98
Eaton	2.03	Menominee	2.00
Emmet	1.91	Midland	2.01
Genesee	2.03	Missaukee	1.97
Gladwin	1.99	Monroe	2.06
Gogebic	2.08	Montcalm	2.01
Grand Traverse	1.95	Montmorency	1.93
Gratiot	2.03	Muskegon	2.01
Hillsdale	2.03	Newaygo	2.00
Houghton	2.02	Oakland	2.04
Huron	2.00	Oceana	1.98
Ingham	2.03	Ogemaw	1.99
Ionia	2.03	Ontonagon	2.00
Iosco	1.95	Osceola	1.98
Iron	2.01	Oscoda	1.99
Isabella	2.00	Otsego	1.92
Jackson	2.04	Ottawa	2.03
Kalamazoo	2.06	Presque Isle	1.92
Kalkaska	1.92	Roscommon	1.99
Kent	2.03	Saginaw	2.03
Keweenaw	2.02	Saint Clair	2.05
Lake	1.98	Saint Joseph	2.06
Lapeer	2.03	Sanilac	2.03
Leelanau	1.92	Schoolcraft	1.99
Lenawee	2.05	Shiawassee	2.03
Livingston	2.03	Tuscola	2.02
Luce	1.92	Van Buren	2.05
Mackinac	1.92	Washtenaw	2.05
Macomb	2.06	Wayne	2.05
		Wexford	1.98

Minnesota

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.15	Martin	$2.12
Anoka	2.18	Meeker	2.16
Becker	2.09	Mille Lacs	2.16
Beltrami	2.10	Morrison	2.13
Benton	2.15	Mower	2.12
Big Stone	2.10	Murray	2.11
Blue Earth	2.14	Nicollet	2.15
Brown	2.14	Nobles	2.09
Carlton	2.17	Norman	2.08
Carver	2.18	Olmsted	2.13
Cass	2.13	Otter Tail	2.11
Chippewa	2.12	Pennington	2.07
Chisago	2.16	Pine	2.15
Clay	2.09	Pipestone	2.10
Clearwater	2.09	Polk	2.07
Cottonwood	2.12	Pope	2.12
Crow Wing	2.13	Ramsey	2.18
Dakota	2.18	Red Lake	2.08
Dodge	2.14	Redwood	2.13
Douglas	2.12	Renville	2.14
Faribault	2.12	Rice	2.16
Fillmore	2.11	Rock	2.09
Freeborn	2.13	Roseau	2.06
Goodhue	2.15	Saint Louis	2.14
Grant	2.11	Scott	2.18
Hennepin	2.19	Sherburne	2.17
Houston	2.11	Sibley	2.15
Hubbard	2.11	Stearns	2.15
Isanti	2.16	Steele	2.14
Itasca	2.14	Stevens	2.12
Jackson	2.11	Swift	2.12
Kanabec	2.14	Todd	2.13
Kandiyohi	2.15	Traverse	2.10
Kittson	2.04	Wabasha	2.15
Koochiching	2.06	Wadena	2.12
Lac Qui Parle	2.11	Waseca	2.14
Lake of the Woods	2.07	Washington	2.18
Le Sueur	2.16	Watonwan	2.13
Lincoln	2.11	Wilkin	2.10
Lyon	2.11	Winona	2.14
McLeod	2.16	Wright	2.17
Mahnomen	2.08	Yellow Medicine	2.12
Marshall	2.06		

Mississippi

All counties ---------- $1.56

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$2.06	Atchison	$2.12
Andrew	2.13	Audrain	2.08

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Barry	$2.08	McDonald	$2.08
Barton	2.10	Macon	2.07
Bates	2.12	Madison	2.09
Benton	2.10	Maries	2.09
Bollinger	2.08	Marion	2.08
Boone	2.08	Mercer	2.09
Buchanan	2.13	Miller	2.06
Butler	2.06	Mississippi	2.05
Caldwell	2.12	Moniteau	2.08
Callaway	2.09	Monroe	2.08
Camden	2.05	Montgomery	2.10
Cape Girardeau	2.08	Morgan	2.08
Carroll	2.12	New Madrid	2.05
Carter	1.98	Newton	2.08
Cass	2.13	Nodaway	2.11
Cedar	2.13	Oregon	1.99
Chariton	2.10	Osage	2.08
Christian	2.08	Ozark	2.02
Clark	2.07	Pemiscot	2.04
Clay	2.13	Perry	2.10
Clinton	2.13	Pettis	2.10
Cole	2.07	Phelps	2.09
Cooper	2.09	Pike	2.09
Crawford	2.10	Platte	2.13
Dade	2.09	Polk	2.09
Dallas	2.07	Pulaski	2.07
Daviess	2.12	Putman	2.08
De Kalb	2.13	Ralls	2.09
Dent	2.08	Randolph	2.08
Douglas	2.05	Ray	2.12
Dunklin	2.04	Reynolds	2.06
Franklin	2.12	Ripley	2.05
Gasconade	2.10	Saint Charles	2.13
Gentry	2.12	Saint Clair	2.11
Greene	2.08	Sainte Genevieve	2.10
Grundy	2.10	Saint Francois	2.10
Harrison	2.10	Saint Louis	2.13
Henry	2.12	Saline	2.11
Hickory	2.10	Schuyler	2.05
Holt	2.13	Scotland	2.06
Howard	2.09	Scott	2.07
Howell	2.00	Shannon	1.99
Iron	2.10	Shelby	2.08
Jackson	2.13	Stoddard	2.07
Jasper	2.09	Stone	2.07
Jefferson	2.13	Sullivan	2.08
Johnson	2.12	Taney	2.05
Knox	2.07	Texas	2.05
Laclede	2.05	Vernon	2.11
Lafayette	2.12	Warren	2.13
Lawrence	2.08	Washington	2.10
Lewis	2.08	Wayne	2.08
Lincoln	2.13	Webster	2.05
Linn	2.09	Worth	2.11
Livingston	2.11	Wright	2.05

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.71	Madison	$1.78
Big Horn	1.81	Meagher	1.80
Blaine	1.82	Mineral	1.77
Broadwater	1.80	Missoula	1.76
Carbon	1.80	Musselshell	1.83
Carter	1.92	Park	1.80
Cascade	1.80	Petroleum	1.80
Chouteau	1.80	Phillips	1.85
Custer	1.90	Pondera	1.80
Daniels	1.87	Powder River	1.88
Dawson	1.91	Powell	1.76
Deer Lodge	1.76	Prairie	1.90
Fallon	1.92	Ravalli	1.73
Fergus	1.80	Richland	1.91
Flathead	1.77	Roosevelt	1.92
Gallatin	1.80	Rosebud	1.85
Garfield	1.89	Sanders	1.78
Glacier	1.80	Sheridan	1.90
Golden Valley	1.80	Silver Bow	1.77
Granite	1.73	Stillwater	1.80
Hill	1.80	Sweet Grass	1.80
Jefferson	1.77	Teton	1.80
Judith Basin	1.80	Toole	1.80
Lake	1.77	Treasure	1.85
Lewis and Clark	1.78	Valley	1.87
Liberty	1.80	Wheatland	1.80
Lincoln	1.79	Wibaux	1.92
McCone	1.89	Yellowstone	1.80

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Jefferson	$2.10
Antelope	2.08	Johnson	2.11
Arthur	1.99	Kearney	2.06
Banner	1.95	Keith	1.99
Blaine	2.03	Keya Paha	2.03
Boone	2.10	Kimball	1.95
Box Butte	1.98	Knox	2.07
Boyd	2.05	Lancaster	2.13
Brown	2.03	Lincoln	2.02
Buffalo	2.07	Logan	2.03
Burt	2.13	Loup	2.06
Butler	2.13	McPherson	2.02
Cass	2.13	Madison	2.10
Cedar	2.08	Merrick	2.10
Chase	1.99	Morrill	1.97
Cherry	2.01	Nance	2.10
Cheyenne	1.95	Nemaha	2.11
Clay	2.08	Nuckolls	2.08
Colfax	2.13	Otoe	2.13
Cuming	2.12	Pawnee	2.10
Custer	2.05	Perkins	1.99
Dakota	2.10	Phelps	2.05
Dawes	1.96	Pierce	2.09
Dawson	2.06	Platte	2.11
Deuel	1.98	Polk	2.11
Dixon	2.10	Red Willow	2.02
Dodge	2.13	Richardson	2.10
Douglas	2.13	Rock	2.04
Dundy	1.99	Saline	2.11
Fillmore	2.10	Sarpy	2.13
Franklin	2.06	Saunders	2.13
Frontier	2.03	Scotts Bluff	1.95
Furnas	2.04	Seward	2.13
Gage	2.11	Sheridan	1.98
Garden	1.99	Sherman	2.07
Garfield	2.07	Sioux	1.95
Gosper	2.05	Stanton	2.10
Grant	1.99	Thayer	2.09
Greeley	2.09	Thomas	2.02
Hall	2.08	Thurston	2.11
Hamilton	2.10	Valley	2.07
Harlan	2.05	Washington	2.13
Hayes	2.00	Wayne	2.08
Hitchcock	2.01	Webster	2.07
Holt	2.07	Wheeler	2.09
Hooker	2.01	York	2.10
Howard	2.08		

NEVADA

County	Rate per bushel	County	Rate per bushel
Churchill	$1.44	Lyon	$1.39
Clark	1.33	Mineral	1.28
Douglas	1.43	Nye	1.24
Elko	1.34	Ormsby	1.43
Esmeralda	1.24	Pershing	1.45
Eureka	1.34	Storey	1.48
Humboldt	1.38	Washoe	1.48
Lander	1.34	White Pine	1.06
Lincoln	1.34		

NEW HAMPSHIRE

All counties $1.64

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Bergen	$2.20	Middlesex	$2.19
Burlington	2.21	Monmouth	2.20
Camden	2.24	Morris	2.19
Cape May	2.17	Ocean	2.19
Cumberland	2.19	Passaic	2.20
Essex	2.20	Salem	2.19
Gloucester	2.20	Somerset	2.19
Hunterdon	2.19	Sussex	2.19
Mercer	2.22	Warren	2.18

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.89	Harding	$1.91
Catron	1.81	Hidalgo	1.83
Chaves	1.94	Lea	1.97
Colfax	1.87	Lincoln	1.91
Curry	1.98	Luna	1.75
De Baca	1.93	McKinley	1.75
Dona Ana	1.89	Mora	1.89
Eddy	1.93	Otero	1.91
Grant	1.75	Quay	1.97
Guadalupe	1.94	Rio Arriba	1.76

NEW MEXICO—Continued

County	Rate per bushel	County	Rate per bushel
Roosevelt	$1.96	Socorro	$1.89
Sandoval	1.89	Taos	1.83
San Juan	1.57	Torrance	1.91
San Miguel	1.89	Union	1.93
Santa Fe	1.86	Valencia	1.84
Sierra	1.89		

NEW YORK

County	Rate per bushel	County	Rate per bushel
Albany	$2.26	Oneida	$2.21
Allegany	2.19	Onondaga	2.20
Broome	2.19	Ontario	2.19
Cattaraugus	2.15	Orange	2.17
Cayuga	2.20	Orleans	2.19
Chautauqua	2.12	Oswego	2.20
Chemung	2.20	Otsego	2.17
Chenango	2.20	Putnam	2.18
Clinton	2.10	Rensselaer	2.24
Columbia	2.22	Rockland	2.19
Cortland	2.20	Saratoga	2.22
Delaware	2.15	Schenectady	2.25
Dutchess	2.18	Schoharie	2.24
Erie	2.18	Schuyler	2.20
Essex	2.13	Seneca	2.20
Franklin	2.07	Steuben	2.20
Fulton	2.15	St. Lawrence	2.13
Genesee	2.20	Suffolk	2.13
Greene	2.20	Sullivan	2.15
Herkimer	2.22	Tioga	2.20
Jefferson	2.15	Tompkins	2.20
Lewis	2.16	Ulster	2.19
Livingston	2.19	Warren	2.18
Madison	2.20	Washington	2.19
Monroe	2.20	Wayne	2.19
Montgomery	2.25	Westchester	2.19
Nassau	2.15	Wyoming	2.19
Niagara	2.19	Yates	2.19

NORTH CAROLINA

All counties $2.21

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.97	McLean	$2.00
Barnes	2.06	Mercer	1.98
Benson	2.02	Morton	1.99
Billings	1.97	Mountrail	1.98
Bottineau	1.99	Nelson	2.04
Bowman	1.96	Oliver	1.99
Burke	1.97	Pembina	2.04
Burleigh	2.02	Pierce	2.02
Cass	2.07	Ramsey	2.03
Cavalier	2.02	Ransom	2.06
Dickey	2.06	Renville	1.98
Divide	1.96	Richland	2.09
Dunn	1.97	Rolette	2.01
Eddy	2.04	Sargent	2.07
Emmons	2.01	Sheridan	2.02
Foster	2.04	Sioux	1.99
Golden Valley	1.94	Slope	1.94
Grand Forks	2.06	Stark	1.98
Grant	1.98	Steele	2.06
Griggs	2.06	Stutsman	2.05
Hettinger	1.98	Towner	2.02
Kidder	2.03	Traill	2.06
La Moure	2.05	Walsh	2.04
Logan	2.03	Ward	1.98
McHenry	2.00	Wells	2.03
McIntosh	2.02	Williams	1.96
McKenzie	1.94		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$2.05	Columbiana	$2.09
Allen	2.06	Coshocton	2.03
Ashland	2.08	Crawford	2.07
Ashtabula	2.11	Cuyahoga	2.08
Athens	2.07	Darke	2.05
Auglaize	2.05	Defiance	2.05
Belmont	2.08	Delaware	2.07
Brown	2.05	Erie	2.07
Butler	2.05	Fairfield	2.07
Carroll	2.08	Fayette	2.05
Champaign	2.05	Franklin	2.07
Clark	2.05	Fulton	2.05
Clermont	2.05	Gallia	2.05
Clinton	2.05	Geauga	2.11

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Greene	$2.05	Morrow	$2.07
Guernsey	2.08	Muskingum	2.08
Hamilton	2.05	Noble	2.08
Hancock	2.07	Ottawa	2.07
Hardin	2.07	Paulding	2.05
Harrison	2.08	Perry	2.07
Henry	2.05	Pickaway	2.06
Highland	2.05	Pike	2.05
Hocking	2.07	Portage	2.08
Holmes	2.08	Preble	2.05
Huron	2.07	Putnam	2.06
Jackson	2.05	Richland	2.08
Jefferson	2.09	Ross	2.06
Knox	2.08	Sandusky	2.07
Lake	2.10	Scioto	2.05
Lawrence	2.05	Seneca	2.07
Licking	2.07	Shelby	2.05
Logan	2.06	Stark	2.08
Lorain	2.08	Summit	2.08
Lucas	2.06	Trumbull	2.11
Madison	2.06	Tuscarawas	2.08
Mahoning	2.10	Union	2.07
Marion	2.07	Van Wert	2.05
Medina	2.08	Vinton	2.07
Meigs	2.05	Warren	2.05
Mercer	2.05	Washington	2.08
Miami	2.05	Wayne	2.08
Monroe	2.08	Williams	2.05
Montgomery	2.05	Wood	2.07
Morgan	2.08	Wyandot	2.07

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$2.02	Le Flore	$2.00
Alfalfa	2.01	Lincoln	2.00
Atoka	2.00	Logan	2.00
Beaver	1.95	Love	2.00
Beckham	2.00	McClain	2.00
Blaine	2.00	McCurtain	2.00
Bryan	2.00	McIntosh	2.02
Caddo	2.00	Major	1.99
Canadian	2.00	Marshall	2.00
Carter	2.00	Mayes	2.06
Cherokee	2.03	Murray	2.00
Choctaw	2.00	Muskogee	2.02
Cimarron	1.94	Noble	2.02
Cleveland	2.00	Nowata	2.08
Coal	2.00	Okfuskee	2.00
Comanche	2.00	Oklahoma	2.00
Cotton	2.00	Okmulgee	2.02
Craig	2.07	Osage	2.04
Creek	2.02	Ottawa	2.07
Custer	2.00	Pawnee	2.02
Delaware	2.07	Payne	2.00
Dewey	1.99	Pittsburg	2.00
Ellis	1.97	Pontotoc	2.00
Garfield	2.01	Pottawatomie	2.00
Garvin	2.00	Pushmataha	2.00
Grady	2.00	Roger Mills	1.99
Grant	2.02	Rogers	2.06
Greer	2.00	Seminole	2.00
Harmon	2.00	Sequoyah	2.02
Harper	1.98	Stephens	2.00
Haskell	2.00	Texas	1.95
Hughes	2.00	Tillman	2.00
Jackson	2.00	Tulsa	2.05
Jefferson	2.00	Wagoner	2.04
Johnston	2.00	Washington	2.07
Kay	2.03	Washita	2.00
Kingfisher	2.00	Woods	2.01
Kiowa	2.00	Woodward	1.98
Latimer	2.00		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$1.87	Jefferson	$2.04
Benton	2.04	Josephine	1.91
Clackamas	2.07	Klamath	1.91
Clatsop	2.03	Lake	1.87
Columbia	2.05	Lane	2.01
Coos	1.94	Lincoln	1.98
Crook	2.02	Linn	2.04
Curry	1.93	Malheur	1.81
Deschutes	2.02	Marion	2.07
Douglas	1.97	Morrow	2.02
Gilliam	2.04	Multnomah	2.09
Grant	2.02	Polk	2.06
Harney	1.75	Sherman	2.05
Hood River	2.08	Tillamook	2.09
Jackson	1.91	Umatilla	1.96

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Union	$1.87	Washington	$2.09
Wallowa	1.86	Wheeler	2.02
Wasco	2.08	Yamhill	2.07

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$2.20	Lackawanna	$2.17
Allegheny	2.11	Lancaster	2.21
Armstrong	2.12	Lawrence	2.11
Beaver	2.11	Lebanon	2.20
Bedford	2.15	Lehigh	2.20
Berks	2.21	Luzerne	2.16
Blair	2.15	Lycoming	2.15
Bradford	2.18	McKean	2.15
Bucks	2.23	Mercer	2.11
Butler	2.11	Mifflin	2.15
Cambria	2.12	Monroe	2.16
Carbon	2.16	Montgomery	2.23
Centre	2.15	Montour	2.15
Chester	2.23	Northampton	2.19
Clarion	2.13	Northumberland	2.15
Clearfield	2.14	Perry	2.15
Clinton	2.15	Pike	2.15
Columbia	2.20	Potter	2.11
Crawford	2.11	Schuylkill	2.17
Cumberland	2.19	Snyder	2.15
Dauphin	2.17	Somerset	2.10
Delaware	2.25	Sullivan	2.20
Elk	2.15	Susquehanna	2.18
Erie	2.11	Tioga	2.15
Fayette	2.11	Union	2.15
Forest	2.12	Venango	2.11
Franklin	2.19	Warren	2.10
Fulton	2.17	Washington	2.11
Greene	2.10	Wayne	2.13
Huntingdon	2.15	Westmoreland	2.11
Indiana	2.11	Wyoming	2.20
Jefferson	2.13	York	2.22
Juniata	2.15		

RHODE ISLAND

All counties $1.66

SOUTH CAROLINA

All counties $2.20

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.04	Jackson	$1.96
Beadle	2.07	Jerauld	2.06
Bennett	1.99	Jones	1.98
Bon Homme	2.07	Kingsbury	2.08
Brookings	2.09	Lake	2.08
Brown	2.07	Lawrence	1.92
Brule	2.03	Lincoln	2.08
Buffalo	2.04	Lyman	2.00
Butte	1.92	McCook	2.07
Campbell	2.02	McPherson	2.04
Charles Mix	2.05	Marshall	2.07
Clark	2.08	Meade	1.94
Clay	2.10	Mellette	2.01
Codington	2.09	Miner	2.07
Corson	1.99	Minnehaha	2.08
Custer	1.94	Moody	2.09
Davison	2.05	Pennington	1.95
Day	2.08	Perkins	1.97
Deuel	2.09	Potter	2.03
Dewey	1.98	Roberts	2.09
Douglas	2.05	Sanborn	2.06
Edmunds	2.05	Shannon	1.98
Fall River	1.94	Spink	2.07
Faulk	2.05	Stanley	2.02
Grant	2.09	Sully	2.02
Gregory	2.05	Todd	2.02
Haakon	1.98	Tripp	2.03
Hamlin	2.09	Turner	2.08
Hand	2.06	Union	2.10
Hanson	2.07	Walworth	2.03
Harding	1.96	Washabaugh	1.96
Hughes	2.03	Yankton	2.08
Hutchinson	2.06	Ziebach	1.96
Hyde	2.04		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$2.19	Bradley	$2.19
Bedford	2.16	Campbell	2.19
Benton	2.13	Cannon	2.15
Bledsoe	2.17	Carroll	2.12
Blount	2.20	Carter	2.22

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Cheatham	$2.14	McMinn	$2.19
Chester	2.12	McNairy	2.12
Claiborne	2.21	Macon	2.14
Clay	2.15	Madison	2.11
Cocke	2.20	Marion	2.17
Coffee	2.16	Marshall	2.16
Crockett	2.11	Maury	2.15
Cumberland	2.17	Meigs	2.18
Davidson	2.14	Monroe	2.20
Decatur	2.13	Montgomery	2.13
De Kalb	2.15	Moore	2.16
Dickson	2.14	Morgan	2.18
Dyer	2.10	Obion	2.11
Fayette	2.10	Overton	2.16
Fentress	2.17	Perry	2.14
Franklin	2.17	Pickett	2.16
Gibson	2.12	Polk	2.20
Giles	2.16	Putnam	2.16
Grainger	2.20	Rhea	2.18
Greene	2.21	Roane	2.18
Grundy	2.16	Robertson	2.13
Hamblen	2.21	Rutherford	2.15
Hamilton	2.18	Scott	2.18
Hancock	2.22	Sequatchie	2.17
Hardeman	2.11	Sevier	2.20
Hardin	2.13	Shelby	2.10
Hawkins	2.23	Smith	2.15
Haywood	2.11	Stewart	2.13
Henderson	2.13	Sullivan	2.23
Henry	2.12	Sumner	2.13
Hickman	2.14	Tipton	2.10
Houston	2.13	Trousdale	2.14
Humphreys	2.13	Unicoi	2.21
Jackson	2.15	Union	2.20
Jefferson	2.20	Van Buren	2.16
Johnson	2.22	Warren	2.16
Knox	2.20	Washington	2.22
Lake	2.11	Wayne	2.14
Lauderdale	2.10	Weakley	2.12
Lawrence	2.15	White	2.16
Lewis	2.15	Williamson	2.15
Lincoln	2.17	Wilson	2.14
Loudon	2.19		

TEXAS

County	Rate per bushel	County	Rate per bushel
Andrews	$1.99	Deaf Smith	$2.00
Archer	2.00	Delta	2.06
Armstrong	2.00	Denton	2.08
Atascosa	2.09	DeWitt	2.11
Bailey	2.00	Dickens	2.00
Bandera	2.08	Dimmit	2.02
Bastrop	2.12	Donley	2.00
Baylor	2.00	Eastland	2.01
Bee	2.08	Edwards	1.96
Bell	2.12	Ellis	2.10
Bexar	2.10	Erath	2.04
Blanco	2.11	Falls	2.12
Borden	2.00	Fannin	2.03
Bosque	2.10	Fisher	2.00
Bowie	2.03	Floyd	2.00
Briscoe	2.00	Foard	2.00
Brown	2.08	Gaines	2.00
Burleson	2.14	Galveston	2.27
Burnet	2.08	Garza	2.00
Caldwell	2.12	Gillespie	2.06
Callahan	2.00	Glasscock	2.00
Carson	2.00	Goliad	2.11
Castro	2.00	Gray	1.99
Chambers	2.17	Grayson	2.03
Childress	2.00	Guadalupe	2.12
Clay	2.00	Hale	2.00
Cochran	2.00	Hall	2.00
Coke	2.00	Hamilton	2.05
Coleman	2.05	Hansford	1.97
Collin	2.08	Hardeman	2.00
		Harris	2.26
Collingsworth	2.00	Hartley	1.97
Comal	2.12	Haskell	2.00
Comanche	2.02	Hays	2.12
Concho	2.05	Hemphill	1.97
Cooke	2.03	Hill	2.11
Coryell	2.08	Hockley	2.00
Cottle	2.00	Hood	2.07
Crosby	2.00	Howard	2.00
Culberson	1.92	Hudspeth	1.93
Dallam	1.95	Hunt	2.07
Dallas	2.08	Hutchinson	1.97
Dawson	2.00	Irion	1.97

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Jack	$2.03	Parmer	$1.99
Jackson	2.12	Pecos	1.93
Jeff Davis	1.92	Potter	2.00
Johnson	2.10	Presidio	1.91
Jones	2.00	Randall	2.00
Karnes	2.08	Real	2.05
Kaufman	2.09	Reeves	1.93
Kendall	2.08	Refugio	2.11
Kent	2.00	Roberts	1.98
Kerr	2.06	Robertson	2.12
Kimble	2.06	Rockwall	2.08
King	2.00	Runnels	2.03
Kinney	2.01	San Saba	2.08
Knox	2.00	Schleicher	1.98
Lamar	2.03	Scurry	2.00
Lamb	2.00	Shackelford	2.00
Lampasas	2.08	Sherman	1.95
Limestone	2.12	Somervell	2.07
Lipscomb	1.97	Stephens	2.00
Live Oak	2.08	Sterling	1.98
Llano	2.08	Stonewall	2.00
Loving	1.93	Sutton	1.97
Lubbock	2.00	Swisher	2.00
Lynn	2.00	Tarrant	2.08
McCulloch	2.07	Taylor	2.02
McLennan	2.12	Terry	2.00
Martin	1.99	Throckmorton	2.01
Mason	2.08	Tom Green	2.00
Maverick	1.97	Travis	2.12
Medina	2.10	Uvalde	2.05
Menard	2.05	Van Zandt	2.08
Midland	1.98	Victoria	2.12
Milam	2.14	Waller	2.24
Mills	2.08	Ward	1.95
Mitchell	2.00	Wharton	2.22
Montague	2.03	Wheeler	1.99
Moore	1.97	Wichita	2.00
Motley	2.00	Wilbarger	2.00
Navarro	2.11	Williamson	2.13
Nolan	2.00	Wilson	2.08
Ochiltree	1.97	Wise	2.05
Oldham	2.00	Yoakum	2.00
Palo Pinto	2.03	Young	2.03
Parker	2.06	Zavala	2.02

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.82	Piute	$1.69
Box Elder	1.75	Rich	1.78
Cache	1.75	Salt Lake	1.78
Carbon	1.78	San Juan	1.78
Daggett	1.78	San Pete	1.74
Davis	1.78	Sevier	1.70
Duchesne	1.78	Summit	1.78
Emery	1.78	Tooele	1.75
Garfield	1.69	Uintah	1.78
Grand	1.78	Utah	1.78
Iron	1.82	Wasatch	1.78
Juab	1.75	Washington	1.82
Kane	1.69	Wayne	1.69
Millard	1.77	Weber	1.78
Morgan	1.78		

VERMONT

All counties $1.64

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$2.21	Chesterfield	$2.21
Albemarle	2.20	Clarke	2.20
Alleghany	2.18	Craig	2.18
Amelia	2.21	Culpeper	2.20
Amherst	2.20	Cumberland	2.21
Appomattox	2.21	Dickenson	2.18
Arlington	2.20	Dinwiddie	2.21
Augusta	2.20	Elizabeth City	2.21
Bath	2.18	Essex	2.21
Bedford	2.20	Fairfax	2.20
Bland	2.18	Fauquier	2.20
Botetourt	2.19	Floyd	2.19
Brunswick	2.20	Fluvanna	2.20
Buchanan	2.18	Franklin	2.19
Buckingham	2.21	Frederick	2.20
Campbell	2.20	Giles	2.18
Caroline	2.21	Gloucester	2.21
Carroll	2.19	Goochland	2.21
Charles City	2.21	Grayson	2.19
Charlotte	2.21	Greene	2.20

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Greensville	$2.20	Page	$2.20
Halifax	2.20	Patrick	2.19
Hanover	2.21	Pittsylvania	2.20
Henrico	2.21	Powhatan	2.21
Henry	2.19	Prince Edward	2.21
Highland	2.18	Prince George	2.21
Isle of Wight	2.20	Prince William	2.20
James City	2.21	Princess Anne	2.20
King and Queen	2.21	Pulaski	2.19
King George	2.21	Rappahannock	2.20
King William	2.21	Richmond	2.21
Lancaster	2.21	Roanoke	2.19
Lee	2.19	Rockbridge	2.20
Loudoun	2.20	Rockingham	2.20
Louisa	2.20	Russell	2.19
Lunenburg	2.21	Scott	2.19
Madison	2.20	Shenandoah	2.20
Mathews	2.21	Smyth	2.19
Mecklenburg	2.20	Southampton	2.20
Middlesex	2.21	Spotsylvania	2.21
Montgomery	2.18	Stafford	2.21
Nansemond	2.20	Surry	2.20
Nelson	2.20	Sussex	2.20
New Kent	2.21	Tazewell	2.18
Norfolk	2.20	Warren	2.20
Northampton	2.21	Warwick	2.21
Northumberland	2.21	Washington	2.19
Nottaway	2.21	Westmoreland	2.21
Orange	2.20	Wise	2.19
		Wythe	2.19
		York	2.21

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.91	Lewis	$2.03
Asotin	1.89	Lincoln	1.91
Benton	1.97	Mason	1.98
Chelan	1.95	Okanogan	1.89
Clallam	1.97	Pacific	1.98
Clark	2.09	Pend Oreille	1.87
Columbia	1.95	Pierce	2.09
Cowlitz	2.07	San Juan	2.05
Douglas	1.90	Skagit	2.05
Ferry	1.81	Skamania	2.08
Franklin	1.93	Snohomish	2.06
Garfield	1.95	Spokane	1.90
Grant	1.91	Stevens	1.85
Grays Harbor	2.00	Thurston	2.04
Island	2.05	Wahkiakum	2.07
Jefferson	1.97	Walla Walla	1.96
King	2.08	Whatcom	2.03
Kitsap	2.08	Whitman	1.90
Kittitas	1.93	Yakima	1.97
Klickitat	2.05		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	$2.15	Mingo	$2.14
Berkeley	2.19	Mineral	2.17
Boone	2.14	Monongalia	2.13
Braxton	2.14	Monroe	2.17
Brooke	2.12	Morgan	2.18
Cabell	2.12	Nicholas	2.16
Calhoun	2.13	Ohio	2.12
Clay	2.14	Pendleton	2.18
Doddridge	2.12	Pleasants	2.11
Fayette	2.16	Pocahontas	2.18
Gilmer	2.13	Preston	2.15
Grant	2.17	Putnam	2.12
Greenbrier	2.18	Raleigh	2.15
Hampshire	2.18	Randolph	2.17
Hancock	2.12	Ritchie	2.12
Hardy	2.18	Roane	2.12
Harrison	2.14	Summers	2.18
Jackson	2.11	Taylor	2.15
Jefferson	2.20	Tucker	2.17
Kanawha	2.13	Tyler	2.11
Lewis	2.14	Upshur	2.15
Lincoln	2.13	Wayne	2.13
Logan	2.14	Webster	2.16
McDowell	2.16	Wetzel	2.12
Marion	2.13	Wirt	2.12
Marshall	2.12	Wood	2.11
Mason	2.12	Wyoming	2.15
Mercer	2.17		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Bayfield	$2.12
Ashland	2.12	Brown	2.05
Barron	2.12	Buffalo	2.13

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Burnett	$2.15	Milwaukee	$2.14
Calumet	2.07	Monroe	2.09
Chippewa	2.11	Oconto	2.04
Clark	2.09	Oneida	2.04
Columbia	2.06	Outagamie	2.06
Crawford	2.09	Ozaukee	2.08
Dane	2.08	Pepin	2.14
Dodge	2.08	Pierce	2.15
Door	2.02	Polk	2.15
Douglas	2.16	Portage	2.07
Dunn	2.13	Price	2.10
Eau Claire	2.13	Racine	2.14
Florence	2.04	Richland	2.05
Fond du Lac	2.07	Rock	2.09
Forest	2.07	Rusk	2.11
Grant	2.05	Saint Croix	2.16
Green	2.08	Sauk	2.06
Green Lake	2.06	Sawyer	2.12
Iowa	2.05	Shawano	2.04
Iron	2.09	Sheboygan	2.08
Jackson	2.11	Taylor	2.09
Jefferson	2.09	Trempealeau	2.11
Juneau	2.08	Vernon	2.09
Kenosha	2.14	Vilas	2.04
Kewaunee	2.03	Walworth	2.10
LaCrosse	2.09	Washburn	2.13
LaFayette	2.06	Washington	2.08
Langlade	2.04	Waukesha	2.09
Lincoln	2.02	Waupaca	2.05
Manitowoc	2.07	Waushara	2.05
Marathon	2.08	Winnebago	2.06
Marinette	2.02	Wood	2.08
Marquette	2.06		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$1.80	Natrona	$1.82
Big Horn	1.80	Niobrara	1.91
Campbell	1.87	Park	1.78
Carbon	1.77	Platte	1.91
Converse	1.86	Sheridan	1.84
Crook	1.88	Sublette	1.77
Fremont	1.75	Sweetwater	1.77
Goshen	1.95	Teton	1.73
Hot Springs	1.80	Uinta	1.77
Johnson	1.84	Washakie	1.80
Laramie	1.95	Weston	1.90
Lincoln	1.77		

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

(3) *Premiums and discounts for classification, grade, variety, and protein content.*

	Cents per bushel
(i) Classification premiums and discounts:	
(a) Premiums:	
Hard Amber Durum [1]	+25
Amber Durum [1]	+15
(b) Discounts:	
Red Durum	−20
Soft Red Winter Wheat and White Wheat (except the varieties Baart and Bluestem of the subclass Hard White) stored in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and in counties in neighboring States where the natural movement of wheat is toward West Coast terminals	−2

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

	Cents per bushel
(b) Discounts—Continued	
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheats of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15
Amber Mixed Durum	−5
Mixed Durum	−10
(ii) Grade premium and discount:	
(a) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(b) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum [2] [3]	−6
Smut—Degree basis:	
Light smutty	−2
Smutty	−6
Smut—Percentage basis:	
½ of 1 percent	−1
1 percent or over	−3
Garlic—Degree basis:	
Light garlicky	−6
Garlicky	−15

[2] These discounts are in addition to any other applicable numerical grade discount.

[3] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subdivision (i) (b) of this subparagraph.

(iii) Variety Discount: The following varieties listed by class and State will be subject to a discount of 20 cents per bushel. This discount is in addition to any other applicable discount:

State	Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Arkansas	Blue Jacket				
California				Sonora	
Colorado	Early Blackhull, Red Chiefkan, Red Jacket, Kanqueen, Newchief, Blue Jacket.				
Idaho	Blue Jacket			Rex	
Illinois	Red Chief, Red Jacket				Kawvale.
Indiana	Purkof				Kawvale.
Iowa	Red Chief, Blue Jacket				
Kansas	Early Pawnee (Sel 33), Stafford, Early Blackhull, Red Chief, Chiefkan, Kanking, Newchief, Red Jacket, Yogo, Blue Jacket.				Kawvale.
Michigan	Purkof, Blue Jacket	Henry (Upper Peninsula).			
Minnesota		Henry, Spinkcota	Golden Ball		
Missouri	Red Chief, Kanking, Kanqueen, Blue Jacket.				Kawvale.
Montana	Early Blackhull, Red Chief, Chiefkan.	Henry, Premier	Golden Ball, Peliss.		
Nebraska	Red Chief, Chiefkan, Red Jacket, Stafford, Kanking, Blue Jacket.			Golgalos	Kawvale.
New Mexico	Red Chief, Red Jacket, Chiefkan, Newchief, Blue Jacket.				
North Dakota		Henry, Premier, Spinkcota.	Golden Ball, Peliss, Pentad.		
Oklahoma	Red Chief, Chiefkan, Early Blackhull, Red Jacket, Kanking, Yogo, Newchief, Blue Jacket.				
Oregon				Rex	
South Dakota	Red Chief, Blue Jacket	Henry, Spinkcota	Golden Ball		
Texas	Red Chief, Chiefkan, Red Jacket, Early Blackhull, Kanking, Yogo, Newchief, Blue Jacket.				
Washington				Rex	
Wisconsin		Sturgeon, Progress			
Wyoming	Red Chief, Blue Jacket				

NOTE: The following certification is for use in determining whether or not a variety discount is applicable.

WHEAT VARIETIES CERTIFICATION

(Producer's name)

(State and county code and loan or purchase agreement serial number)

(Producer's address)

Wheat

(Year produced)

I have read the list of undesirable varieties of wheat published in the C. C. C. Grain Price Support Bulletin 1, Wheat Supplement for the crop year and hereby certify as follows with respect to the above identified wheat: (Check applicable statement).

☐ 1. I did not harvest an undesirable variety listed for the State except for such minor quantities of volunteer wheat of an undesirable variety as may have been in the harvested crop.

☐ 2. I did harvest an undesirable variety listed for the State but none of such wheat is being tendered for price support.

☐ 3. I did harvest an undesirable variety listed for the State and such wheat being tendered for price support is identified as follows:

(Bin Number or Warehouse Receipt Number and Variety)

The conditions as checked above apply to this certification.

(Producer's signature)

Date

If the above certification is not executed by a producer who tenders for price support wheat of a class or sub-class for which an undesirable variety is listed for the State, all the wheat he tenders for price support of such class or sub-class will be subject to the 20 cent per bushel variety discount. This certificate is not applicable to a producer who tenders for price support wheat of a class or sub-class for which no undesirable variety is listed for the State.

Any producer making a false certification will be subject to prosecution under Federal law.

(iv) Protein premiums:[1]

Protein content (percent)	Hard Red Winter	Hard Red Spring	Hard White Wheat of the varieties Baart and Bluestem
	Cents per bushel	Cents per bushel	Cents per bushel
10.0 to 10.9	0	0	1
11.0 to 11.9	0	1	2
12.0 to 12.9	1	2	3
13.0 to 13.9	2	3	4
14.0 to 14.4	3	4	5
14.5 to 14.9	4	5	6
15.0 to 15.4	5	6	7
15.5 to 15.9	6	7	8
16.0 to 16.4	7	8	9
16.5 to 16.9	8	10	11
17.0 to 17.4	9	12	13
Over 17.4	(1)	(1)	(1)

[1] 2 cents premium for each ½ percent of protein over 17.4 percent.

(v) In the case of "Mixed Wheat" the price support rate shall be determined by subtracting from the basic rate for the numerical grade the applicable discount, if any, for the predominating class in the mixture in addition to the discount for "Mixed Wheat" provided in the table of premiums and discounts shown in this subparagraph.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 19th day of July 1956.

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

[F. R. Doc. 56-5995; Filed, July 24, 1956; 8:52 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 21 F. R. 4007 and 4792, containing the specific requirements of the 1956-crop oats price support program, are hereby amended as follows:

Section 421.1880 (c) (2) is amended to change the requirements concerning the use of a pack factor in determining the quantity of oats in a bin eligible for loan, so that the amended paragraph reads as follows:

§ 421.1880 *Determination of quantity.* * * *

(c) * * *

(2) To determine the quantity of oats in a bin eligible for loan, multiply the quantity of oats as provided above by a pack factor of 1.15 if the quantity adjusted for test weight is 4,000 bushels or less, and by a pack factor of 1.25 if the quantity adjusted for test weight exceeds 4,000 bushels. The State committee is authorized to use the pack fac-

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

tor of 1.15 regardless of the number of bushels in the bin if the minimum height of the oats in the bin is 5 feet or less.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 19th day of July 1956.

WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-5994; Filed, July 24, 1956; 8:52 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 5]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—CITRUS FRUIT EXPORT PROGRAM WMX 135a

The terms and conditions of this program are hereby amended to eliminate the requirement that fresh citrus fruit shall either be packed in containers treated with biphenyl or be packed with biphenyl-treated pads or liners when not individually wrapped.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date: This amendment shall be effective July 20, 1956.

Dated this 19th day of July 1956.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 56-5989; Filed, July 24, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

PART 1000—MILK IN CHATTANOOGA, TENNESSEE MARKETING AREA

ORDER REGULATING HANDLING OF MILK

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AUTHORITY: §§ 1000.0 to 1000.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1000.0 *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 order regulating the handling of milk in the Chattanooga, Tennessee, 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 as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, 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 (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 1000.41 (a), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than August 1, 1956, and fully effective not later than September 1, 1956. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Chattanooga, Tennessee marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on May 17-25, 1955. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on February 10, 1956 (21 F. R. 956). 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 June 26, 1956, and published in the FEDERAL REGISTER on June 30, 1956. Thus, handlers have known of these impending requirements for some time and have had opportunity to be prepared. Further, for the month of August 1956, the provisions hereof which will be effective will not require payments to producers on milk received during the month, and thus will allow further opportunity for handlers to become familiar with provisions of the order. Also, 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 September through January. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective August 1, 1956, and fully effective September 1, 1956, 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 Chattanooga, Tennessee 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 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 (April 1956), 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 Chattanooga, Tennessee marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Markting Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", hereinafter called the "marketing area", means all of the territory included within the boundaries of Hamilton, McMinn and Bradley counties, all in the State of Tennessee.

§ 1000.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority.

§ 1000.6 *Producer.* "Producer" means any approved dairy farmer who produces milk which 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 by the diverting handler at a pool plant at the location of the plant from which diverted.

§ 1000.7 *Pool plant.* "Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

(b) Milk supply plant which, during the month, ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided,* That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July: *And provided further,* That any such plant may withdraw from pool plant status for any month in the March-July period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1000.8 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1000.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more pool plants; or (b) 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 § 1000.6.

§ 1000.10 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates a distributing plant in which he processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from other dairy farmers or from nonpool plants.

§ 1000.11 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the pool 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 § 1000.6.

§ 1000.12 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream and ice milk mix and aerated cream).

§ 1000.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of said 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.

§ 1000.14 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product classified as Class I milk pursuant to § 1000.41 (a) other than a delivery to any milk processing plant.

§ 1000.15 *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"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1000.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any 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.

§ 1000.17 *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 § 1000.90, multiplied by the number of days in such month.

§ 1000.18 *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 § 1000.90.

§ 1000.19 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency that may be authorized by act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 1000.25 *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.

§ 1000.26 *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.

§ 1000.27 *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 § 1000.86: (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 § 1000.85 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 §§ 1000.30 and 1000.31 or payments pursuant to §§ 1000.80 through 1000.86;

(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 10th day of each month, the uniform prices, computed pursuant to §§ 1000.71 and 1000.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Reports of sources and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his pool 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

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, 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.

§ 1000.31 *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 6th 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 § 1000.6, 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.

§ 1000.32 *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.

§ 1000.33 *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

§ 1000.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1000.30 (a) shall be classified each month pursuant to the provisions of §§ 1000.41 through 1000.45.

§ 1000.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1000.42 through 1000.45, 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) skim milk disposed of 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 § 1000.6) 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 § 1000.6) and other source milk respectively.

§ 1000.42 *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.

§ 1000.43 *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 § 1000.30: *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 § 1000.45;

(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 City Hall in Chattanooga, Tennessee, 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 § 1000.30 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 § 1000.30, (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.

§ 1000.44 *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 § 1000.30 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.

§ 1000.45 *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 § 1000.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *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 subject to the Class I pricing provisions of another order issued pursuant to the act: *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 inventories 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 § 1000.43 (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. Any amount so subtracted shall be known as "overage".

(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

§ 1000.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 1000.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to para-

graph (a), (b), or (c) of this section, or § 1000.51 (b) (1).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., 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.

and an amount computed by multiplying the butterfat differential computed pursuant to § 1000.73, by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

§ 1000.51 *Class prices.* Subject to the provisions of §§ 1000.52 and 1000.53, the minimum prices per hundredweight of milk containing 4 percent butterfat, to be paid by each handler for milk received at his pool plant from producers, during the month, shall be as follows:

(a) *Class I milk price.* For each month during an eighteen month period following the effective date of this order, the minimum price per hundredweight of Class I milk shall be the basic formula price for the preceding month, plus $1.75.

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, rounded to the nearest cent. For all other months, it shall be the price computed pursuant to subparagraph (1) of this paragraph, or the price computed pursuant to § 1000.50 (c), whichever is higher.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

Company and Location

Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greensville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

§ 1000.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1000.51 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 milk price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided*, That such butterfat differential shall not exceed the result obtained by dividing the Class II price, pursuant to § 1000.51 (b), by 40.

§ 1000.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, 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 § 1000.51 (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 Chattanooga, Tenn. (miles):	*Rate per hundred weight (cents)*
65 but not more than 75	15.0
For each additional 10 miles or fraction thereof an additional	1.5

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 § 1000.45 (a) (1) through (4), and the comparable steps in § 1000.45 (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.

§ 1000.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and the Class I location differential of the plant at which the milk was received from farmers.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

§ 1000.55 *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

§ 1000.60 *Producer-handlers.* Sections 1000.40 through 1000.45, 1000.50 through 1000.53, 1000.61 and 1000.62, 1000.70 through 1000.75, and 1000.80 through 1000.87 shall not apply to a producer-handler.

§ 1000.61 *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 Chattanooga, Tennessee, 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 August through February.

§ 1000.62 *Operators of nonpool plants.* An 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 the 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 § 1000.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1000.70 *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 § 1000.45 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 § 1000.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butter fat subtracted from Class I milk pursuant to § 1000.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1000.54 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 § 1000.45 (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 § 1000.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1000.71 *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 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for the producer milk of all handlers who submit reports prescribed in § 1000.30 and who are not in default of payments pursuant to § 1000.80 or § 1000.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.73, 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 § 1000.80 (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 § 1000.62;

(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.

§ 1000.72 *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 4.0 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 § 1000.30, and who are not in default of payments pursuant to § 1000.80 or § 1000.82 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed 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 remaining hundredweight quantity of excess milk 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 4.0 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 § 1000.71 (a) through (e);

(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 4.0 percent butterfat content f. o. b. market.

§ 1000.73 *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 4.0 percent, respectively, at the rate determined by multiplying by 0.12 the Chicago butter price during the month, adjusted to the nearest one-tenth of a cent.

§ 1000.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, 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 § 1000.53.

§ 1000.75 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1000.30, 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 §§ 1000.71 and 1000.72 and the butterfat differential computed pursuant to § 1000.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1000.82, 1000.85 and 1000.86, or § 1000.62 and the amount due such handler pursuant to § 1000.83.

PAYMENTS

§ 1000.80 *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 § 1000.85, (iii) plus or minus adjustments for errors made in previous payments made to such producers, 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 § 1000.83 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 § 1000.84.

§ 1000.81 *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 §§ 1000.62, 1000.82 and 1000.84, and out of which he shall make all payments pursuant to §§ 1000.83 and 1000.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1000.82 *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 § 1000.70 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.

§ 1000.83 *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 § 1000.70, 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.

§ 1000.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1000.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1000.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1000.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1000.85 *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 § 1000.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 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.

§ 1000.86 *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 pool 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 § 1000.45 (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 § 1000.62.

§ 1000.87 *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

§ 1000.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1000.91, 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 January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more.

§ 1000.91 *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 cal-

culated pursuant to § 1000.90 to each person for whose account producer milk was delivered to pool plants during the months of September through January; 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.

§ 1000.92 *Announcement of established bases.* On or before March 1 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

§ 1000.100 *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.

§ 1000.101 *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.

§ 1000.102 *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.

§ 1000.103 *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

§ 1000.110 *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.

§ 1000.111 *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 20th day of July 1956, to be effective as follows:

Sections 1000.0 through 1000.27 (j), 1000.30 through 1000.45 and 1000.86 through 1000.111 of this order shall be effective on and after August 1, 1956; and all of the remaining terms and provisions of this order (§§ 1000.27 (k) and 1000.50 through 1000.85) shall be effective on and after September 1, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-5990; Filed, July 24, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6327]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARYLAND BAKING CO. ET AL.

Subpart—*Cutting prices arbitrarily:* § 13.665 *Cutting prices arbitrarily, or with intent and effect of competitive loss or capitulation:* Under Clayton Act, Section 2 (a).[1] Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.737 *Localized price cutting.*[1]

(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, Maryland Baking Company et al., Baltimore, Md., Docket 6327, June 29, 1956]

In the Matter of Maryland Baking Company, a Corporation, and Joseph Shapiro, Individually and as Treasurer of Maryland Baking Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging one of the largest ice cream cone manufacturers in the United States with discriminating in price in violation of subsection 2 (a) of the Clayton Act as amended, in the metropolitan areas surrounding the cities of Baltimore, Hagerstown, and Frederick, Md., and Washington, D. C., in May or June 1951, at about the time of entry of its single competitor into the cake cone business and apparently in retaliation therefor, through reducing its price for rolled sugar cones in that area from $6.66 to $5.00 per thousand, while maintaining the price of $7.16 in the Philadelphia metropolitan area and the States of Delaware and New Jersey, with the result that said sole competitor in the Washington-Baltimore area lost all of its sales of rolled sugar cones to some of its former jobber accounts and respondent virtually restricted to itself the jobber market for rolled sugar cones in that area.

[1] New.

No testimony in opposition to the allegations of the complaint was offered at the hearings, respondent's motion to dismiss the complaint was denied, and the hearing examiner in due course made his initial decision, including order to cease and desist, from which both counsel appealed. After hearing the matter on briefs and oral argument of counsel, the Commission, on June 29, rendered its decision denying the appeals and adopting the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Maryland Baking Company, a corporation and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of ice cream cones in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling ice cream cones to any purchaser at higher prices than the prices charged any other purchaser engaged in the same line of commerce where, in the sale of said cones to such purchaser charged the lower price, respondent The Maryland Baking Company is in competition with another seller.

It is further ordered, That the complaint against Joseph Shapiro, individually only, be, and the same hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, The Maryland Baking 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 contained in the initial decision.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5971; Filed, July 24, 1956; 8:46 a. m.]

[Docket 6052]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

P. SORENSEN MANUFACTURING CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.700 *Arbitrary or improper functional discounts;* § 13.715 *Charges and price differentials;* § 13.725 *Cumulative quan-*

tity discounts and schedules; § 13.730 *Customer classification;* § 13.770 *Quantity rebates or discounts.*

(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, P. Sorensen Manufacturing Co., Inc., Woodside, N. Y., Docket 6052, June 29, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of automotive products and supplies, including (a) ignition service parts, (b) carburetor parts and kits, and (c) cable, wire, and accessories, with factory at Woodside, N. Y., and warehouses in ten principal cities of the United States, with discriminating in price in violaton of subsecton 2(a) of the Clayton Act as amended, between two classes of customers competing with each other in their respective trade areas, through use of (1) a Warehouse Distributor's agreement applying to some 50 customers accounting for 25 percent to 30 percent of respondent's domestic sales, who were required to maintain an adequate stock of all Sorensen lines based upon minimum annual purchases of $12,000 net, and received 20 percent discount off current distributor prices on each factory purchase and 10 percent discount on each warehouse purchase; and (2) an Authorized Distributor agreement made with some 450 or 500 other customers who purchased approximately 60 percent of respondent's products, providing that the customer purchase a minimum of $1,200 of the Sorensen line annually in consideration of which he received a 10 percent discount from the current distributor price and a "performance rebate" of 3 percent on annual purchases of $3,000 to $5,999, and 5 percent if they amounted to $6,000 or more; though tabulations made of respondent's invoice data in three cities showed no general controlling principle in respondent's aforesaid classification of customers whose individual purchases actually varied widely from the contract requirements.

After the filing of respondent's answer, hearings in due course, and submission of proposed findings of facts and conclusions by counsel, the hearing examiner made his initial decision, including order to cease and desist, from which respondent appealed.

The Commission, having heard the matter on briefs and oral argument, on June 29, 1956, rendered its decision denying respondent's appeal and adopting the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent P. Sorensen Manufacturing Co., Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale, for replacement purposes, of automotive products and supplies in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such automotive products and supplies of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes in the resale and distribution of said products with the purchaser paying the higher price.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, P. Sorensen Manufacturing Co., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision.

By the Commission.[1]

Issued: June 29, 1956.

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

[F. R. Doc. 56-5972; Filed, July 24, 1956; 8:47 a. m.]

[Docket 6491]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GREN CORP. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Federal Trade Commission Act.[2] Subpart—*Misrepresenting oneself and goods*—goods: § 13.1590 *Composition:* Undisclosed adulteration.

(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, The Gren Corporation (Stamford, Conn.) et al., Docket 6491, July 12, 1956]

In the Matter of The Gren Corporation, a Corporation, and Charles E. Grenamyer, Individually and as an Officer of Said Corporation; and Sterling Fur Cutting Corporation, a Corporation; and Hyman Meskin, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Newark, N. J., corporate purchaser of fur scraps and used fur garments and its corporate distributor of the processed fiber in Stamford, Conn., with representing the fibers in sales invoices to purchasers as "Natural Mink", "Natural Beaver", etc., when the products so invoiced contained substantial amounts of fur fibers other than mink and beaver—and an agreement containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which, by the Commission's order of June 29, 1956, became, on July 12, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, The Gren Corporation and its officers; and Charles E. Grenamyer, individually and as an officer of said corporation; and Sterling Fur Cutting Corporation, and its officers; and Hyman Meskin, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, transportation or distribution of fur fibers 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 fur fibers are composed, or the percentages or amounts thereof, in sales invoices or in any other manner.

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

It is ordered, That respondents The Gren Corporation, a corporation, and Charles E. Grenamyer, individually and as an officer of said corporation; and Sterling Fur Cutting Corporation, a corporation; and Hyman Meskin, 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: June 29, 1956.

By the Commission.

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

[F. R. Doc. 56-5973; Filed, July 24, 1956; 8:47 a. m.]

[1] Commissioner Mason dissenting in accordance with his views expressed in Docket 5913.

[2] New.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

[Hearing Docket CE-P 11]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN ONIONS FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 1952 ed. sec. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Chicago, Illinois, on April 10, 1956, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Trading in onions for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position long or short of more than 100 carlots in any one onion future or more than 200 carlots in all onion futures combined, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the

price of onions not warranted by changes in the conditions of supply or demand.

(b) Speculative buying or selling by a person during one business day of more than 100 carlots in any one onion future or more than 200 carlots in all onion futures combined, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of onions not warranted by changes in the conditions of supply and demand.

Conclusions. Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in onion futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in onions, it is necessary to establish limits on the amount of speculative trading under contracts of sale of onions for future delivery on or subject to the rules of contract markets which may be done by any person; that the amounts set forth in paragraphs (a) and (b), respectively, of the above Findings of Fact are reasonable limits on the net long or net short speculative position which any person may hold or control, and upon the daily speculative purchases or sales which any person may make, in onion futures on or subject to the rules of any contract market.

§ 150.9 *Limits on position and daily trading in onions for future delivery.* The following limits on the amount of trading under contracts of sale of onions for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after September 1, 1956.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in onions on or subject to the rules of any one contract market is 100 carlots in any one future or 200 carlots in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of onions which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 100 carlots in any one future or 200 carlots in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 1952 ed. sec. 6a (3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 1952 ed. sec. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used in this section, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(Sec. 4a, as added by sec. 5, 49 Stat. 1492; 7 U. S. C. 6a)

Issued: July 19, 1956.

COMMODITY EXCHANGE COMMISSION,
[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture, Chairman.
SINCLAIR WEEKS,
Secretary of Commerce.
HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-5978; Filed, July 24, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

Subchapter C—Drugs

PART 130—NEW DRUGS

PROCEDURAL AND INTERPRETATIVE REGULATIONS; RECODIFICATION OF PART

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 52 Stat. 1052, 1055; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and after having duly considered all comments filed with respect to the notices of proposed rule making published in the FEDERAL REGISTER on September 8, 1955 (20 F. R. 6584) and May 30, 1956 (21 F. R. 3689), the following order is promulgated:

1. Sections 1.109 to 1.114, inclusive, of Part 1—Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act are revoked.

2. The title of Part 130 is changed to read: "Part 130—New Drugs," and new §§ 130.1 to 130.32, inclusive, are added to Part 130, under the subpart heading "Subpart A—Procedural and Interpretative Regulations."

3. Section 3.37 is transferred to Part 130 and renumbered as § 130.32.

4. Subpart B—Drugs Exempted from Prescription-Dispensing Requirements is added to Part 130.

5. Section 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* is renumbered as § 130.102, and transferred to Subpart B.

6. Section 1.108 (b), (c), (d), and (e) are removed to Part 130 (Subpart B), the section title is changed to read: "§ 130.101 *Prescription-exemption procedure*", and paragraphs (b), (c), (d), and (e) are redesignated as paragraphs (a), (b), (c), and (d), respectively.

7. Section 1.108 is amended by deleting "(a)", inserting a semicolon in place thereof, and redesignating subparagraphs (1), (2), (3), and (4) as paragraphs (a), (b), (c), and (d), respectively.

Part 130, as amended, reads as follows:

PART 130—NEW DRUGS

SUBPART A—PROCEDURAL AND INTERPRETATIVE REGULATIONS

Sec.
130.1 Definitions and interpretations.
130.2 Biologics; products subject to license control.
130.3 New drugs for investigational use; exemptions under section 505 (a).
130.4 Applications.
130.5 Reasons for refusing to file applications.
130.6 Comment on applications.
130.7 Amended applications.
130.8 Withdrawal of applications without prejudice.
130.9 Supplemental applications.
130.10 Notification of applicant of effectiveness of application.
130.11 Postponing the effective date.
130.12 Refusal to permit the application to become effective.
130.13 Insufficient information in application.
130.14 Contents of notice of hearing.
130.15 Failure to file an appearance.
130.16 Appearance of respondent.
130.17 Hearing examiner.
130.18 Prehearing and other conferences.
130.19 Submission of documentary evidence in advance.
130.20 Excerpts from documentary evidence.
130.21 Submission and receipt of evidence.
130.22 Transcript of the testimony.
130.23 Oral and written arguments.
130.24 Tentative order.
130.25 Exceptions to the tentative order.
130.26 Issuance of final order.
130.27 Suspension of effective application.
130.28 Revocation of order refusing to permit application to become effective or suspending effective applications.
130.29 Service of notices and orders.
130.30 Untrue statements in applications.
130.31 Judicial review.
130.32 Statement of policy concerning confidentiality of information contained in new-drug applications.

SUBPART B—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

130.101 Prescription-exemption procedure.
130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

AUTHORITY: §§ 130.1 to 130.102 issued under section 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 503, 505, 52 Stat. 1051, as amended, 1052, as amended; 21 U. S. C. 353, 355.

CROSS REFERENCES: For other regulations on new drugs, issued under the Federal Food, Drug, and Cosmetic Act, see § 1.106 (g) and (k) and § 3.7 of Subchapter A of this chapter.

SUBPART A—PROCEDURAL AND INTERPRETATIVE REGULATIONS

§ 130.1 *Definitions and interpretations.* (a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U. S. C. 301-392).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Food and Drugs.

(e) "New Drug Branch" means the unit established within the Food and Drug Administration charged with the

administration of section 505 of the act relating to new drugs.

(f) The newness of a drug may arise by reason (among other reasons) of:

(1) The newness for drug use of any substance which composes such drug, in whole or in part, whether it be an active substance or a menstruum, excipient, carrier, coating, or other component.

(2) The newness for drug use of a combination of two or more substances, none of which is a new drug.

(3) The newness for drug use of the proportion of a substance in a combination, even though such combination containing such substance in other proportion is not a new drug.

(4) The newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body, even though such drug is not a new drug when used in another disease or to affect another structure or function of the body.

(5) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

(g) "New-drug substance" means any substance that, when used in the manufacture, processing, or packing of a drug, causes that drug to be a new drug, but does not include intermediates used in the synthesis of such substance.

(h) The term "person" includes individuals, partnerships, corporations, and associations.

(i) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 130.2 *Biologics; products subject to license control.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U. S. C. 201 et seq.) or under the animal-virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.)

§ 130.3 *New drugs for investigational use; exemptions from section 505 (a).* (a) Except as provided by paragraph (b) of this section, a shipment or other delivery of a new drug shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce obtains, prior to the introduction or delivery, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(4) Such person retains in his files the statement referred to in subparagraph (3) of this paragraph, together with complete records showing the date, quantity, and batch or code mark (if any) of each such shipment and delivery, until 3 years after the introduction or delivery for introduction of such shipment into interstate commerce. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (3) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

(b) A shipment or other delivery of a new drug that is being imported or offered for import into the United States shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by United States law to investigational use."

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drugs solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for investigational use by or under the direction of, such an expert outside such establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(5) Such importer retains in his files the statement referred to in subparagraph (4) of this paragraph and complete records showing the date, quantity, and batch or code marks (if any) of each such shipment and delivery and the disposition thereof, until 3 years after disposition by such importer of the lot of such drug to which the statements and records relate. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (4) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (3) or (b) (4) of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of that paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section.

§ 130.4 *Applications.* (a) Applications to be filed under the provisions of section 505 (b) of the act shall be submitted in duplicate to the New Drug Branch. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part; translations of literature printed in a foreign language shall be accompanied by copies of the original publication.

(b) Pertinent information may be incorporated in, and will be considered as part of, an application on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Applications shall be submitted in the following form:

Form FD-356—Rev. 1956

Department of Health, Education, and Welfare, Food and Drug Administration.

ORIGINAL ☐ OR SUPPLEMENTAL ☐ APPLICATION

Name of applicant ----------------------
Address --------------------------------
Date -----------------------------------
Name of new drug -----------------------
(If this is a supplemental application see Item (8))

To the Secretary of Health, Education, and Welfare,

For the Commissioner of Food and Drugs,
Washington 25, D. C.
Dear Sir:

The undersigned, ______________________, submits this application with respect to a new drug pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act. Attached hereto, in duplicate, and constituting a part of this application are the following:

(1) Full reports of all investigations that have been made to show whether or not the drug is safe for use.

(a) An application may be incomplete or may be refused unless it includes full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use as suggested in the proposed labeling. The reports ordinarily should include detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth. Reports of all clinical tests by experts, qualified by scientific training and experience to evaluate the safety of drugs, should be attached and ordinarily should include detailed information pertaining to each individual treated, including age, sex, conditions treated, dosage, frequency of administration, duration of administration of the drug, results of clinical and laboratory examinations made, and a full statement of any adverse effects and therapeutic results observed.

(b) The complete composition and/or method of manufacture of the new drug used in each submitted report of investigation should be shown to the extent necessary to establish its identity, strength, quality, and purity if it differs from the description in parts (2), (3), or (4) of the application in any way that would bias an evaluation of the report.

(c) The unexplained omission of any reports of investigations made with the drug by the applicant or submitted to him by an investigator he supplied with the drug that would bias an evaluation of the safety of the drug constitutes grounds for the refusal or suspension of an application.

(2) A full list of the articles used as components of the drug. (This list should include all substances used in the synthesis, extraction, or other method of preparation of any new-drug substance, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.)

(3) A full statement of the composition of the drug. (This statement should set forth the name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed; as, for example, amount per tablet or per milliliter, in addition to a representative batch formula. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown. Reasonable variations may be specified.)

(4) (a) A full description of the methods used in the manufacture, processing, and packing of the drug. (Included in this description should be full information on the following, in sufficient detail to permit evaluation of the adequacy of the manufacturing, processing, and packing methods to determine and preserve the identity, strength, quality, and purity of the drug:

(i) The methods used in the synthesis, extraction, isolation, or purification of any new-drug susbtance. When the specifications and controls applied to such substance (described in part (4) (b) of this form) are inadequate in themselves to determine its identity, strength, quality, and purity, the methods should be described in sufficient detail, including quantities used, times, temperature, pH, solvents, etc., to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

(ii) The methods used in processing and packing each proposed dosage form of the new drug, including a description of the container or other packaging material.

(iii) If the applicant does not himself perform all the manufacturing, processing, and packing operations for any new drug substance or the new drug, his statement identifying each person who will perform a part of such operations and designating the part and a signed statement from each such person, fully describing the methods he uses directly or by reference.

(b) A full description of the facilities and controls used for the manufacture, processing, and packing of the drug.

(Included in this description should be full information on the following in sufficient detail to permit evaluation of the adequacy of the described methods, facilities, and controls to preserve the identity, strength, quality, and purity of the drug.)

(i) A description of the physical facilities including plant and equipment used in manufacturing, processing, packing, and control operations on the new drug.

(ii) If the applicant does not himself perform all the manufacturing, processing, packing, and control operations, his statement identifying each person who will perform a part of such operations and designating the part; and a signed statement from each such person fully describing the facilities and controls he uses in his part of the operations directly or by reference.

(iii) Precautions to insure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance of each lot of raw material.

(iv) Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

(v) Method of preparation of formula card, and manner in which it is used.

(vi) Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

(vii) Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and at what stage and by whom it is done.

(viii) Precautions to check the actual packaged yield produced from a batch of the drug with the theoretical yield.

(ix) Precautions to insure that the proper labels are placed on the drug for a particular lot, including provisions for label storage and inventory control.

(x) The analytical controls used during the various stages of the manufacturing, processing, and packing of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. If the article is one which is represented to be sterile, the same information should be given for sterility controls. Include the standards required for acceptance of each lot of the finished drug.

(xi) An explanation of the exact significance of any batch control numbers used in the manufacturing, processing, and packing of the drug, including any such control numbers that may appear on the label of the finished article. State whether or not any of the numbers appear on invoices and describe any other methods used to permit determination of the distribution of any batch if its recall is required.

(xii) A complete description of and the data derived from studies of the stability of the drug. If the data indicate that an expiration date is needed to preserve the identity, strength, quality, and purity of the drug until it is used, a statement of an expiration date.

(xiii) Additional procedures employed which are designed to prevent contamination and otherwise insure proper control of the product.

(5) Three finished market packages of the drug, and other samples of the drug or its components on request.

(When finished market packages of the drug are not available to submit with the application, state that finished market packages conforming to the description under part (4) (a) (ii) and labeled as provided in part (6) of the application will be submitted as soon as available and prior to the marketing of the drug. In case the drug is available only in limited quantity, state the extent to which samples of the drug and its components will be available on request.)

(6) Five copies of each label and other labeling to be used for the drug.

(a) Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package.

(b) The labeling on or within the retail package should include adequate directions for use by the layman under all the conditions for which the drug is intended for lay use, or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant and directed to laymen.

(c) The labeling on or within the retail package, or a brochure or other printed matter specifically identified on such label or labeling and made available to practitioners, should contain adequate information for use of the drug by such practitioners under all the conditions for which the drug is intended or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant.

(d) Labeling bearing adequate information for use of the drug by practitioners should be a part of the retail package of injections and any other drug that may be unsafe for the intended use unless such information is immediately available to the practitioner.

(e) Typewritten or other draft labeling copy may be accepted for conditional consideration of an application, provided a statement is made that final printed labeling identical in content to the draft copy provided for in the application will be submitted as soon as available and prior to the marketing of the drug.

(7) State whether the drug is (or is not) limited in its labeling and by this application to use under the professional supervision of a practitioner licensed by law to administer it.

(8) If this is a supplemental application, full information on each proposed change concerning any statement made in the effective application.

(After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change

will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. A supplemental application is not required when the article is no longer a new drug unless the proposed change itself causes it to become a new drug. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.)

(9) It is understood that all representations in this application regarding the components, composition, manufacturing methods, facilities, controls, and labeling apply to the drug produced until an effective supplement to the application provides for a change or the article is no longer a new drug.

Very truly yours,

(Applicant)

Per -------------------------

(Indicate authority)

This application must be signed by the applicant or by an authorized attorney, agent, or official.

The data specified under the several numbered headings should be on separate sheets or sets of sheets, suitably identified. The sample of the drug, if sent under separate cover, should be addressed to the New Drug Branch and identified on the outside of the shipping package with the name of the applicant and the name of the drug as shown on the application.

The applicant will be notified of the date on which his application is filed. An incomplete application, or one which has not been submitted in duplicate, will usually be retained but not filed as an application provided for in section 505 (b) of the act. The applicant will be notified in what respect his application is incomplete.

ALL APPLICATIONS AND CORRESPONDENCE SHOULD BE SUBMITTED IN DUPLICATE

(d) "Specimens of the labeling proposed to be used," quoted from section 505 (b) (6) of the act, means final printed labeling if printed labeling is to be used. However, for the purpose of facilitating consideration of applications and necessary revisions in labeling, the New Drug Branch may conditionally file and may inform the applicant of the conditional effectiveness of his application on the basis of typewritten or other draft labeling copy, provided that both of the following conditions are met:

(1) It is reasonable to reach a conclusion as to the safety of the drug on considering the submitted labeling copy and description of format, typography, etc.

(2) The application states that final printed labeling identical in content to the draft copy provided for in the application will be submitted as soon as available and prior to the marketing of the drug.

An application conditionally filed and conditionally effective as provided in this paragraph will be considered incomplete under section 505 (b) (6) of the act, not filed as an application pursuant to section 505 (b), and not effective if the new drug is marketed prior to the submission to the New Drug Branch of specimens of its final printed labeling conforming to the conditions of the application.

§ 130.5 *Reasons for refusing to file applications.* (a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505 (b) of the act if it does not contain complete and accurate English translations of any part in a foreign language, if only one copy is submitted, or if it is incomplete on its face, in that:

(1) It does not contain all the matter required by clauses (1), (2), (3), (4), and (6) of section 505 (b) of the act.

(2) It does not state the conditions under which the drug is to be used.

(3) The specimens of labeling proposed for use upon or within the retail package do not expressly nor by reference to a brochure or other printed matter prescribe, recommend, or suggest the use of such drug under such conditions. The New Drug Branch will notify the applicant promptly of such nonacceptance and the reason therefor and, in case of incompleteness as to matter required by any clause of section 505 (b) of the act, shall specify such clause. Otherwise, the date on which an application is received will be considered to be the date on which such application is filed, and the New Drug Branch will notify the applicant of such date.

(b) If an applicant disputes the finding of the New Drug Branch that his application is incomplete, he may within 10 days after receipt of the notice of nonfiling make written request to the New Drug Branch to file the application. In such case, the application shall be considered filed as of the original date of receipt, over the protest of the New Drug Branch, with the effective date of such application postponed for not more than 180 days after the filing thereof.

(c) If within 180 days the Commissioner finds that the application is incomplete or that other facts exist which require him to issue an order refusing to allow the application to become effective, he shall issue a notice to the applicant as provided in § 130.14. Subsequent to such notice, the procedure followed shall be in accordance with §§ 130.14 to 130.26, inclusive.

§ 130.6 *Comment on applications.* After the New Drug Branch has studied the application, it will furnish oral or written comment to the applicant on any apparent deficiencies in the data submitted or on the need for any additional data or changes in the application to facilitate its consideration. The New Drug Branch will disclose to the applicant any information upon which such comment is based, except information as to data or their source that has been submitted as part of another person's new-drug application or otherwise submitted, with the specific request that it be considered confidential. The New Drug Branch may suggest withdrawal of an application when it finds that additional evidence is required to support a finding that the drug is safe or that the methods, facilities, and controls used in manufacturing, processing, and packing the drug are adequate.

§ 130.7 *Amended applications.* The applicant may submit an amendment to an application that is pending, but in such case the unamended application shall be considered as withdrawn and the amended application shall be considered resubmitted on the date on which the amendment is received by the New Drug Branch. The New Drug Branch will notify the applicant of such date.

§ 130.8 *Withdrawal of applications without prejudice.* The applicant may at any time withdraw his application from consideration as a new-drug application upon notification to the New Drug Branch. Such withdrawal may be made without prejudice to a future filing. Upon resubmission, the time limitation will begin to run from the date of resubmission. The application itself will be retained by the New Drug Branch although it is considered withdrawn, but the applicant shall be furnished a copy at cost on request.

§ 130.9 *Supplemental applications.* After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. A supplemental application is not required when the article is no longer a new drug unless the proposed change itself causes it to become a new drug. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.

§ 130.10 *Notification to applicant of effectiveness of application.* If the Commissioner determines, before the sixtieth day after the filing of an application (or before the one hundred and eightieth day after filing if he has postponed the effective date), that he has no cause to issue an order under section 505 (d) of the act refusing to permit the application to become effective, the New Drug Branch shall so notify the applicant in writing and the application shall become effective on the date of the notification. However, if such determination and notification are conditioned on the meeting of conditions agreed to by the applicant and stated in the letter of notification, the application shall become effective on the date such conditions are met.

§ 130.11 *Postponing the effective date.* If the New Drug Branch determines, before the sixtieth day after the filing of the application, that more time is needed for study and investigation of the application, the Commissioner shall so notify the applicant and inform him that the effective date of the application has been

postponed for not more than 180 days from the filing thereof.

§ 130.12 *Refusal to permit the application to become effective.* If the Commissioner determines upon the basis of the application, or upon the basis of other information before him with respect to the new drug, that:

(a) The investigations, reports of which are required to be submitted pursuant to section 505 (b) of the act, do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

(b) The results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or

(d) Upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions,

he will, prior to the effective date of the application, notify the applicant that he proposes to issue an order refusing to permit the application to become effective, as provided in § 130.14.

§ 130.13 *Insufficient information in application.* (a) The information contained in an application may be insufficient for the Commissioner to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be limited to prescription sale and exempt under section 502 (f) (1) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be exempt, the information may also be insufficient if:

(1) The specimen labeling proposed for use on or within the market package of the drug fails to incorporate directly or by reference a specifically identified brochure or other printed matter containing information adequate for the use of such drug by practitioners licensed by law to administer the drug.

(2) Such labeling fails to state that the drug is to be used as shown in such brochure or printed matter and that such brochure or printed matter will be sent on request to practitioners licensed by law to administer such drug.

(3) The application fails to contain copies of such brochure or printed matter.

(4) The application fails to show that such brochure or printed matter is readily available to practitioners licensed by law to administer the drug; or if not, that it is to be made so when the application becomes effective.

§ 130.14 *Contents of notice of hearing.* The notice of hearing to the applicant that the Commissioner proposes to refuse to permit the application to become effective or to suspend an effective new-drug application will specify the grounds upon which he proposes to issue his order. On request of the applicant, the Commissioner will furnish any information he considered in support of his proposal except information concerning data or their source that has been submitted as part of another person's new-drug application or otherwise, submitted with the specific request that it be considered confidential. The notice will contain the name of the hearing examiner designated to conduct the hearing, and will specify the time and place at which the hearing will be held. The notice of hearing will specify a date, ordinarily not less than 10 days after issuance of the notice, by which the respondent will be required to file a written appearance electing whether:

(a) To avail himself of the opportunity for a hearing at the time and place specified in the notice of hearing; or

(b) Not to avail himself of the opportunity for a hearing.

The hearing will not be public unless the respondent specifies in his appearance that he desires a public hearing, in which event the hearing will be public.

§ 130.15 *Failure to file an appearance.* If the respondent fails to file a written appearance in answer to the notice of hearing, his failure will be construed as an election not to avail himself of the opportunity for the hearing, and the Commissioner, without further notice, may enter a final order.

§ 130.16 *Appearance of respondent.* If the respondent elects to avail himself of the opportunity for the hearing, he may appear in person or by counsel. If the respondent desires to be heard through counsel, the counsel will file with the hearing examiner a written appearance.

§ 130.17 *Hearing examiner.* The hearing will be conducted by a hearing examiner appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U. S. C. 1002 et seq.) and designated in the notice for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings will be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The hearing examiner will have the power to administer oaths and affirmations, to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but will not have the power to decide any motion that involves final determination of the merits of the proceeding.

§ 130.18 *Prehearing and other conferences.* The hearing examiner, on his own motion or on the motion of the applicant or the New Drug Branch, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admissions of facts, and documents.

(c) The limitation of the number of expert witnesses.

(d) The scheduling of witnesses to be called.

(e) The advance submission of all documentary evidence.

(f) Such other matters as may aid in the disposition of the proceeding.

The hearing examiner will make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order will control the subsequent course of the proceeding unless modified for good cause by subsequent order. The hearing examiner may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening the hearing.

§ 130.19 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shall be submitted to the hearing examiner and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The hearing examiner after consultation with the parties at a conference called in accordance with § 130.18 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the hearing examiner upon notice to the other parties within the time specified by the hearing examiner in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 130.20 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available

for examination and for use by opposing counsel for purposes of cross-examination.

§ 130.21 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the hearing examiner may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The hearing examiner shall admit only evidence that is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the hearing examiner. A ruling on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 130.22 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the hearing examiner of their authenticity, relevancy, and materiality, shall be received in evidence subject to section 7 (c) of the Administrative Procedure Act (5 U. S. C. 1006 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the hearing examiner shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the hearing examiner. Where the testimony of a witness refers to a statute, or to a report or document, the hearing examiner shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence or shall be incorporated in the record by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the hearing examiner.

§ 130.23 *Oral and written arguments.* (a) Unless the hearing examiner shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The hearing examiner shall announce at the hearing a reasonable period within which the parties or their representatives may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 130.24 *Tentative order.* The hearing examiner, within a reasonable time, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent and the New Drug Branch, or sent to them by registered mail. If no exceptions are taken to the tentative order within 20 days or such other time specified in such order, that order shall become final.

§ 130.25 *Exceptions to the tentative order.* Within 20 days or such other time specified in the tentative order, the respondent or the New Drug Branch may transmit exceptions to the hearing examiner, together with any briefs or argument in support thereof. If exception is taken to any tentative findings of fact, reference must be made to the pages or parts of the record relied upon, and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument.

§ 130.26 *Issuance of final order.* Within a reasonable time after the filing of exceptions, or after oral argument (if such argument is requested), the Commissioner shall issue the final order in the proceeding. The order will include the findings of fact upon which it is based.

§ 130.27 *Suspension of effective application.* If the Commissioner has reason to believe (a) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that a drug for which an application is effective is unsafe for use under the conditions of use upon the basis of which the application became effective, or (b) that the application contains any untrue statement of a material fact, he shall so notify the person holding the effective new-drug application and afford an opportunity for a hearing. The notice and hearing will conform to the provisions of §§ 130.14 to 130.27, inclusive.

§ 130.28 *Revocation of order refusing to permit application to become effective or suspending effective applications.* The Commissioner, upon his own initiative or upon request of an applicant stating reasonable grounds therefor, may, if he finds that the facts so require, issue an order allowing an application to become effective which has been refused or suspended.

§ 130.29 *Service of notices and orders.* All notices and orders under this part and section 505 of the act pertaining to new-drug applications shall be served:

(a) In person by any officer or employee of the Department designated by the Commissioner; or

(b) By mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the Department.

§ 130.30 *Untrue statements in application.* Among the reasons why an application may contain an untrue statement of a material fact are:

(a) Differences in:

(1) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(2) Articles used as components of the drug from those listed in the application;

(3) Composition of the drug from that stated in the application;

(4) Methods used in, or the facilities and controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application;

(5) Labeling from the specimens contained in the application; or

(b) The unexplained omission in whole or in part of any information obtained from (1) investigations as to safety, or (2) investigations as to identity, strength, quality or purity of the drug made by the applicant with the drug or submitted to him by any investigator whom he supplied with the drug, when such omission would bias an evaluation of the safety of the drug.

§ 130.31 *Judicial review.* The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the final orders were based. The transcript and record shall be certified by the Commissioner.

§ 130.32 *Confidentiality of information contained in new-drug applications.* (a) The Federal Food, Drug, and Cosmetic Act provides, in section 505 (b), that any person may file with the Secretary of Health, Education, and Welfare an application with respect to any new drug, which shall include, among other things, a full list of the articles used as components and a full statement of the composition of such drug. These requirements apply to all components or ingredients of a new drug, whether or not they are therapeutically active. Fulfillment of these requirements may be met by submitting a full statement of the chemical or common or usual name and of the quantity of each component or ingredient of the drug. Such requirements may also be met through the inclusion in the new-drug application of a properly authorized reference to a previous application or other Food and Drug Administration file containing the relevant information.

(b) The Food and Drug Administration treats information in new-drug applications as confidential. Section 301 (j) of the Federal Food, Drug, and Cosmetic Act makes it an offense to divulge to unauthorized persons any information acquired from a new-drug application concerning any method or process that is a trade secret. Basic manufacturers sometimes submit data to the Food and Drug Administration in the form of so-called master files for the purpose of establishing the safety of ingredients that may be used in new drugs and authorize specified applicants to incorpo-

rate by reference such data in support of their applications. Such manufacturers may regard some of the data in such files as trade secrets and request the Food and Drug Administration to treat such information as confidential. The Food and Drug Administration will preserve the confidentiality of such data to the extent that it may properly do so. Because the applicant is legally responsible for the composition of the new drug and all its ingredients and may require information in the master file for judicial or administrative proceedings concerning the drug, the Food and Drug Administration will not withhold such information from the applicant when his need for it arises and he submits a written request for it. The Food and Drug Administration will inform the person who submitted the data of any such requests.

SUBPART B—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

§ 130.101 *Prescription-exemption procedure*—(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act remains so limited until it is exempted as provided in paragraph (b) of this section.

(b) *Prescription-exemption procedure for drugs limited by a new-drug application.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act shall be exempted from prescription-dispensing requirements when the Commissioner finds such requirements are not necessary for the protection of the public health by reason of the drug's toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use. The exemption of a drug from the prescription-dispensing requirements of section 503 (b) (1) (C) of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor, which petition may be in the form of a supplement to an effective new-drug application. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rule making and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rule making or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he may call a public hearing for that purpose. The notice of such hearing shall specify the questions to be considered. As soon as practicable after completion of the hearing, the final regulation granting or refusing the exemption shall be issued, effective on a date specified therein. If the Commissioner for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in a regulation) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

(c) *New-drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201 (p) of the act until it has been used to a material extent or for a material time under such conditions.

(d) *Prescription legend not allowed on exempted drugs.* The use of the prescription caution statement quoted in section 503 (b) (4) of the act, in the labeling of a drug exempted under the provisions of this section, constitutes misbranding. Any other statement or suggestion in the labeling of a drug exempted under this section, that such drug is limited to prescription use, may constitute misbranding.

§ 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) The prescription-dispensing requirements of section 503 (b) (1) (C) of the Federal Food, Drug, and Cosmetic Act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

(1) *N*-acetyl-*p*-aminophenol (*p*-hydroxy-acetenilid) preparations meeting all the following conditions:

(i) The *N*-acetyl-*p*-aminophenol is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The *N*-acetyl-*p*-aminophenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.325 gram (5 grains) of *N*-acetyl-*p*-aminophenol per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults, 0.325 gram (5 grains) per dose or 1.0 gram (15 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for more than 10 days, except as such uses may be directed by a physician.

(2) Sodium gentisate (sodium-2, 5-dihydroxybenzoate) preparations meeting all the following conditions:

(i) The sodium gentisate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium gentisate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.5 gram (7.7 grains) of anhydrous sodium gentisate per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of sodium gentisate recommended or suggested in the labeling do not exceed: For adults, 0.5 gram (7.7 grains) per dose or 2.0 grams (31 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

(3) Isoamylhydrocupreine and zolamine hydrochloride (N, N-dimethyl-N′-2-thiazolyl-N′-*p*-methoxybenzyl-ethylenediamine hydrochloride) preparations meeting all the following conditions:

(i) The isoamylhydrocupreine and zolamine hydrochloride are prepared in dosage form suitable for self-medication as rectal suppositories or as an ointment and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The isoamylhydrocupreine, zolamine hydrochloride, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.25 percent of isoamylhydrocupreine and 1.0 percent of zolamine hydrochloride.

(v) If the preparation is in suppository form, it contains not more than 5.0 milligrams of isoamylhydrocupreine and not more than 20.0 milligrams of zolamine hydrochloride per suppository.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of local pain and itching associated with hemorrhoids.

(vii) The directions provide for the use of not more than two suppositories or two applications of ointment in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against use of the preparation in case of rectal bleeding, as this may indicate serious disease.

(4) Phenyltoloxamine dihydrogen citrate (*N,N*-dimethyl-(α-phenyl-*O*-toloxy) ethylamine dihydrogen citrate) preparations meeting all the following conditions:

(i) The phenyltoloxamine dihydrogen citrate is prepared, with or without other

drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The phenyltoloxamine dihydrogen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dose or 264 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 150 milligrams of phenyltoloxamine) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(5) Oxytetracycline and polymyxin B sulfate preparations meeting all the following requirements:

(i) The oxytetracycline and polymyxin B sulfate are prepared in ointment or other dosage form suitable for self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The oxytetracycline, polymyxin B sulfate, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains per gram an amount of oxytetracycline hydrochloride equivalent to not more than 30 milligrams of oxytetracycline and an amount of polymyxin B sulfate equivalent to not more than 10,000 units of polymyxin B.

(v) The preparation is labeled with adequate directions for use by external application to prevent infection in minor burns, minor wounds, and abrasions.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use of the preparation in the eye.

(*b*) Use if irritation or infection develops, except as directed by a physician.

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl - 4 - *m* - methylbenzylpiperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Administration of the drug to children under 6 years of age, except as directed by a physician.

(*c*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*d*) Keeping the drug within reach of children, if it is in candy form.

(7) Diamthazole dihydrochloride (2-dimethylamino - 6 - (β - diethylamino ethoxy)-benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and over in those conditions for which it may be safely used without medical supervision.

(vi) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or children under 6 years of age, because serious reactions may occur.

(*b*) Application to children 6 to 12 years of age, except as directed by a physician.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation or failure to obtain prompt relief.

(8) Dicyclomine hydrochloride (1-cyclohexylhexahydrobenzoic acid, β-diethylaminoethyl ester hydrochloride; diethylaminocarbethoxy-bicyclohexyl hydrochloride) preparations meeting all the following conditions:

(i) The dicyclomine hydrochloride is prepared with suitable antacid and other components, in tablet or other dosage form for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dicyclomine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of dicyclomine hydrochloride per dosage unit, or if it is in liquid form not more than 0.5 milligram of dicyclomine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use only by adults and children over 12 years of age, in the temporary relief of gastric hyperacidity.

(vi) The dosages recommended or suggested in the directions for use do not exceed 10 milligrams of dicyclomine hydrochloride per dose or 30 milligrams in a 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Prolonged use, except as directed by a physician, since persistent or recurring symptoms may indicate a serious disease requiring medical attention.

(*c*) Administration to children under 12 years of age except as directed by a physician.

(*d*) Use if dryness of the throat, blurring of vision, dizziness, or rapid pulse occurs.

(9) Neomycin sulfate preparations meeting all the following conditions:

(i) The neomycin sulfate is prepared with a vasoconstrictor, and with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as a nasal spray, or as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per spray or per drop.

(iii) The neomycin sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iv) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(v) The neomycin sulfate content of the preparation does not exceed the equivalent of 0.8 milligram of standard neomycin base per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion due to the common cold and hay fever.

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, 3 sprays or 3 drops per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, 2 sprays or 2 drops per nostril per dose, or 5 doses in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Administration to children under 3 years of age, except as directed by a physician.

(*b*) Exceeding the recommended dosage.

(*c*) Use in a manner contraindicated by the nature of the vasoconstrictor or other components.

(10) Sodium fluoride preparations meeting all the following conditions:

(i) The sodium fluoride is prepared, with other components, in a dosage form suitable for household use as a dentrifice powder, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium fluoride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of sodium fluoride per gram and is packaged to contain not more than 300 milligrams of sodium fluoride per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentrifice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use by children under 6 years of age.

(*b*) Use if the water supply contains fluoride, except as directed by a dentist.

(11) Hexadenol (a mixture of tetracosanes and their oxidation products) preparations meeting all the following conditions:

(i) The hexadenol is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hexadenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of hexadenol.

(v) The preparation is labeled with adequate directions for use by external application in the treatment of minor burns and minor skin irritations.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use on serious burns or skin conditions or prolonged use, except as directed by a physician.

(*b*) Spraying the preparation in the vicinity of eyes, mouth, nose, or ears.

(12) Sulfur dioxide preparations meeting all the following conditions:

(i) The sulfur dioxide is prepared, with or without other drugs, in an aqueous solution packaged in a hermetic container suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sulfur dioxide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 grams of sulfur dioxide per 100 milliliters of solution.

(v) The preparation is labeled with adequate directions for use by external application to the smooth skin in the prevention or treatment of minor conditions in which it is indicated.

(vi) The directions for use recommend or suggest not more than two applications a day for not more than 1 week, except as directed by a physician.

(13) Doxylamine succinate preparations meeting all the following conditions:

(i) The doxylamine succinate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The doxylamine succinate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 7.5 milligrams of doxylamine succinate per dosage unit, or if it is in liquid form not more than 1.5 milligrams of doxylamine succinate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of the minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 7.5 milligrams of doxylamine succinate per dose or 45 milligrams of doxylamine succinate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(14) Dextromethorphan hydrobromide (dextro-3-methoxy-*N*-methylmorphinan hydrobromide) preparations meeting all the following conditions:

(i) The dextromethorphan hydrobromide is prepared with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dextromethorphan hydrobromide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 15 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 3 milligrams of dextromethorphan hydrobromide per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of dextromethorphan hydrobromide per dose or 120 milligrams of dextromethorphan hydrobromide per 24-hour period; for children 4 to 12 years of age, 15 milligrams per dose or 60 milligrams per 24-hour period; for children 2 to 4 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, except as directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

Dated: July 19, 1956.

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

[F. R. Doc. 56-5980; Filed, July 24, 1956; 8:49 a. m.]

TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

JULY 16, 1956.

Part 5 is amended by adding the following section:

§ 5.18 *Arms, ammunition, and implements of war.* (a) The exportation of technical data relating to arms, ammunition, and implements of war is subject to the licensing jurisdiction of the Department of State, as set forth in its pertinent regulations (22 CFR 75.1 to 75.183). The articles designated as arms, ammunition, and implements of war are enumerated in 22 CFR 75.10, this list being known as the United States Munitions List. The exportation of technical data relating to articles on this list wtih any application for foreign patent is generally subject to the licensing requirements of the Secretary of State, 22 CFR 75.114.

(b) When a petition for license is received by the Commissioner, during the time in which a license from the Commissioner is required (see § 5.11a), and it is determined that the subject matter involved also falls under the jurisdiction of the Secretary of State, the applicant will be so notified and given whatever information may be deemed appropriate. The petition for license will be referred by the Patent Office to the Department of State for its action. Action by the Patent Office on the petition will be deferred pending the Department of State consideration.

(c) If an application for patent for subject matter on the Munitions List (22 CFR 75.10) is subject to a secrecy order under § 5.2 and a petition under § 5.5 for a modification of the secrecy order to permit filing abroad is made, compliance with Department of State regulation 22 CFR 75.110 (c) is also required.

(d) When no license from the Commissioner is required, see § 5.11 (b), relating to the exportation of such technical data with applications for foreign patents, the specific provisions of the regulations issued by the Secretary of State cited above must be complied with.

(Secs. 6, 188, 66 Stat. 793, 808; 35 U. S. C. 6, 188)

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-5979; Filed, July 24, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1314]

[Oregon 04299]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT IN CONSTRUCTION AND OPERATION OF RADIO FACILITIES

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

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for use in connection with the construction and operation of radio facilities:

WILLAMETTE MERIDIAN

T. 13 S., R. 15 E.,
Sec. 17, W½SE¼.

The area described contains 80 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 19, 1956.

[F. R. Doc. 56-5965; Filed, July 24, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

WEEKLY CLOSED PERIOD

Basis and purpose. In compliance with the requirements of § 104.5, registration of units of gear by districts in the Bristol Bay area for the week ending July 28, 1956, are announced as follows:

Nushagak district, 242 units.
Naknek-Kvichak district, 285 units.
Egegik district, 77 units.
Ugashik district, 33 units.

The requirements of paragraph (a) of Section 104.5 notwithstanding the allowable fishing time for the week ending July 28, 1956 shall be: Nushagak district, 1 day; Naknek-Kvichak district, 1¼ days; Egegik district, 1½ days; and Ugashik district, 1½ days: *Provided,* That these restrictions shall not apply after July 26.

Since immediate action is necessary, notice and public procedure on this amendment is impracticable and these changes shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

JULY 23, 1956.

[F. R. Doc. 56-6022; Filed, July 23, 1956; 1:55 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 195]

SODIUM PERMITS AND LEASES: USE PERMITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 23 to section 25, inclusive, of the act of February 25, 1920 (41 Stat. 447, 30 U. S. C. 261-263), as amended, it is proposed to amend certain sections of the sodium regulations approved December 2, 1954, as amended September 7, 1955. The proposed amendment of the sections is set forth as appendices to this notice.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment of the sections to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 19, 1956.

1. Section 195.12 is amended by adding thereto new paragraph (c), as follows:

§ 195.12 *Reward for discovery.* * * *

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citi-

zenship and holdings similar to that required by § 195.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 195.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 195.4 (c) (1) and (4).

2. Section 195.19 is amended, as follows:

§ 195.19 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 195.4.

3. Section 195.20 is amended, as follows:

§ 195.20 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 195.18, and file a bond as required by § 195.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 195.12 (c) must be filed before it can be determined to whom the lease may be issued.

4. Section 195.24 is amended by adding thereto new paragraphs (c) and (d), as follows:

§ 195.24 *Transfers, including subleases.* * * *

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 195.12 (c).

[F. R. Doc. 56-5969; Filed, July 24, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A-31]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE AGREEMENT AND ORDER, AS AMENDED

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 at New York City during the period May 21–June 5, 1956, pursuant to notice thereof issued on May 10, 1956, and published in the FEDERAL REGISTER on May 15, 1956 (21 F. R. 3178).

The material issues of record are concerned with:

1. The pricing of Class I-A milk for the period July-September 1956;
2. The pricing of Class II milk;
3. The fluid skim differential; and
4. The need for prompt action necessitating omission of a recommended decision and opportunity for exceptions with respect to these issues.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary issued his decision on June 15, 1956 (21 F. R. 4317). This decision was amended on June 27, 1956 (21 F. R. 4873) to provide that insofar as the findings and conclusions thereon relate to periods beginning on and after August 1, 1956, such decision shall be considered a tentative decision and interested parties be afforded an opportunity to file exceptions thereto.

Findings and conclusions. The following findings and conclusions are based upon evidence in the record of the hearing:

Issue No. 1. Consideration was given at this hearing to proposals for fixing Class I-A prices only for the months of July, August, and September 1956. Two specific proposals made were (1) for $6.00 per hundredweight seasonally adjusted ($5.70 for July, $6.00 for August, and $6.24 for September), and (2) for $5.50 in each of the three months. (An order amending the order, as amended, issued by the Under Secretary on June 27, 1956 (21 F. R. 4853) provided for a Class I-A price for July 1956 of $5.22).

These proposals were made as a means of providing an immediate increase in the returns to producers. Proponents contended that producers are experiencing severe economic difficulty resulting from failure of the uniform price paid to producers to adequately compensate producers for the costs of milk production. It was further indicated that the economic difficulties being experienced are sufficiently intense to have created unrest among producers to a degree threatening the maintenance of orderly marketing of milk in the market.

In considering these proposals for increasing the Class I-A price, it is necessary, of course, to do so with reference to the purposes or objectives properly sought to be accomplished in the fixing of Class I-A prices under the order. The Agricultural Marketing Agreement Act of 1937, as amended, pursuant to which minimum prices are established under the order, authorizes the Secretary of Agriculture to fix such prices as he finds will reflect the price of feeds, the available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. Prices established under the order must conform to these standards.

Monthly Class I-A prices for the year 1955 averaged $5.20 per hundredweight. This was 7 cents higher than in 1954, 3 cents lower than in 1953, and 30 cents below the average for 1952. During the first 6 months of 1956 the Class I-A price averaged $5.06, 2 cents higher than during the same period in 1955.

At the request of producer representatives action was taken recently by the Department resulting in the maintenance of Class I-A prices for the month of May and June at the April level of $4.78. In response to similar requests by producers in other markets, action also was taken by the Department resulting in the establishment of higher prices for Class I milk than otherwise would have prevailed during the months of May, June, and July in a substantial number of other markets under Federal regulation. No such action, however, was taken in the Federally regulated markets nearest to New York (New England markets and Philadelphia).

The New York Class I-A price appears to be reasonably in line with Class I prices in other markets, and is not abnormally low relative to manufacturing milk prices. For the year 1955 the New York

Class I-A price in relation to Class I prices in Boston was somewhat lower than in other recent years, but in recent months the relationship has shifted so that the Class I-A price in New York currently is higher than usual in relation to Boston. In relation to the Philadelphia Class I price, the New York Class I-A price was higher during 1955 than during the preceding three years. For the year 1955 the New York Class I-A price exceeded the Chicago Class I price by $1.46 per hundredweight compared with the average of $1.15 for the years 1947-1955. The New York Class I-A price averaged $2.24 above the Midwestern condensery price for the year 1955 compared with an average of $1.96 higher during the period 1947-1955. Class I-A prices in prospect for the next few months are at substantially the same level as for the corresponding months in 1955.

The supply of pool milk in relation to fluid milk sales continues to run relatively high. In terms of annual averages, the precentages of pool milk utilized in Class I (A, B, and C) for the years 1951 through 1955 were 52.3, 51.4, 48.6, 47.3, and 46.9, respectively. During the month of smallest supply, usually in November, milk utilized in fluid form together with milk used for fluid cream in the marketing area (required by health authorities to come from approved sources) accounted for declining proportions of the total volume of pool milk during each of the past four years. The percentages so utilized in the years of 1951 through 1955 were 80.7, 74.1, 72.7, 70.1, and 65.6, respectively.

There is no basis for finding that the proposed increase in the Class I-A price would not be reflected in higher consumer prices for milk. While the record provides no basis for determining the precise impact of an increase of 1 or 2 cents per quart on consumer prices on the sales of Class I-A milk, it is a reasonable conclusion that the effect would be unfavorable in some degree. From the standpoint of return to producers, any reduction in Class I-A sales, accompanied by an equivalent increase in the volume of milk going into the lowest prices used, would tend to offset higher returns resulting from a higher Class I-A price.

It is concluded that the order should not be amended to fix prices for Class I-A milk for the months of August and September 1956 different from those resulting from operation of existing provisions of the order.

Issue No. 2. Proposals relating to the pricing of Class III milk on which evidence was presented at the hearing include those (1) to increase the level of the Class III price, (2) to provide more seasonal variation in the price, and (3) for changing the price of milk used for butter and cheese relative to the price of milk for other Class III uses. It was also proposed that a lower price for Class III milk be established for the months of February through June and that there be eliminated from the order the provision under which the butter-cheese adjustment is reduced whenever the market price of cheese in relation to the market prices of butter and nonfat dry milk is higher than the relationship historically prevailing.

On the basis of the evidence presented relating to these proposals, it is concluded that provisions of the order for the pricing of Class III milk should be amended as follows:

(1) By increasing the Class III price 13 cents per hundredweight for the months of July through November, 10 cents for the months of December, January and February, 8 cents for the months of March and April, and 5 cents for the months of May and June.

(2) By reducing the amount of the butter-cheese adjustment from 4 cents to 3 cents per pound of butterfat during the months of July through February, thus increasing by 3.5 cents per hundredweight for those months the price of milk used for butter and cheese; and

(3) Eliminating provisions for reducing the butter-cheese adjustment whenever the market price for cheese is abnormally high in relation to the market price for butter and nonfat dry milk.

The first of these amendments will provide an additional 8 cents seasonal variation in the Class III price, a simple average annual increase of 10 cents in Class III prices, and on the basis of the monthly volumes of Class III milk during 1955 would result in a weighted average annual increase in the level of the price of about 9.1 cents per hundredweight. The second listed amendment will add an additional 3.5 cents per hundredweight to the price of milk used for butter and cheese except during the months of March, April, May, and June, and, on the basis of 1955 volumes, would result in a weighted average increase on an annual basis of 1.5 cents per hundredweight of milk used for butter and cheese, and about 0.4 cents per hundredweight of all Class III milk. During 1955 both amendments would have increased the average annual level of the Class III price by about 9.5 cents per hundredweight. The third listed amendment would have had no effect during 1955 but will eliminate the possibility of any further reduction in the amount of the butter-cheese adjustment.

There are indications that the present Class III pricing provisions result in a price which does not fully reflect the value of Class III milk for manufacturing purposes. During 1955 and the first four months of 1956 the level of the Class III price declined in relation to the support price of milk for manufacturing purposes, and in relation to the United States average prices paid for milk for manufacturing and the prices paid at selected Midwestern condenseries. The weighted average price for all Class III milk was 5 cents lower in 1955 than in 1954. During the 12 months ending with April 1956 the weighed average price for all Class III milk was 6 cents lower than in 1954. Compared with the United States average price for milk for manufacturing the average price for all Class III milk was higher by 3 cents in 1954 but lower by 1 cent in 1955, and lower by 4 cents during the 12 months ending with April 1956. The Midwestern condensery price exceeded the annual average price for all Class III milk by 6 cents in 1953, 11 cents in 1954, 18 cents in 1955, and 20 cents for the 12 months ending with April 1956. The Midwestern condensery price exceeded the Class III price by an average of 15 cents per hundredweight during the 6-year period of 1950-1956. An increase in the Class III price is needed to bring it more nearly in line with the United States average price for milk for manufacturing and with the Midwestern condensery price. An increase of approximately 9 cents per hundredweight during the 12 months ending April 1956 would have restored the relationship which existed during 1954.

The addition of fixed amounts to the monthly Class III prices as calculated under the present formula, rather than reversing the 30-70 weighting of spray and roller nonfat dry milk prices as proposed at the hearing, is chosen as a means of increasing the level of the Class III price at this time. The method chosen is in the interest of simplicity and in recognition of the prospect of again considering Class III pricing provisions at an early date. The proposed reversal of the present 30-70 weighting appears to be more realistic from the standpoint of industry practice, but involves month to month changes in prices concerning which further exploration is desirable.

An increase in the Class III price at this time is supported also by evidence of increased gross margins available to handlers on milk for manufacturing uses and of the existence of adequate outlets for the disposition of Class III milk at higher than average handling charges. During the year 1955 and for the 12 months ending with April 1956, handling charges obtained in the spot market for fluid milk in the marketing area were substantially higher than during the preceding 3 years and about the same as in 1950. Handling charges negotiated earlier this year under annual contracts for fluid milk supplies for the marketing area during 1956 are also reported to be somewhat higher than in 1954 and considerably higher than in 1953. The attractiveness of outlets for milk for various manufacturing uses is recognized as constituting an important factor influencing the rates of handling charges negotiated under contracts between buyers and sellers for supplies of milk for fluid distribution in the marketing area. There is no evidence of reluctance on the part of operators of manufacturing milk facilities generally to accept milk for manufacturing purposes on reasonable terms.

A further consideration of importance under circumstances shown at this hearing to prevail is the effect of the level of the Class III price on returns to producers. For the year 1955 there were 3,708 million pounds of pool milk utilized in Class III, representing 45.6 percent of all pool milk compared with 3,221 million pounds, constituting 39.6 percent of the pool milk, utilized in Class I-A. The volume of Class III milk thus exceeded the volume in Class I-A by about 15 percent. Utilization in all fluid classes, however (Classes I-A, I-B and I-C), brought the total fluid use up to about 47 percent of pool receipts.

For reasons more fully set forth in prior decisions and for the additional reason that the question of pricing Class III milk is sheduled for further consideration at a hearing begun on June 18, 1956, it is concluded that the price for Class III milk should not be tied directly to prices paid at Midwestern condensaries. It is again determined, however, on the basis of evidence in this record that prices paid for milk for manufacturing uses, including prices paid at Midwestern condensaries, constitute a useful and reliable guide for determining the proper average level of the Class III price over extended periods.

The seasonal variation in the Class III price herein determined to be appropriate is based on evidence to the effect that the most favorable outlets for Class III milk are available during the months of July through November and that during the months of February through June relatively large proportions of the Class III milk go into lower valued uses, and that it is during this period that Class III handlers experience more intensive competition with milk from nonpool sources for the available outlets for Class III milk.

The volume of Class III milk was 429 million pounds greater in 1955 than in 1953. Approximately 75 percent of this additional volume went into various Class III uses other than butter and cheese. However, the volume of milk used for butter and cheese was about 100 million pounds greater in 1955 than in 1953. With an increase in the level of the Class III price a reduction of 1-cent per pound of butterfat in the amount of the butter-cheese adjustment appears desirable in order to provide assurance that the utilization of milk for butter and cheese becomes no more favorable than at the present relative to other uses, and to bring the price established for milk used for butter and cheese more nearly in line, although still substantially below, competitive prices paid for milk for these uses. However, maintenance of the present 4-cent rate during the months of March, April, May, and June will preserve the present relationship during months when the volume of milk utilized for butter and cheese is the greatest. In 1955 approximately 56 percent of the total volume of milk utilized for butter and cheese was in the months of March, April, May, and June. For the year 1955 the Class III price for milk used for butter and cheese was lower than the United States average price paid for milk for butter and nonfat dry milk by about 16 cents and lower than the United States average price paid at cheese factories by about 9 cents. Compared with prices paid at creameries and cheese factories in Wisconsin the butter-cheese price under the order was lower by 18 to 20 cents.

Evidence presented in connection with the proposal to delete that portion of the butter-cheese adjustment provision under which the amount of the adjustment is reduced depending upon the current ratio of the price of cheese to the price of butter and nonfat dry milk indicates that the provision may not now be serving a desirable purpose. It was shown that recent changes in the respective purchase prices under the support program have resulted in price relationships not properly reflected in the provision. The record, however, does not provide adequate basis for revision of the 2.5 ratio as may be necessary. For these reasons, and in view of the decision herein to reduce the butter-cheese adjustment, the provision should be deleted.

Issue No. 3. It is concluded that the fluid skim differential should be so modified (1) that it is not applied to skim milk which is utilized in cultured milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat; and (2) that condensed skim milk is included in the list of forms in which skim milk may enter the marketing area and be subject to the fluid skim differential.

The order presently provides a fluid skim differential which is an additional charge for certain skim milk. It is applied primarily to skim milk derived from Class II or Class III milk which enters the marketing area in one of a number of specified forms, and is there utilized in any one of a number of specified products. The differential is so computed that if a hundredweight of Class II milk containing 3.5 percent butterfat is separated into 40 percent cream, and the skim milk resulting from such separation is subject to the fluid skim differential, the total value at the Class II price plus the fluid skim differential will be equal to the Class I-A price per hundredweight.

Several proposals were made to amend the provision with respect to the fluid skim differential. They were as follows:

(1) To increase the rates;

(2) To apply it to skim derived from Class I milk;

(3) To add flavored drinks to the list of utilizations which would require the fluid skim differential;

(4) To eliminate cultured drinks both from the list of specified forms in which skim milk may enter the marketing area and be subject to the differential, and from the list of uses of skim milk to which the differential would apply; and

(5) To add condensed skim milk to the list of the forms in which skim milk may enter the marketing area and be subject to the fluid skim differential.

Proposals 1 and 2 would result in many cases in the combined value of milk when separated into cream and skim milk being considerably higher than the Class I-A value. The record provided no adequate basis for a determination that the sum of the values of the component parts of milk should be greater than the highest class price provided in the order. Therefore, proposals 1 and 2 listed above are denied.

Proposal No. 3 was withdrawn by proponent and no other witnesses supported it. It is, therefore, denied.

Proposals 4 and 5 are of an emergency nature and arise because of problems caused by changes in the Sanitary Code of the City of New York and in the New York State law with respect to dairy products. The Sanitary Code recently was amended in such a manner as to permit the manufacture of cultured milk drinks, such as buttermilk and yogurt, from milk solids and water. Previously, such cultured milk drinks were required to be made from milk, uncondensed skim milk and cream. Therefore, such products previously could be made only from fresh fluid products obtained from sources meeting the health requirements for fluid milk. The amendment to the Sanitary Code permits them to be made from products obtained from sources not subject to local health inspection. This means that solids for use in buttermilk and yogurt can be obtained from manufactured skim milk sources. Under such circumstances, the persons using fresh fluid products under the current order are at a competitive disadvantage compared with those making the products from nonfat dry milk solids.

Competitive equality could be obtained either by applying the fluid skim differential to all cultured drinks, regardless of the source of solids, or by eliminating the fluid skim differential from fresh skim milk used in such products. The notice contains no specific proposal for the first solution and the record does not justify such action at this time.

Cultured milk drinks between 3.0 and 5.0 percent butterfat are defined as Class I products. The elimination of the fluid skim differential from skim milk used in cultured milk drinks between 3.0 and 5.0 percent butterfat would give persons making such products in the marketing area from skim milk and cream a distinct competitive advantage over those making them from whole milk, or making such drinks outside the marketing area. Amendment of the Class I-A definition is not within the scope of the hearing notice and, therefore, competitive equality for the cultured milk drinks between 3.0 and 5.0 percent butterfat will be better maintained by continuing to apply the fluid skim differential to any skim milk used in cultured milk drinks between 3.0 and 5.0 percent butterfat.

In its recent session, the New York State Legislature enacted a law which permits the sale of a product known as "modified skim milk." This product is made of skim milk with added nonfat milk solids. If the solids are added in the form of nonfat dry milk solids, there is no increase in the volume of the product over the volume of the fluid skim milk used in the manufacture. The fluid skim differential applied to the volume of such modified skim milk would therefore be the same as if it were applied to the natural skim milk used in its manufacture. If the modified skim milk were made by the addition of condensed skim milk to the natural skim milk, the total volume of the modified skim milk would be greater than the total volume of the natural skim milk used in its production. Under the present fluid skim milk provision, there would be a lesser fluid skim differential paid on such modified skim milk than on a volume of natural skim milk equal to the volume of modified skim milk. If the fluid skim differential were applied to the volume of both the natural skim milk and the condensed skim milk used in the modified skim milk, the differential paid would be the same as for an equivalent volume of natural fluid skim milk.

Issue No. 4. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions, thereto on the above listed issues.

The nature of these issues is such that the conclusions thereon should be effectuated as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat its purpose. The time necessarily involved in the preparation, filing and publication of a recommended decision together with time for filing exceptions thereto would preclude timely action.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties promptly of the conclusions reached. It is important that interested parties be informed of the action decided upon as promptly as possible in order that appropriate adjustments may be made promptly in their operations in accordance with the decision.

Rulings. Rulings of the presiding officer to which specific objections were taken are affirmed. Requests were made for an extension of time for filing briefs and for issuance of a recommended decision for exceptions in the event of any change in Class III pricing provisions which are not limited in time by a definite expiration date. Even though no provision is made herein for a definite expiration date on the Class III price amendments, the amended provisions are subject to reconsideration at a public hearing begun on June 18, 1956. This affords ample protection for interested parties. Accordingly, such requests are denied.

Within the period reserved therefor, interested parties filed exceptions to certain of the findings and conclusions contained in the decision of the Assistant Secretary. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Certain of the findings and conclusions and the proposed effectuating amendment as set forth in the June 15, 1956 decision of the Assistant Secretary have been revised after consideration of such exceptions.

To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the Assistant Secretary's decision issued on June 15, 1956, such exceptions are overruled. Rulings contained in that decision upon proposed findings and conclusions submitted by interested persons are affirmed except as modified by the findings and conclusions set forth herein.

To the extent that findings and conclusions proposed by interested persons and not ruled upon in the Assistant Secretary's decision issued on June 15, 1956 are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

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

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

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

Determination of representative period. The month of April 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the New York metropolitan milk marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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

This decision filed at Washington, D. C., this 19th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating Handling of Milk in New York Metropolitan Milk Marketing Area

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

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

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and

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

in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend paragraph (f) of § 927.40 as follows:

(a) Amend the opening sentence to read as follows: "For Class III milk, the price shall be the sum of the amounts computed or determined pursuant to subparagraphs (1), (2), and (3) of this paragraph, minus 80 cents."

(b) Add a new paragraph (3) as follows:

(3) Determine the appropriate seasonal adjustment in accordance with the following table:

Month to which the price is applicable:	*Amount*
July through November	$0.13
December through February	.10
March and April	.08
May and June	.05

2. Amend § 927.43 as follows:

(a) Change the words just prior to the first proviso from "four cents per pound of butterfat in such milk" to "four cents per pound of butterfat in such milk in the months of March through June and three cents per pound of butterfat in such milk in the months of July through February:".

(b) Delete the first proviso.

(c) Amend the second proviso to read: "*Provided*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one-cent per pound of butterfat for each full five-hundredths by which the ratio of 2.5 is lower than a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest hundredth."

3. Amend § 927.44 prior to the first colon to read as follows:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: * * *

[F. R. Doc. 56-5977; Filed, July 24, 1956; 8:48 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-22]

Handling of Milk in Chicago, Ill., Marketing Area

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Chicago, Illinois, on June 4, 6, and 7, 1956, pursuant to notice thereof which was issued on May 16, 1956 (21 F. R. 3327).

The material issues on the record of the hearing related to:

1. The price level for Class I milk, including the supply-demand adjustment.
2. Revision of the definition of "pool plant" with respect to performance of plants and other qualifications; "reload point" as a type of pool plant; and accounting and payments for nonpool milk received at a pool plant.
3. Elimination of the special price applied in September, October and November to Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area.
4. Revision of price differentials to producers in nearby zones.
5. Changes in the method of accounting for milk, including use of a skim milk and butterfat system of accounting, and a special classification and accounting plan for skim milk and butterfat used in ice cream.
6. Expansion of the surplus milk manufacturing area.
7. Classification of malted milk.

In addition to the issues here listed, certain other matters were referred to in proposals included in the hearing notice, but were either abandoned or not specifically mentioned at the hearing. These matters included the price level for Class II milk, expansion of the marketing area to include all of Lake County, Illinois, advance payments to producers, new producer bases, and accounting for own-farm production. It is concluded that no action with respect to these matters should be taken on this record.

A request was made on the record that early action on Issues No. 2 and No. 3 be taken so that any resulting changes in the order could be made effective September 1, 1956. This decision deals only with Issues No. 2 and No. 3. Issues No. 1 and Nos. 4 through No. 7 are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based upon evidence contained in the record of the hearing:

Pool plants. The order requirements with respect to the qualifications to be met by plants for participation in the market-wide pool should be modified. The eligibility of supply plants for pooling should be based on the actual delivery of milk in the current month, or actual delivery in the months of September, October and November preceding, to plants processing and distributing Class I milk products or any Chicago inspected Class II milk product in the marketing area.

Present order provisions establish three categories of plants. The first category includes all plants which process and package any Class I milk product which is disposed of in the marketing area for consumption in fluid form. A second category is comprised of those supply plants which are not on the approved list of the Board of Health of Chicago, Illinois, and which are suppliers of plants from which Class I milk is distributed in the segment of the marketing area which lies outside the city limits of Chicago. Such supply plants are eligible for pooling on the basis of shipments of not less than 50 percent of the butterfat received from producers in fluid form as milk or cream. Any such plant fulfilling these requirements for each of the months of September, October and November, may remain in the pool through August of the following year. A third category of plants, the largest group, is comprised of those supply plants which are under the approval of the Board of Health of Chicago. These plants are automatically included in the pool on the basis of such approval but are subject to suspension from the pool during the months of March through July if they have not met certain requirements in the previous September, October and November. These requirements are, essentially, that such plants must make at least 50 percent of their producer milk available to the market during the fall months, either through actual shipment or by offers to sell to other pool plants. (In meeting the 50 percent requirement, however, allowance is made for Class I and Class II disposition within the surplus milk manufacturing area other than to pool plants.) Shipments in the form of milk, skim milk, concentrated milk, condensed skim milk, and fluid cream are given credit toward qualification under this require-

ment. The total requirement for all such types of disposition or offers, is 50 percent of the pounds of butterfat in milk received from producers at the plant, or 50 percent of the pounds of whole milk received from producers.

A proposal was made by a producer organization to alter substantially the requirements for pool participation by country supply plants. With respect to all country supply plants, the proposal would terminate credit toward pool qualification based on offers to sell milk to plants processing and distributing Class I milk products in the marketing area. In the future pool qualification would be based on actual shipments from the supply plant to plants which process and package any Class I milk product or any Class II milk product required to be made from inspected milk. The requirement that a supply plant would have to meet, under the proposal, would be the shipment in such manner of at least 50 percent of the butterfat in milk received from producers. Proponent requested also that milk delivered to "receiving stations" which supply the market indirectly through shipments to other supply (pool) plants should also be permitted to qualify for pooling. In determining whether milk at such a receiving station qualifies, the receipts of both plants would be added together and the shipments from the intermediate plants would need to include at least 50 percent of the butterfat in the total receipts of both the receiving station(s) and the intermediate plant. The proposal also would provide that any plant meeting the above requirements during each of the months of September, October and November could remain a "pool plant" until the following September, unless the particular plant is voluntarily withdrawn from the pool through advance notice to the market administrator. An additional feature of the proposal is that the operator of a pool plant would be credited at the uniform price for any milk (which does not violate health requirements) received from a plant not meeting the requirements for pool participation.

The proposal to base the qualification of supply plants for pooling on actual shipments was supported by handler representatives. A request was made, however, that the order not be changed with respect to the forms of milk products allowed for credit toward qualification, i. e., that the privilege of shipping either 50 percent of butterfat in producer milk receipts, or the equivalent of 50 percent of producer milk receipts as milk or skim milk (fluid or condensed), be continued.

Opposition by a producer group to the proposed change in the pool plant requirements, as set forth in their brief, stressed the possibilities that the new requirements would eliminate a number of plants from the pool, result in uneconomical shipments of milk to the market, and benefit nearby producers at the expense of more distant producers. This producer group also objected to basing the pool requirement for supply plants solely on butterfat shipments.

Record data on the percentages of pool milk used for Class I and Class II uses in such fall months show that the average utilization in these classes has been well above 50 percent of total producer milk receipts. In the fall of 1955, the combined percentages for these classes were as follows: September, 86.8 percent; October, 80.2 percent; and November, 78.2 percent.

On the assumption that in these months milk received at pool plants in zones 1 and 2 was completely available for Class I and Class II uses, then of the milk received at plants in the remaining zones, most of which would be delivered to supply plants rather than to distributing plants, at least 74 percent in September 1955, 63 percent in October, and 61 percent in November would have been required to fulfill total Class I and Class II needs.

In the fall of 1953, the total supply of pool milk was unusually large in relation to Class I and Class II needs. If plants in zones 1 and 2 are likewise assumed to have received milk directly from farms and to have achieved utilization of all such milk in Class I and Class II at that time, the remaining plants would have had average utilization in these classes of 55 percent in September, 60 percent in October, and 46 percent in November. The need for milk to supply Class I and Class II utilization from plants in zones 3-22 would be still higher, of course, if, as is likely, bottling plants in the first two zones could not achieve full utilization in Class I and Class II of direct-shipped milk. Higher levels of utilization prevailed in the fall months of 1951, 1952, and 1954.

A plant which may be considered an integral part of the market supply should be able to attain an average utilization of at least 50 percent of its milk in Class I and Class II in the fall months under foreseeable circumstances. It is recognized that the total utilization in Classes I and II in these months, as referred to above, included bulk milk sales to distant points outside the surplus milk manufacturing area, but elimination of these sales from the computation would leave sufficient Class I and Class II milk to result in average utilization significantly greater than 50 percent at plants beyond the first two zones under the conditions outlined.

It is inappropriate to include in the pool, to receive the benefit of uniform prices, those plants which are not a regular and dependable part of the market supply. This may occur under the present provisions which allow plants to qualify on the basis of offers rather than actual shipments. Plants in which the principal operation is the manufacture of milk products may be attracted to the pool primarily to participate in the higher utilization of the fluid milk market without acceptance of responsibility for making supplies available to meet the higher-valued Class I and Class II requirements of the market when supplies may be urgently needed. Although trial of the present provisions has produced some beneficial effect in arresting plants which find the pool attractive for such purpose, difficulties in securing adequate market supplies have not been eliminated. Because of the foregoing considerations it is desirable to base participation of supply plants in the pool on a specified percentage of supplies shipped to the market.

The types of shipments allowed for qualification credit, i. e., milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, should remain as presently provided in the order. Also, there is no substantial reason for continuing to make distinction between the requirements applicable to Chicago approved supply plants and those concerned only with the suburban portion of the marketing area.

Proponents of the new pool plant provisions objected to the allowance of qualification credit on skim milk items shipped to market. This objection was based on the proposition that under the present "milk equivalent of butterfat" accounting method no price differential over the manufacturing price level is realized by producers from skim milk in Class II milk. Skim milk, however, is frequently needed by bottling plants for Class I disposition in the marketing area in such forms as "standardized" bottled milk, buttermilk and milk drinks, and skim milk, condensed or whole, is used at plants in the marketing area for Class II disposition as cottage cheese, ice cream and related products, all of which require substantial quantities of skim milk from inspected sources. Accordingly, shipments of these milk products, as well as the butterfat in milk or cream, should be considered as necessary to fulfill the total need for supplies for all Class I and Class II uses. For this particular purpose, it is not material that the present accounting plan does not provide a price differential on skim milk in Class II uses.

It is concluded that a plant may qualify as a pool plant for the months of December through the following August if, during each of the immediately preceding months of September-November, the sum of its shipments to regulated plants of milk or butterfat in the specified forms equals at least 50 percent of the volume of producer milk received at the plant.

It is appropriate to use the months of September, October and November as a basis for qualifying a plant for participation in the pool for the remainder of the year, since these have tended to be the months of shortest supply. Some plants supplying the market during these months may need to move only a small part, or perhaps none, of their milk to the market in the spring months, but the fact that a plant ships a substantial portion of its supply during the months of shortest production justifies its participation in the pool as part of the supply system throughout the year. Furthermore, it would be uneconomical to require such plants to ship to the market during the remainder of the year the same percentage of their receipts as is required during the fall months to insure a sufficient supply.

Plants not in the market during the September-November period should be required to meet the same 50 percent delivery performance standard each month until the plant has demonstrated

a firm association with the market in the short production months of September, October and November. In this connection it should be noted that any relaxation of the delivery standard for any such plant, particularly for the months when production is approaching the seasonal high, would increase the attractiveness of the pool to milk which is surplus to a plant's fluid operations outside the Chicago marketing area, thus increasing the burden of seasonal surpluses carried by established Chicago producers. Such a plant should have a substantial, and continuing, outlet for milk in the marketing area to attain equal status with established suppliers of the market.

As mentioned previously herein, the proposal would allow a supply plant to qualify by shipments of milk to another supply plant, provided the latter plant shipped sufficient milk to distributing plants to qualify both plants. It was testified that to this extent flexibility in the provisions is needed to accommodate existing "feeder-plant" systems for assembling milk for movement to market. On reasonable balance between total producer (pool) receipts and Class I and Class II uses, a handler operating such a system of plants doubtless would need milk from all such plants in the September-November period, and thus would be able to qualify all plants in the system for the remainder of a twelve-month period.

On the other hand the order should not allow a handler to add a plant to his system without specific delivery performance during the months of December through August if such plant had not been a pool plant in the previous months of September through November. Such a limitation is desirable since the provision for qualifying a system of supply plants as pool plants should not provide greater encouragement to handlers to add plants to the pool in months when additional milk is definitely not needed than to those plant operators looking to the market for the first time.

A corollary proposal of producer proponents is to allow the handler credit at the uniform price (adjusted for location) for milk received at pool plants from plants not having pool status in the computation of the handler's obligation for milk. The total value of the handler's milk receipts, including a value for "other source milk" received from plants not having pool status, would be computed at the class prices provided in the order. Against this aggregate value the handler would be credited at the market-wide uniform price for the amount of such other source milk received at a pool plant. Thus, milk received at a pool plant from a non-pool plant (except milk received in violation of health requirements) would be valued to the handler at a price per hundredweight equal to the average market price to all producers. Any remaining milk in a non-pool plant would receive a return based on its use or disposition to outlets other than pool plants and would not be dependent in any way upon pricing or valuation under the order. In the major segments of the Chicago milkshed, the uniform price to producers computed under the order reasonably reflects the prevailing (or alternative outlet) value for milk of Grade A quality during several months of the year. However, in the months of April, May, June and July the uniform price sometimes declines below the price of Class IV milk in the most distant zones of the milkshed and the alternative use value of inspected milk at such times approximates the Class IV price. Thus, the pricing of other source milk to the handler on the basis of its utilization and a credit to such handler at the uniform price in the August-March period, and at the Class IV price in the months of April through July, together with complementary provisions for allocation, will prevent any displacement of producer milk in higher-valued uses and preserve the integrity of the classified-price plan. Although it would be possible for some other source milk, on which credit at the uniform price is applied, to be delivered to market and utilized in Class III or Class IV milk, any advantages to be gained by sending milk to pool plants for such uses are limited by the locations of plants and consequent adjustment of the uniform price credit based on pool plant location. In the event efforts are made to gain price advantage through use of nearby producer milk in the lower-valued classes and the substitution of other source milk from more distant locations in Class I and Class II uses, it would be appropriate to reconsider the amount of the credit allowed. When milk is transferred from a non-pool plant to a pool plant solely for manufacturing, credit to the pool plant at the uniform price on such milk would result in disadvantage to producers. In the latter instance credit at the Class IV price is appropriate and is so provided.

Price for Class I and Class II milk sold outside the surplus milk manufacturing area. The provisions for special (higher) prices for Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area during September, October, and November should be eliminated.

Elimination of the special price differential on milk and cream moved to distant markets in fall months was proposed by several producer organizations. This proposal was supported on the record primarily by incorporating by reference testimony and exhibits from previous hearings. The producer proponents of the revised pool plant qualification provisions suggested that the out-of-market price differential would no longer be appropriate if its pool plant proposal were adopted.

Prior testimony in support of the continuance of the special price provisions was based on the contentions that: (1) Some such provisions were needed to make milk available in the marketing area during the short production season for Class I and Class II requirements, and (2) the additional 70 cents per hundredweight to be paid by handlers during fall months on sales outside the surplus milk manufacturing area would compensate the market pool for the attendant surplus in other months due to the tendency for out-of-market sales to be seasonal. Opposition testimony in the prior hearings alleged that the special price provisions hinder the sale of milk to other markets for Class I and Class II use, and consequently reduce the value of pool utilization below what it otherwise would be.

The 70-cent price differential added in case of Class I and Class II milk sold outside the surplus milk manufacturing area was first included in the order on July 1, 1951, at the time when the orders for Chicago and the suburban area were consolidated. The special price differential was adopted for the short production months of September, October, and November.

These provisions have been subject to modification and suspension from time to time with respect to whether the differential would apply in certain months or to particular shipments. Effective July 3, 1954, an amendment was adopted which made the application of the 70-cent differential in the fall months dependent on utilization in the market pool in the third preceding month. This amendment was based on a hearing in August 1953 from which it was concluded that the special price would not be appropriate in months when there was an ample supply of milk for both the Chicago marketing area and the outside fluid markets customarily served. On October 1, 1955, the price provisions on sales to other markets were amended so that the 70-cent differential would not apply to shipments made on any Friday or Saturday in view of the fact that marketing area demand for fluid requirements are low on these days as compared with other days in the week.

The application of the 70-cent differential on out-of-market sales has also been suspended several times. The suspension orders were supported by the industry generally on the basis that the price differential was inappropriate under the conditions which prevailed at the particular time.

At the June 1956 hearing, handlers and producers who, in previous hearings, had been principal supporters of continuance of the special 70-cent differential on out-of-market sales, as well as previous opponents of the provision, suggested its elimination at this time on the basis that the proposed new provisions for pool plants would operate to make more milk available to the marketing area in the fall season and would render the out-of-market price differential unnecessary. Inasmuch as the amendments to the pool plant provisions recommended herein are designed to achieve generally the objectives of the special price provisions, it is concluded that the latter provisions should be eliminated.

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

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as

amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interests; and

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

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggesetd findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order, as amended. The following amendments to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 941.8 by eliminating the word "or" at the end of paragraph (c), substituting a comma for the period at the end of paragraph (d), adding the word "or" following the comma and adding a new paragraph (e) as follows:

(e) Operates a nonpool plant qualified to supply Class I milk to the marketing area from which milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, is shipped to a regulated plant.

2. Amend § 941.45 by deleting paragraphs (e), (f), (g), (h), (i), and (j) and substituting therefor the following:

(e) Substract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk, or Class IV milk, the pounds of such other source milk used in Class I milk and Class II milk, respectively, from the remaining pounds in the class of use unless such other source milk is in violation of the applicable health requirements;

(f) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk which is not approved by the applicable health authority for distribution in the marketing area as any Class I milk product specified in § 941.41 (a)(1) or any Class II milk product required to be made from inspected milk;

(g) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk received at a pool plant which is not engaged in processing and packaging any Class I milk product specified in § 941.41(a)(1) or any Class II milk product required to be made from inspected milk by any health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area;

(h) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraphs (e), (f) and (g) of this section;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a) and IV milk are greater than the amount of milk received from producers, the difference shall be considered as other source milk and subtracted from the remaining amount of Class I milk; and

3. Amend §941.52 by deleting the following:

a. The phrase "except as set forth in subparagraph (3) of this paragraph," from subparagraphs (a) (1) and (b) (1),

b. Subparagraphs (a) (3) and (b) (3), and

c. Paragraph (e).

4. Delete § 941.61 and substitute therefor the following:

§ 941.61 *Obligation for other source milk.* The market administrator in computing the net pool obligation for each handler pursuant to § 941.70 shall:

(a) Add an amount determined by multiplying the pounds of other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f) by the difference between the appropriate class price and the lowest announced price per hundredweight applicable for the delivery period:

(b) Add an amount determined by:

(1) Multiplying the pounds of other source milk received during March, April, May or June which is allocated to Class I milk or Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45 by the difference between the appropriate class price and the lowest announced price per hundredweight applicable for the delivery period, and

(2) Subtracting therefrom the value of any location adjustment credits which would have been applicable to the above Class I or Class II milk pursuant to § 941.53 had the other source milk been received from a pool plant.

(c) For the delivery periods July through February, inclusive, add or subtract, as the case may be, an amount computed as follows:

(1) Multiply the pounds of other source milk allocated to Class I and Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, and to Class III, Class III (a) and Class IV milk pursuant to paragraph (h) of that section by the appropriate class prices, and add together the resulting amounts.

(2) Determine the location adjustment credits (at the rates set forth in § 941.53) which would have been applicable to the above Class I and Class II milk on a classification basis, and on milk moved to a plant described under § 941.66 (a) and classified as the Class III, Class III (a) and Class IV milk, had the other source milk been received from a pool plant, and subtract the resulting value from the value computed in subparagraph (1) of this paragraph.

(3) Multiply the total pounds of milk used in computing the value in subparagraph (1) of this paragraph by the uniform price applicable to milk received from producers during the delivery period, adjusted by the location adjustment specified in § 941.81 that would have applied had the other source milk originated at a pool plant.

(4) Subtract the value obtained in subparagraph (3) of this paragraph from the value remaining in subparagraph (2) of this paragraph and any plus difference shall be added to, and any minus difference shall be subtracted from, the handler's net pool obligation.

5. Delete § 941.66 and substitute therefor the following:

§ 941.66 *Pool plant.* "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area, or;

(b) Ships during the delivery period at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided,* That

(1) In computing the percentages of milk, skim milk and cream on a product pound basis, any shipments of concentrated milk or condensed skim milk to such a plant shall be based upon the quantity of milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk shipped;

(2) If, during September, October or November, a plant other than one which performs the functions described in paragraph (a) of this section receives milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form from another plant, any shipments by the receiving plant under the conditions set forth above in this paragraph which are in excess of the minimum quantity which

qualified it as a pool plant shall be credited to the supplying plant toward its pool qualification, but such credit shall not exceed the quantity of butterfat or milk shipped from the supplying plant to the receiving plant. In the event the plant which has qualified as a pool plant under this paragraph receives butterfat or milk in any of the forms above described from more than one plant, any credit to be extended to the respective supplying plants (subject to the limitation above specified) shall be allocated to such plants in direct ratio to the quantity of butterfat or milk which each shipped to the receiving plant; and

(3) Any plant which qualifies as a pool plant pursuant to this paragraph for each of the months of September, October and November of the same year, shall be a pool plant until September 1 of the following year unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled.

6. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Handlers who operate nonpool plants.* No provision of this order shall apply to the milk received at a nonpool plant from which some milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form, meeting the requirements of an applicable health authority in the marketing area, is shipped to a regulated plant, except that the handler operating such nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

7. Amend § 941.70 (b) by inserting after the word "Add" the following phrase: "or subtract, as the case may be,".

8. Amend § 941.86 by deleting the words following "other source milk" and substituting therefor the following: "used in the computations made pursuant to § 941.61".

Filed at Washington, D. C., this 20th day of July 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5991; Filed, July 24, 1956; 8:51 a. m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, as amended, during the fiscal year ending May 31, 1957, will amount to $25,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

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

Dated: July 20, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5937; Filed, July 24, 1956; 8:50 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.208 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal year ending May 31, 1957, will amount to $20,330.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

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

Dated: July 20, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5988; Filed, July 24, 1956; 8:50 a. m.]

Agricultural Research Service

[9 CFR Part 18]

REINSPECTION AND PREPARATION OF PRODUCTS

GLANDS AND ORGANS FOR USE IN PREPARING PHARMACEUTICAL, ORGANOTHERAPEUTIC OR TECHNICAL PRODUCTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71-91) is considering amending the Meat Inspection Regulations appearing in 9 CFR Chapter I, Subchapter A, as amended, as follows:

Section 18.15 would be revised by deleting "pancreatic," appearing in paragraph (a) and inserting the words "pancreatic glands" preceding "livers" in paragraph (b).

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Chief, Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of July 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5992; Filed, July 24, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 133]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 43

JULY 17, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona effective May 19, 1955 (20 F. R. 3514–15), the following described lands in Maricopa County which were classified by Document No. 67, Arizona Small Tract Classification No. 43, dated September 13, 1955 (20 F. R. 7116), are hereby opened to lease and sale for residence sites under the Small Tract Act:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 E.,
Sec. 5: Lots 5 to 12 inclusive, SW¼, SW¼ SE¼, SE¼NW¼;
Sec. 8: W½NE¼, SE¼NE¼.

The lands described comprise 399.67 acres subdivided into 152 small tracts, 32 of which are covered by applications from persons entitled to preference right under 43 CFR 257.15 (a).

2. The tracts are located approximately 2½ miles south of Cave Creek and 20 miles north of Phoenix. The tracts are accessible from the paved Phoenix-Cave Creek road which runs northeasterly through the W½NE¼, Sec. 8 and from connecting secondary roads and trails. The elevation is approximately 2,000 feet above sea level and the topography is from flat to undulating. The climate is arid with an average annual precipitation of approximately 10 inches. The temperature varies from a high of about 110° F. in summer to a low of about 15° F. in winter. The soil is sandy and supports a fair growth of desert shrubs including paloverde, cholla, creosote, mesquite, bursage, Mormon tea and annual grasses and forbs. Culinary water is not available from any known source but probably could be developed from wells at a depth of from 400 to 600 feet. Electricity is available from power lines along the Cave Creek road and on the line between Sections 5 and 8.

3. The individual tracts vary in size from 2.5 acres to 5 acres, are all rectangular in shape and are described by lots or allocate parts of subdivisions. Lots 5 to 12 inclusive will be leased as single tracts and the remaining lands will be leased in 2½ acre tracts described by legal subdivisions. The tracts in the following subdivisions are appraised as follows:

(a) Sec. 5: Lots 5 to 12 inclusive, $500 per tract; SE¼NW¼, SW¼, N½SW¼SE¼, SW¼SW¼SE¼, $250 per tract; SE¼SW¼SE¼, $375 per tract.

Sec. 8: NW¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼NE¼, SE¼SW¼NE¼, E½NE¼SW¼NE¼, $250 per tract; E½NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, E½SW¼NW¼NE¼, $375 per tract.

(b) The advance annual rental for all tracts is one-twentieth of the appraised value, payable for three years in advance.

(c) Rights-of-way 33 feet in width for streets and roads for public utilities will be reserved on the exterior of each tract on section lines and quarter, sixteenth and sixty-fourth subdivision lines.

(d) The following described lands are under application from individuals having statutory preference:

Sec. 5: SE¼W¼SW¼SE¼, S½NE¼SW¼SE¼, S½S½SW¼SE¼, SW¼SE¼SE¼SW¼, SE¼SW¼SE¼SW¼, S½S½SW¼SW¼.
Sec. 8: N½N½NW¼NE¼, N½S½NW¼NE¼, N½NE¼SW¼NE¼, NE¼NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, S½S½SW¼NE¼, N½NW¼SE¼NE¼, NW¼NE¼SE¼NE¼.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) (1). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease 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.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to make application under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted under the circumstances.

6. The improvements referred to in paragraph 4 must conform with health, sanitation and construction requirements of local ordinances and must, in addition, meet the following standards:

The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Sewage must be by septic tank and/or cesspool.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 251, Main Post Office Building, Phoenix, Arizona, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application can be secured from the above named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments 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. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to 10 a. m. September 13, 1955 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after 10 a. m. September 13, 1955, and prior to 10 a. m., August 22, 1956, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after 10 a. m. September 13, 1955 and prior to 10 a. m. November 21, 1956, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to: Manager, Land Office, 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-5966; Filed, July 24, 1956; 8:45 a. m.]

[Amdt. 2]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 86

JULY 17, 1956.

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 2.9 of Bureau Order No. 541 of April 21, 1954, Bureau of Land Management, Small Tract Classification Order No. 86, dated August 2, 1954, as amended on August 10, 1955, is further amended as follows:

1. The following lands are hereby deleted from the area classified by said order:

PETER'S CREEK AREA

SEWARD MERIDIAN

T. 15 N., R. 1 W.,
Section 5: Lots 110–113, inclusive; Lots 115–117, inclusive.

Aggregating 7 lots containing 17.50 acres.

2. This amendment shall take effect immediately.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-5967; Filed, July 24, 1956; 8:45 a. m.]

Bureau of Reclamation

YAKIMA PROJECT, WASHINGTON

ORDER OF REVOCATION

JANUARY 12, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of December 22, 1905, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 8 N., R. 29 E.,
Sec. 6, Lots 4 and 5, and SE¼NW¼.

The above areas aggregate 79.67 acres.

N. B. BENNETT,
Acting Assistant Commissioner.

[68333]

JULY 18, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located five miles west of Kennewick, Washington. They are arid, sandy lands and are bisected by both the Northern Pacific Railway line and a hard-top county road running east and west. The lands lie about one-quarter mile west of Vista Station on the railroad, and a good north-south gravelled road gives access to the Richland area.

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

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 23, 1956, 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 November 22, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 22, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

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

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 22, 1956.

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

DEPUE FALCK,
Acting Director.

[F. R. Doc. 56-5968; Filed July 24, 1956; 8:45 a. m.]

Office of the Secretary

[Order 2583, Amdt. 14]

BUREAU OF LAND MANAGEMENT

REDELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

JULY 18, 1956.

Section 2.69 of Order No. 2583 as amended (15 F. R. 5643; 19 F. R. 5919) is further amended to read as follows:

SEC. 2.69 *Sites for recreational or any public purpose.* All actions with respect to conveyances and leases to Federal, State, Territory, and local governmental units and to nonprofit associations and corporations pursuant to 43 CFR Part 254, and other applicable regulations, and all actions in connection with the construction, maintenance and disposition of recreational facilities in Alaska pursuant to the act of May 4, 1956 (70 Stat. 130).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-5970; Filed, July 24, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS AND ACTING REGIONAL FORESTERS

DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY NEGOTIATED CONTRACT

Pursuant to the authority vested in the Chief, Forest Service by the Secretary of Agriculture, under date of May 15, 1956 (21 F. R. 3329), authority is delegated to Regional Foresters and Acting Regional Foresters to negotiate contracts without advertising in accordance with section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U. S. C. 252), for professional engineering services required for all roads, trails, bridges, dams, buildings, and cadastral surveys that are involved in programs of the Forest Service. Operating procedures previously approved in connection with the delegation of authority to the Chief, Forest Service, dated December 10, 1954 (19 F. R. 8585) shall be applicable to this delegation.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act, the delegation of authority of the Administrator, General Services Administration to the Secretary of Agriculture under date of April 17, 1956 (21 F. R. 2606), and the delegation of authority of the Secretary of Agriculture above mentioned, and shall not extend beyond July 1, 1957, unless the delegation from the Administrator, General Services Administration to the Secretary shall have been extended.

The authority herein delegated may not be redelegated. This delegation supersedes the delegation to Regional Foresters and Acting Regional Foresters of February 16, 1955 (20 F. R. 1105).

Done at Washington, D. C., this 19th day of July 1956.

[SEAL] HOWARD HOPKINS,
Acting Chief, Forest Service.

[F. R. Doc. 56-5998; Filed, July 24, 1956; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT W. NISSEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Robert W. Nissen.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 6, 1956.

4. Title of position: Chief, Facilities and Distribution Branch.

5. Name of private employer: The E. L. Essley Machinery Company, 565 West Washington Boulevard, Chicago, Illinois.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The E. L. Essley Machinery Co., Chicago, Illinois.
Salt Creek Investors, Hinsdale, Illinois.
Mackey Airlines, Ft. Lauderdale, Florida.
Bank Deposits.

JULY 11, 1956.

[SEAL] ROBERT W. NISSEN.

[F. R. Doc. 56-6001; Filed, July 24, 1956; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable

property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 122]

MOTOR CARRIER APPLICATIONS

JULY 20, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 239 Sub 17, filed July 16, 1956, EXKLAR-MOORE EXPRESS, INC., U. S. 62, Cynthiana, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Ford, Ky., as an off-route point in connection with applicant's authorized regular route operations to and from Winchester, Ky. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 531 Sub 68, filed July 2, 1956, YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lube* (or lubricating) *oil*, in bulk, in tank vehicles, from New Orleans, La., to Isola, Miss., Memphis, Tenn., and points in Texas; (2) *Aviation fuel*, in bulk, in tank vehicles, from Norco, Good Hope, Kenner and Baton Rouge, La., to Mobile, Ala. Applicant is authorized to conduct operations in Texas, Louisiana, Alabama, Arkansas, Georgia, Mississippi, and Tennessee.

No. MC 623 Sub 16, filed June 25, 1956, H. MESSICK, INC., P. O. Box 214, Duquesne and Newman Roads, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bank Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A explosives*, (dynamite), large size (king size), from the site of the Hercules Powder Company plant, at or near Ishpeming, Mich., to points in Lea and Eddy Counties, N. Mex., and *returned shipments* of the above-described commodity on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

No. MC 730 Sub 75, filed June 22, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the sites of the Wanapum Dam on the Columbia River south of Vantage, Wash., near Beverly, Wash., and the Priest Rapids Dam on the Columbia River, approximately twenty-five (25) miles south of Vantage, Wash., and points within fifteen (15) miles of said dam sites, as off-route points in connection with applicant's regular route operations. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 2202 Sub 149, filed July 11, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Alcoa Smelting plant now under construction near Yankeetown, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Michigan, Missouri, Illinois, Georgia, Tennessee, West Virginia, Ohio, Alabama, North Carolina, South Carolina, Texas, Virginia, District of Columbia, Pennsylvania, New York, New Jersey, Connecticut, Kentucky, Indiana, Maryland, Oklahoma, and Delaware.

No. MC 2894 Sub 14, filed July 11, 1956, RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, from Norwalk, Ohio, over

U. S. Highway 250, to junction of U. S. Highway 250 and U. S. Highway 30 at Jefferson, Ohio, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Pittsburgh, Pa., and Flint, Mich.; between Cleveland, Ohio, and Toledo, Ohio; and between Canton, Ohio, and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

No. MC 4405 Sub 277, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Denver, Colo., to all points in the United States. (2) *Tractors*, other than farm tractors, in secondary driveaway movements, only when drawing trailers in initial driveaway movements, from Denver, Colo., to points in Arizona, Nevada, Oregon, and Vermont.

No. MC 4405 Sub 278, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bus bodies*, assembled or unassembled, from Kosciusko, Miss., to New Orleans, La., Gulfport, Miss., Mobile, Ala., Savannah, Ga., and New York City, N. Y.

No. MC 5908 Sub 22, filed July 16, 1956, TRUCK TRANSPORT COMPANY, 8350 Dix Avenue, Detroit 9, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Aluminum Company of America plant located on Indiana Highway 66, near Yankeetown, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations over U. S. Highway 41 to and from Evansville, Ind. Applicant is authorized to conduct operations in Michigan, Ohio, and Indiana.

No. MC 7746 Sub 80, filed June 26, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. For authority to operate as a *common carrier*, over regular routes, transporting *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, (1) between McMinnville, Oreg., and Great Falls, Mont., from McMinnville over U. S. Highway 99W to Portland, Oreg., thence over U. S. Highway 99 to Vancouver, Wash., thence over U. S. Highway 830 to Maryhill, Wash., thence over U. S. Highway 97 to Toppenish, Wash., thence over unnumbered highway to Zillah, Wash., thence over U. S. Highway 410 to Pasco, Wash., thence over U. S. Highway 395 to Spokane, Wash., thence over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Helena, Mont. (Also from Spokane over Washington Highway 2H to junction U. S. Highway 10), thence over U. S. Highway 91 to Great Falls. (Also from Spokane, Wash., over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highways 89 and 91 to Great Falls. Return over the same routes to McMinnville. Serving all intermediate points on the proposed routes. Service between McMinnville, Oreg., and Portland, Oreg., restricted to traffic moving to or from Great Falls, Mont., or points beyond Great Falls. (2) Between Stanfield, Oreg., and Great Falls, Mont., from Stanfield over Oregon unnumbered highway to Hermiston, Oreg., thence over Oregon Highway 207 to junction U. S. Highway 730, thence over U. S. Highway 730 to junction U. S. Highway 395, thence over U. S. Highway 395 to Spokane, Wash., thence over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Helena, Mont. (Also from Spokane over Washington Highway 2H to junction U. S. Highway 10), thence over U. S. Highway 91 to Great Falls, Mont. (Also from Spokane over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highways 89 and 91 to Great Falls. Return over the same routes to Stanfield. Serving all intermediate points on the proposed routes.

No. MC 10761 Sub 59, filed July 5, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new General Motors Corporation Plant, located on U. S. Highway 45 near Lordstown, Ohio, in Trumbull County, as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio and Slippery Rock, Pa., over U. S. Highway 422 and Pennsylvania Highway 108. Applicant is authorized to conduct regular route operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, and Ohio.

No. MC 10928 Sub 28, filed July 13, 1956, SOUTHERN-PLAZA EXPRESS, INC., a Missouri Corporation, 1209 Washington Avenue, St. Louis, Mo. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between Bremond, Tex., and Richland, Tex.: from Bremond over Texas Highway 6 to Richland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Bryan and Dallas, Tex., (a) via Hearne, Buffalo and Richland, and (b) via Bremond and Waco; (2) between San Marcos, Tex., and Bryan, Tex.: from San Marcos over Texas Highway 21 to Bryan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between San Marcos and Byran, Tex., (a) via Austin and Hempstead, and (b) via Austin, Waco and Hearne. Applicant is authorized to conduct operations in Missouri, Illinois, Tennessee, Texas, and Oklahoma.

No. MC 15737 Sub 8, filed June 25, 1956 (Amended), published July 18, 1956 on Page 5386, ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, betweeen junction U. S. Highways 15 and 22 (at or near Clark's Ferry, Pa.), and Philadelphia, Pa., from junction U. S. Highways 15 and 22 (at or near Clark's Ferry, Pa.), over U. S. Highway 22 to junction U. S. Highway 230 (at or near Harrisburg, Pa.), thence over U. S. Highway 230 to junction U. S. Highway 30, thence over U. S. Highway 30 to Philadelphia, and return over the same route, serving no intermediate points, but serving junction U. S. Highways 15 and 22 (at or near Clark's Ferry, Pa.) for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's regular route operations (1) between Philadelphia, Pa., and Baltimore, Md., over U. S. Highways 130 and 40, (2) between Baltimore, Md., and Buffalo, N. Y., over U. S. Highways 111 and 15, and New York Highways 63 and 5, and (3) between Baltimore, Md., and Rochester, N. Y., over U. S. Highways 111 and 15. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 16503 Sub 4, filed July 5, 1956, JOHN L. GUEX, 133 South Andrews Street, Shawano, Wis. Applicant's representative: William C. Dineen, 341 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocers*, from points in Wisconsin on and south of U. S. Highway 8, to Menominee, Mich. Applicant is authorized to con-

duct operations in Michigan and Wisconsin.

No. MC 18738 Sub 21, filed, July 5, 1956, SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, Ill. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron articles* and *steel articles*, from Aurora, Ind. to points in Indiana. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Ohio, and Michigan.

No. MC 22229 Sub 21, filed June 25, 1956, TERMINAL TRANSPORT COMPANY, INC., 180 Harriett Street SE., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in that part of Pinellas County, Fla., bounded by a line beginning on the north at the intersection of Florida Highway 55 with Allen Creek, thence southward along Florida Highway 55 to junction Florida Highway 686, thence westward along Florida Highway 686 to the city limits of Largo, Fla., including Largo, thence southward along Florida Highway 595 to its intersection with the city limit line of St. Petersburg, Fla., thence along the city limit of St. Petersburg, Fla., to Boca Ciego Bay, thence south, east, and north along Boca Ciega Bay and Tampa Bay to Allen Creek, and point of beginning, including points on the highways specified, as off-route points in connection with applicant's regular route operations to and from Tampa, Fla. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, and Kentucky.

No. MC 26664 Sub 3, (Amended) filed April 16, 1956, published in the May 23, 1956 issue, page 3442, HARVEY B. WATTS, 23 Belmont Avenue, Floral Park, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry manufactured fertilizer*, in packages or loose, from Carteret, N. J. to points in Westchester County, N. Y. Applicant is authorized to transport fertilizer from Carteret, N. J. to New York, N. Y. and points in a defined area in New York.

No. MC 29991 Sub 30, filed June 25, 1956, BARLOW'S SERVICE, INC., 5101 York Street, Denver, Colo. Applicant's representative: Philip G. Burney, Midland Savings Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refined petroleum products*, in bulk, in tank vehicles, from petroleum refining points in Wyoming to points in Colorado. *Damaged shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points. Applicant is authorized to conduct operations in Colorado, Kansas and Wyoming.

NOTE: Applicant states the purpose of this application is to amend existing authority of applicant, as described on sheets 3 and 4 of Certificate No. MC 29991.

No. MC 30091 Sub 36, filed June 29, 1956, L. F. MILLER AND F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 501 Indiana Street, Wichita Falls, Tex. Applicant's representative: Herbert L. Smith, 401 Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hereford, Tex., and Tucumcari, N. Mex., from Hereford over Texas Farm Road No. 1058 to the Texas-New Mexico State line, thence over New Mexico Highway 18 via Bellview and Ragland, N. Mex., to Tucumcari, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oklahoma and Texas.

No. MC 30126 Sub 8, filed May 17, 1956, LOUIS N. VILLALANTE, P. O. Box 26, Morenci, Ariz. Applicant's representative: Earl V. Carroll, 8th Floor Title & Trust Building, Phoenix, Ariz. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Equipment, materials and supplies used or useful in mining operations*, between Tyrone, N. Mex., and Mile High Exploration Site, Fremont County, Wyo., approximately 70 miles northwest of Rawlins, Wyo.; *Equipment, materials and supplies* as set forth above, for replacement or repair, on return. Applicant is authorized to conduct operations in Arizona and New Mexico.

NOTE: Applicant requests the right to tack or join at Tyrone, N. Mex. with its authorized operations from Arizona origin points.

No. MC 30138 Sub 10, filed July 6, 1956, A. C. E. TRANSPORTATION COMPANY, INC., 395 Baird Street, Akron, Ohio. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of usual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chevrolet Division of General Motors Corporation, located approximately six (6) miles southwest of Warren, Ohio in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations between Salem, Ohio and Warren, Ohio, over Ohio Highway 45. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

No. MC 30237 Sub 7, filed July 10, 1956, LOTA H. YEATTS, doing business as YEATTS TRANSFER COMPANY, 614 Broad Street, P. O. Box 406, Altavista, Va. Applicant's representative: Wilbert G. Burnette, 1104-5 Peoples National Bank Building, Lynchburg, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tables*, from Altavista, Va., to points in North Carolina, and *damaged shipments* of the above named commodity on return. Applicant is authorized to conduct operations in Virginia, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 33641 Sub 26, filed July 2, 1956, INTERSTATE MOTOR LINES, INC., 235 West Third Street South, Salt Lake City 1, Utah. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between the Glen Canyon Dam Site, located on the Colorado River, approximately fifteen (15) miles up stream from Marble Canyon, Ariz., near the Utah-Arizona boundary, and points within ten (10) miles thereof, and construction sites located at points on access roads between U. S. Highway 89 and said dam site, on the one hand, and, on the other, all points authorized in Certificate No. MC 33641 and Subs thereunder. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Nevada, Illinois, Nebraska, Iowa, California, Arizona, and Idaho.

No. MC 33970 Sub 5, filed June 19, 1956, GEORGE HILDEBRANDT, INC., R. F. D. No. 2, Hudson, N. Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime*, (building lime and agricultural lime), in bags, from Lee, Mass., to points in New Jersey, and points in Susquehanna, Wyoming, Wayne, Pike, Lackawanna, Luzerne, and Bradford Counties, Pa. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and New York.

NOTE: Docket Nos. MC 33970 and Subs 2 and 3 were acquired by applicant pursuant to MC-FC 59057—no certificates have been issued to applicant as yet.

No. MC 35540 Sub 6, filed July 16, 1956, SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati, Ohio. Applicant's representative: Anna Gertrude Mueller, 951 Adams Avenue, Evansville, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, including *household goods* as defined by the Commission, but excluding those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America, located near Newburgh, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations between Louisville, Ky., and Evansville, Ind. Applicant is authorized to conduct operations in Kentucky, Indiana, and Ohio.

No. MC 37599 Sub 17, filed July 5, 1956, P. VAN HAAREN & SONS STORAGE COMPANY, INC., First & Sheridan Streets, Bay City, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a

common carrier, over irregular routes, transporting: (1) *Heavy machinery*, *electrical equipment* and *commodities* the transportation of which, because of size or weight require the use of special equipment and/or special handling and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which, because of size or weight require the use of special equipment and/or handling, between Bay City, Mich., on the one hand, and, on the other, points in Indiana and Ohio. (2) *Commodities*, the transportation of which, because of size or weight require the use of special equipment and/or special handling, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require the use of special equipment and/or handling, (a) between points in Michigan on and south of Michigan Highway 32 and on and east of U. S. Highway 27 on the one hand, and, on the other, points in Indiana and Ohio; (b) from Bay City, Mich. to points in Illinois, Wisconsin and Pennsylvania; (c) between points in Michigan restricted against the transportation in interstate or foreign commerce of any traffic the origin and destination of which are both within 35 miles of Detroit, Mich., including Detroit; and (d) between Saginaw and Alpena, Mich., on the one hand, and, on the other, points in Illinois, Wisconsin and Pennsylvania.

NOTE: Applicant herein is not seeking to serve any additional territory by the instant application, but is seeking only to amend the description of the commodities which it is authorized to transport (under Certificate No. MC 37599 and Sub 15), it being applicant's belief that its present authority permits it to engage in the transportation of most of, if not all, of the commodities described above, but in order to clarify the authority and to make certain that it can afford shippers and receivers a complete service, the instant application is being filed.

No. MC 43165 Sub 4, filed July 9, 1956, LOUDOUN TRANSFER, INC., Purcellville, Va. Applicant's representative: Albert F. Anderson, Leesburg, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hog cracklings*, in bags and bulk, and *hog dry blood*, in bags and bulk, from Purcellville, Va., to Baltimore, Md., Philadelphia and Lancaster, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 43654 Sub 35, filed July 12, 1956, DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant located on Ohio Highway 82, in Twinsburg Township, Summit County, Ohio, as an off-route point in connection with applicant's regular-route operations (1) between Akron, Ohio, and Atlanta, Ga., and Birmingham, Ala., (2) between Akron, Ohio, and Niagara Falls, N. Y., (3) between Akron, Ohio, and Cartersville, Ga., and (4) between Akron, Ohio, and Cleveland, Ohio. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

No. MC 43654 Sub 36, filed July 12, 1956, DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Chevrolet Division of General Motors Corporation, located approximately six miles southwest of Warren (Lordstown Township, Trumbull County), Ohio, as an off-route point in conection with applicant's regular route operations between Akron, Ohio, and Niagara Falls, N. Y. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

No. MC 44592 Sub 16, filed July 6, 1956, MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. Applicant's representative: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, including *commodities requiring special equipment*, but excluding articles of unusual value, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, serving the site of the new plant of the Chevrolet Division of General Motors Corporation to be located approximately six (6) miles southwest of Warren, Ohio in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations between Ebensburg, Pa., and Cleveland, Ohio, over U. S. Highway 422. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New York, Ohio, and Pennsylvania.

No. MC 48479 Sub 6, filed May 9, 1956, published in the May 23, 1956 issue, page 3442, amended, FRIGIDWAYS, INC., 253 West Virginia Avenue, P. O. Box 2503, Memphis, Tenn. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Indiana, Georgia, Alabama, Mississippi, Louisiana, Michigan, Ohio, Tennessee, Illinois, and Kentucky.

No. MC 52709 Sub 65, filed June 21, 1956, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *household goods as defined by the Commission*, but excluding articles of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, other than refrigerated equipment, between Los Angeles, Calif., and Kansas City, Mo., from Los Angeles over U. S. Highway 60 to junction Arizona Highway 71, near Aguila, Ariz., thence over Arizona Highway 71 to junction U. S. Highway 89 at Congress Junction, Ariz., thence over U. S. Highway 89 via Prescott, Ariz., to Ashfork, Ariz., thence over U. S. Highway 66 via Flagstaff, Ariz., to Albuquerque, N. Mex., thence over U. S. Highway 85 via Santa Fe, Las Vegas, and Raton, N. Mex., to Trinidad, Colo., thence over U. S. Highway 350 to La Junta, Colo., thence over U. S. Highway 50 to Garden City, Kans., thence over U. S. Highway 50S to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, and return over the same route, serving no intermediate point, as an alternate route for operating convenience only in connection with applicant's regular route operations. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Nebraska, Utah, and Wyoming.

No. MC 52947 Sub 23, filed July 16, 1956, PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Ford, Ky., as an off-route point in connection with applicant's authorized regular route operations to and from Winchester, Ky. Applicant is authorized to conduct operations in West Virginia, Kentucky, Virginia, and Ohio.

No. MC 59135 Sub 12, filed June 29, 1956, RED STAR EXPRESS LINES of AUBURN, INCORPORATED, 26-50 Wright Avenue, Auburn, N. Y. Applicant's representative: E. Bateman Ennis, Shoreham Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between North Bergen, N. J., and points in Rockland and Westchester Counties, N. Y., not covered by present operating authority.

No. MC 60108 Sub 1, filed May 25, 1956, HOLLEY'S, INC., 430 Kingstown Road, Wakefield, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods (when transported as a

separate and distinct service in connection with so-called "household movings"), commodities in bulk, and those requiring special equipment, between Providence, R. I., and New London, Conn., as follows: (1) from Providence over U. S. Highway 1, via junction Alternate Rhode Island Highway 1 and Charlestown and Westerly, R. I., and Pawcatuck, Conn., to New London; (2) from Providence to junction Alternate Rhode Island Highway 1 as specified above, thence over Alternate Rhode Island Highway 1 to junction U. S. Highway 1, and thence to New London, as specified above; (3) from Providence over Rhode Island Highway 2 to junction U. S. Highway 1 in Charlestown, R. I., thence over U. S. Highway 1, via Westerly, R. I., to New London, as specified above; (4) from Providence over Rhode Island Highway 3, via Hopkinton, R. I., to Westerly, R. I., thence to New London, as specified above; (5) from Providence to Hopkinton, as specified above, thence over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to New London; (6) from Providence to Pawcatuck, Conn., as specified above, thence over Connecticut Highway 2 to Norwich, Conn., thence over Connecticut Highway 12 (also over Connecticut Highway 32) to New London, and return over the above-described routes to Providence, serving all intermediate points; and (7) serving points in Kent and Washington Counties, R. I., as off-route points in connection with (a) applicant's regular route operations between Providence, R. I., and New London, Conn., and (b) applicant's proposed operations described in (3) above.

NOTE: All duplicating authority is to be eliminated.

No. MC 61471 Sub 9, filed July 12, 1956, BENJAMIN MOTOR EXPRESS, INC., 2-32 Vine Street, Everett, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sturbridge, Mass. and East Hartford, Conn. From junction of U. S. Highway No. 20 and Massachusetts Highway No. 15 at Sturbridge, Mass., thence over Massachusetts Highway No. 15 to Massachusetts-Connecticut State Line, thence over Connecticut Highway No. 15 to junction of Connecticut Highway No. 15 and U. S. Highway No. 5 at East Hartford, Connecticut, serving Sturbridge, Mass., and East Hartford, Conn., for joinder purposes only, and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points in connection with applicant's authorized operations between Boston, Mass., and New York, N. Y.

No. MC 64932 Sub 215, filed July 10, 1956, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* and *liquid chemicals*, in bulk, in tank vehicles, from New Goshen, Ind., and points within two and one-half miles of New Goshen, to points in that part of Illinois bounded by a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 50 to and including East St. Louis, Ill., thence along the western boundary of Illinois to and including Alton, Ill., thence along U. S. Highway 67 to junction with Illinois Highway 78, thence along Illinois Highway 78 to junction with U. S. Highway 24, and thence along U. S. Highway 24 east to the Illinois-Indiana State line, including points located on the portions of the highways specified. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 64932 Sub 216, filed July 10, 1956, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Urea solutions*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, Mississippi and Florida. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin.

No. MC 66562 Sub 1283 (Amended), filed April 9, 1956, published in the April 25, 1956 issue, on Page 2671, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including Class A and B explosives, moving in express service, and *baggage* and *newspapers* moving under the tariffs and billing of the Northern Pacific Railway, between Seattle, Wash., and Aberdeen, Wash., from Seattle over U. S. Highway 99 to Tacoma, Wash., thence over U. S. Highway 410 via Elma and Montesano, Wash., to Aberdeen, and return over the same route, serving the intermediate and off-route points of Tacoma, South Tacoma, Lakeview, Fort Lewis, Olympia, Elma and Montesano, Wash. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Seattle, Wash., and that the proposed service will connect with and be an extension of applicant's existing operations between Aberdeen-Hoquiam and Centralia authorized in Certificates No. MC 66562 Subs 603 and 616, and between Olympia and Shelton authorized in Certificate No. MC 66562 Sub 162.

No. MC 66562 Sub 1294, filed July 10, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N. Y. Applicant's representative: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Spartanburg, S. C., and Chesnee, S. C., over U. S. Highway No. 221. RESTRICTION: Applied-for authority to be restricted to service which is auxiliary to, or supplemental of, air or railway express service; and shipments transported by applicant to be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail; and such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 95561 Sub 5, filed July 12, 1956, WILLIAM J. EVELAND, doing business at WILLIAM EVELAND AND SON, 421 East Crawford Street, Paris, Ill. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn* and *corn products*, including but not limited to corn meal, corn flour, corn grits, brewers grits, brewers flakes and feed, from Paris, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and damaged shipments on return. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 97998 Sub 2, filed June 20, 1956, REFRIGERATED TRANSPORT, INC., 318 Cadiz Street, Dallas, Tex. Applicant's representative: Carl L. Phinney, First National Bank Building, Dallas 9, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, vegetables and other commodities requiring refrigera-*

tion in transit, between all points in Texas except those points located in Presidio, Jeff Davis, Culberson, Hudspeth, El Paso, Dailey, Lamb, Hale, Floyd, Motley, Cottle, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchison, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, and Dallam Counties, Texas.

NOTE: Application submitted together with a *motion to dismiss* the subject application (BMC 78) and carrier be permitted to invoke the provisions of the Second Proviso, Section 206 (a) (1) of the Interstate Commerce Act, to perform the above-described service by the filing of a BMC 75 statement covering a Texas State Certificate covering these operations.

No. MC 99084 Sub 2, filed July 6, 1956, ROBERTS MOTOR EXPRESS, INC., 22 Thatcher Street, Albany, N. Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Troy, N. Y., and New York, N. Y., (a) from Troy over Menands Bridge to village of Menands, thence over New York Highway 32 to Albany, thence over U. S. Highway 20 to its junction with U. S. Highway 9, and thence over U. S. Highway 9 to New York City, with service over the following additional routes: From Troy over U. S. Highway 4 to its junction with U. S. Highway 9; from Junction U. S. Highway 20 and New York Highway 9J over New York Highway 9J to its junction with U. S. Highway 9; from Fishkill over New York Highway 52 to Beacon, thence over New York Highway 9D to village of Cold Springs; from Wappingers Falls over New York Highway 9D to Beacon; and from Valatie over New York Highway 9H to its junction with U. S. Highway 9 at the hamlet of Bro Corners; (b) from Troy to Albany over the same routes set forth above, thence over New York Highway 144 to the hamlet of New Baltimore (Greene County); thence over an unnumbered County Highway to West Coxsackie (Greene County); thence over New York Highway 385 to the village of Catskill (Greene County); thence over bridge to New York Highway 9G; and thence over New York Highway 9G to junction with U. S. Highway 9; (c) from Troy to Albany over the same routes set forth above, thence over U. S. Highway 9W to junction with U. S. Highway 9; (2) between Troy and Schenectady over New York Highway 7; and (3) between Albany and Schenectady over New York Highway 5, and return over the above-described routes, serving all intermediate points on the above-described routes and serving the off-route points of New Rochelle, White Plains, Chatham, Elmsford, Millerton, Pelham, Philmont, Scotia and Waterford, N. Y., and the hamlets of Averill Park, Garrison, Mellenville, New Hamburg, Niverville, Pleasant Valley, Stoneco, Stottville, Wassaic, Wingdale and Wynantskill, N. Y., and points in Albany, Greene, Orange, Sullivan and Ulster Counties, N. Y., as off-route points in connection with the above-described regular routes.

NOTE: This application will be processed concurrently with No. MC-F 6336.

No. MC 104683 Sub 19, filed June 11, 1956, L. L. MAJURE AND JO M. MAJURE, doing business as L. L. MAJURE, 1600 B Street, P. O. Box 1028, Meridian, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Purvis, Miss., and points within five (5) miles thereof, including the site of the Pontiac Refinery plant, located approximately three and one-half (3½) miles north of Purvis, to points in Alabama and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, and Mississippi.

NOTE: Applicant states that Purvis, Miss., is located on a road that was designated as U. S. Highway 11 until the highway was re-routed some years ago.

No. MC 106914 Sub 13, filed July 11, 1956, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio and Wixom, Mich., serving the Ford Motor Company plant, located about one and one-half miles north of Highway 16 at the intersection of Michigan Highway 218 in connection with applicant's authorized operations between Cleveland, Ohio, on the one hand, and, on the other, the site of the Ford Motor Company plant located at 17-Mile Road and Mound Road, in Sterling Township, Macomb County, Mich. Applicant is authorized to conduct operations in Ohio, Illinois, Pennsylvania, Michigan, New York, and Wisconsin.

No. MC 107028 Sub 26, filed July 12, 1956, ACME TRANSPORTATION, INC., Giant Road, San Pablo 4, Calif. Applicant's representative: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Martinez, Calif. and Oleum, Calif. to Richmond, Calif. and points within five (5) miles of Richmond. Applicant is authorized to conduct operations in California and Oregon.

No. MC 107107 Sub 79 (CORRECTION), ALTERMAN TRANSPORT LINES, Miami, Fla., published page 5152, issue of July 11, 1956. That portion of the publication reading: "and those in the *Pennsylvania*, Pa., and New York, N. Y., Commercial Zones * * *", was in error. The correct origin points read: "and those in the *Philadelphia*, Pa., and New York, N. Y., Commercial Zones * * *".

No. MC 107409 Sub 10, filed July 5, 1956, RATLIFF AND RATLIFF, INC., P. O. Box 399, Wadesboro, N. C. Applicant's representative: Vaughn S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, plywood* and *wood boxes*, from Wadesboro, N. C., and points within 30 miles thereof, to points in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, West Virginia, North Carolina, Florida, Georgia and Ohio. Applicant is authorized to conduct operations in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, and West Virginia.

No. MC 107496 Sub 79 (Amended), filed June 25, 1956, published in the July 11, 1956 issue, page 5152. RUAN TRANSPORT CORPORATION 408 SE. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, fish oils, non-edible oils, fatty acids, blended or prepared paint oils, blended or prepared varnish oils, liquid synthetic resin, surface coating resin compound*, and *ester gum*, in bulk, in tank vehicles, from points in Minnesota to points in Michigan, Colorado, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Missouri, Texas, Illinois, Iowa, and Wisconsin.

NOTE: All duplicating authority is to be eliminated.

No. MC 108207 Sub 51, filed April 23, 1956 (Further Amended), published July 18, 1956, on Page 5392, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, from Lafayette and Indianapolis, Ind., and St. James, Minn., to points in Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Mississippi, and Memphis, Tenn.; (2) *salads*, requiring refrigeration in transit, and *dairy products*, from Sterling, Ill., Indianapolis, Ind., and Van Wert, Ohio, to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Memphis, Tenn.; (3) *frozen foods*, from Brownsville, Harlingen, Eagle Pass, Carrizo Springs, San Antonio, and Dallas, Tex., and points within fifteen (15) miles of each, to points in Indiana, Ohio, Kentucky, Wisconsin, and Minnesota; and (4) *packing house products*, as defined by the Commission, from Indianapolis and Terre Haute, Ind., to points in Texas, Louisiana, Arkansas, and Oklahoma. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 108449 Sub 37, filed July 2, 1956, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul

13, Minn. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, and *all derivatives* thereof, in bulk, in tank vehicles, between points in Wisconsin, upper Michigan and Minnesota.

NOTE: All duplicating authority to be eliminated and no authority sought to transport between points within any one state. Applicant is authorized to conduct operations in Iowa, North Dakota, South Dakota, Wisconsin, Michigan, and Minnesota.

No. MC 108905 Sub 15, filed July 9, 1956, JASPER & CHICAGO MOTOR EXPRESS, INC., Indiana Highways 45 and 56, Jasper, Ind. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, including *those requiring special equipment*, but excluding those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, serving the site of the Warrick Works of the Aluminum Company of America, located in Warrick County, Ind., as an off-route point, in connection with applicant's regular route operations between Evansville, Ind., and Loogootee, Ind. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, and Tennessee.

No. MC 109513 Sub 4, filed July 9, 1956, CHARLES B. RETZER, doing business as BEVERAGE TRANSPORTATION COMPANY, 1476 Davenport Avenue, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages and wines*, from Chicago, Ill. to Youngstown, Ohio, and *empty containers and other such incidental facilities* (not specified) in this application on return. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Missouri, Wisconsin, Pennsylvania, New York, New Jersey, and Massachusetts.

No. MC 110190 Sub 38, filed July 5, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Air-conditioning machinery, ice-making machinery* and *refrigeration machinery* and *equipment and supplies* used in the servicing and manufacture of said machinery, from York, Pa., to Miami, Orlando, Tampa, Jacksonville, and Pensacola, Fla., Mobile, Ala., New Orleans, Baton Rouge, Shreveport and Monroe, La., Jackson, Miss., Houston, Ft. Worth, Dallas, San Antonio, El Paso, and Austin, Tex.

No. MC 110505 Sub 27, filed June 29, 1956 (Amended), RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, and *parts therefor*, when their transportation is incidental to the transportation of the machinery and/or implements, *tractors* or *traction engines*, (not including tractors with vehicle beds, bed frames or fifth wheels), and *parts and attachments therefor*, when their transportation is incidental to the transportation of the tractors, from Waterloo, Iowa, and points in Waterloo and Blackhawk Townships, Blackhawk County, Iowa; Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *agricultural machinery and implements*, other than hand, and *parts therefor*, when their transportation is incidental to the transportation of the machinery and/or implements, from Des Moines, Iowa, and points within six (6) miles thereof, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin.

No. MC 111401 Sub 73, filed July 9, 1956, GROENDYKE TRANSPORT, INC., 2204 North Grand, P. O. Box 632, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles between points in Texas east of U. S. Highway 83, and points in New Mexico South of U. S. Highway 66.

No. MC 112893 Sub 6, filed July 9, 1956, BULK TRANSPORT COMPANY, a corporation, Calumet Street, Burlington, Wis. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonia liquor*, in bulk, in tank vehicles, from Milwaukee, Wis. to Chicago and Chicago Heights, Ill.

No. MC 113495 Sub 2, filed June 29, 1956, GREGORY HEAVY HAULERS, INC., 151 North First Street, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Structural steel*, and *heavy machinery and construction equipment (including attachments thereto and parts thereof*, either attached or separately), the transportation of which, because of size of weight, requires the use of special equipment (excluding any transportation in connection with the string or picking up of pipeline or equipment), between points in Illinois, on the one hand, and, on the other, points in Tennessee, North Carolina and Virginia. Applicant is authorized to conduct operations in Kentucky, North Carolina, and Virginia.

NOTE: The commodity description above is inclusive of, but not confined exclusively to, such commodities as are more fully listed in the application.

No. MC 114095 Sub 2, filed July 12, 1956, WESTERN PRODUCE EXPRESS, INC., 321 SE. Alder Street, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton seed meal, copra meal, linseed meal, soybean meal, bone meal* and *alfalfa meal*, between points in California and points in Callam, Jefferson, Kitsap, Mason, Grays Harbor, Snohomish, Whatcom, Skagit, King, Pierce, Thurston, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania and Clark Counties, Wash., and points in Clatsop, Columbia, Multnomah, Tillamook, Washington, Clackamas, Yamhill, Polk, Marion, Lincoln, Benton, Linn, Lane, Coos, Curry, Douglas, Josephine, Klamath and Jackson Counties, Oreg.

No. MC 114456 Sub 2, filed July 3, 1956, GORDON N. CAVES, doing business as CAVES TRUCKING CO., Wild Rose, Wis. Applicant's representative: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fibre shipping containers, cleated fibre shipping containers, crates, wooden boxes, box shooks, pallets* and *sawdust*, from Wild Rose, Wis., to points in Iowa and Illinois.

No. MC 115679 Sub 1, filed July 9, 1956, BILL SMITH, doing business as SMITH TRUCK LINE, Science Hill, Ky. Applicant's representative: Fritz Krueger, Alverson Building, Somerset, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Unfinished lumber*, from Science Hill, Ky., to Cincinnati, Ohio, and Morristown, Newport, Harriman, Helenwood, Nashville, and Chattanooga, Tenn. (2) *Frames for box springs*, from Science Hill, Ky. to Indianapolis and Evansville, Ind. and Jefferson City, Nashville and Chattanooga, Tenn. (3) *Unfinished lumber*, from Helenwood, Tenn. to Science Hill, Ky., and from Nashville, Tenn. to Science Hill, Ky. (4) *Farm equipment and machinery*, from Nashville, Tenn., to Science Hill, Ky. (5) *Seed, feed*, and *fertilizer*, from Cincinnati, Ohio, to Eubank and Science Hill, Ky.

No. MC 115831 Sub 1, filed July 9, 1956, TIDEWATER TRANSIT COMPANY, INC., Kinston, N. C. Applicant's representative: John G. Dawson, Kinston, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Hopewell, Va., to points in Wayne, Lenoir, Onslow, Greene, Craven, Pitt, Edgecombe, Martin, Halifax, Jones, New Hanover, Sampson, Johnston, Wilson and Nash Counties, North Carolina.

No. MC 115901, filed April 2, 1956, THOMAS D. COIN, doing business as COINBOY TOW SERVICE, 1832 Mercier Street, Kansas City 8, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between points in the Kansas City, Mo.-

Kans. Commercial Zone, as described by the Commission, on the one hand, and, on the other, points in Anderson, Atchison, Bourbon, Brown, Coffey, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, Kans.

NOTE: Applicant states the above transportation service is to be performed for Rudy Fick, Inc.

No. MC 115967 Sub 2, filed July 9, 1956, WILLIE T. HIRES, P. O. Box 201, Danville, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to points in Illinois on and north of U. S. Highway 50; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 115972 Sub 2, filed July 9, 1956, CALUMET DISPOSAL COMPANY, INC., 7225 McLaughlin Avenue, Hammond, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to points in Illinois on and North of U. S. Highway 50; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 115984 Sub 2, filed July 9, 1956, MILTON T. SELMAN, R. R. 5, Valparaiso, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to Lakeside and Niles, Mich.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 115985 Sub 2, filed July 7, 1956, MITCHELL MALINOWSKI, Route 2, Wheatfield, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to points in Illinois on and north of U. S. Highway 50; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 116035, filed June 6, 1956, published in the June 20, 1956 issue, page 4335, amended, WILLIAM HENRY NIEKAMP, doing business as W. H. NIEKAMP, Route 3, Quincy, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alcoholic beverages*, from St. Louis, Mo. to Quincy, Ill.; *empty containers or other such incidental facilities* (not specified) on return.

No. MC 116042 (REVISION) WHOLESALE TRAILER CONVOY, INC., 6839 SE. 82d Avenue, Portland, Oreg., published on page 4988, issue of July 4, 1956. Letter dated July 13, 1956, advises that Seymour L. Coblens has been retained as applicant's representative in the subject proceeding.

No. MC 116088, filed July 2, 1956, A. SAM & SONS PRODUCE CO., INC., West Lake Road, Dunkirk Road, Dunkirk, N. Y. Applicant's representative: James A. Sommer, 11 East Main Street, Fredonia, N. Y. For authority to operate as a *contract carrier*, over regular routes, transporting: *Empty tin cans with lids*, used in the canning of fruits and vegetables, from Pittsburgh, Pa., to Fredonia, N. Y., from Pittsburgh over U. S. Highway 19 to junction with U. S. Highway 322, thence over Pennsylvania Highway 98 to junction with Pennsylvania Highway 5, thence over Pennsylvania Highway 5 to junction with New York Highway 5, thence over New York Highway 5 to junction with New York Highway 60, and thence over New York Highway 60 to Fredonia, N. Y., and return over the same route, serving no intermediate points.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 29623 Sub 21, filed July 5, 1956, SOUTHEASTERN STAGES, INC., 457 Piedmont Avenue NE., Atlanta 8, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Millen, Ga., and junction Georgia Highways 30 and 21, from Millen over Georgia Highway 17 to junction Georgia Highway 30, near Marlow, Ga., thence over Georgia Highway 30 to junction Georgia Highway 21, and return over the same route, serving the intermediate points of Scarboro, Rocky Ford, Halcyon Dale, Egypt, Tusculum, and Guyton, Ga. Applicant is authorized to conduct operations in Georgia and South Carolina.

No. MC 66582 Sub 20, filed July 13, 1956, ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round trip charter operations, (a) from points in Nassau and Suffolk Counties, Long Island, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia, and (b) beginning and ending at points in Nassau and Suffolk Counties, Long Island, N. Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, Connecticut, Massachusetts, New York, Pennsylvania, and the District of Columbia.

No. MC 116089, filed July 2, 1956, THOMAS NEVILLE CUNNINGHAM, doing business as T. N. CUNNINGHAM, Paradise Road, Aberdeen, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* in charter operations beginning and ending at points in Hartford and lower Cecil Counties, Md., and extending to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, the District of Columbia, and Maryland.

APPLICATIONS UNDER SECTION 5 (a) AND 210 (a) (b)

No. MC-F 5501, published in the July 18, 1956, issue of the FEDERAL REGISTER on page 5395. Second application filed for temporary authority under section 210a (b) on July 9, 1956.

No. MC-F 6279, published in the May 30, 1956, issue of the FEDERAL REGISTER on page 3713. Supplemental application filed July 16, 1956, to show M. C. BENTON, JR., and PAUL P. DAVIS as the persons in control of McLEAN TRUCKING COMPANY.

No. MC-F 6311 (correction), published in the June 27, 1956, issue of the FEDERAL REGISTER on page 4702. The address of applicants' representative: James E. Wilson, was erroneously shown to be 1812 14th Street NW., Washington, D. C. It should read 1012 14th Street NW., Washington, D. C.

No. MC-F 6326 (correction), published in the July 18, 1956, issue of the FEDERAL REGISTER on page 5395. The operating rights being controlled should read, in part, as follows: "* * * *machinery, materials* and *supplies* used in the manufacture, packing, and shipping of glassware and glass containers. * * *"

No. MC-F 6339. Authority sought for control by CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex., of the operating rights and property of ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex., and for acquisition by W. W. CALLAN, also of Waco, of control of such rights and property through the transaction. Applicants' representative: W. W. Callan, Chairman of the Board, Central Freight Lines, Inc., 303 South 12th Street, Waco, Tex. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes including routes between Mission, Tex., and Roma and Brownsville, Tex., between McAllen, Tex., and the boundary of the United States and Mexico at or near Hidalgo, Tex., between San Antonio, Tex., and Corpus Christi, Alice and Mathis, Tex., between Houston, Tex., and Beeville, Tex., between Mission, Tex., and Brownsville, Tex., and between Robstown and San Manuel, Tex., and Harlingen, Tex., serving certain intermediate points; alternate route for operating convenience only between Corpus Christi, Tex., and junction Texas Highway 9 and U. S. Highway 281: *general commodities*, with-

out exception, between Corpus Christi, Tex., and Chapman Ranch, Tex. CENTRAL FREIGHT LINES, INC., is authorized to operate as a *common carrier*, in Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6340. Authority sought for control by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala., of the operating rights and property of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala., and its parent company, ALABAMA HIGHWAY EXPRESS, a non-carrier, and for acquisition by W. D. SELLERS, JR., also of Birmingham, of control of such rights and property through the transaction. Applicant's representatives: James W. Wrape, Sterick Building, Memphis, Tenn., and Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, from rail sidings at Alabama City, Alexander City, Andalusia, Anniston, Athens, Auburn, Birmingham, Decatur, Demopolis, Dothan, Evergreen, Florence, Gadsden, Greenville, Guntersville, Huntsville, Jasper, Montgomery, Ozark, Selma, Sheffield, Sylacauga, Talladega, Troy, Tuscaloosa, Tuscumbia, and Union Springs, Ala., to points in Alabama within 75 miles of each of the named points, from rail sidings at Aberdeen, Columbus, Starkville and West Point, Miss., to points in Mississippi within 50 miles of each of the named points, from rail sidings at Fayetteville, Lawrenceburg and Pulaski, Tenn., to points within 50 miles of each of the named points, between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and on the other, Louisville, Ky., points in Indiana and Tennessee, certain points in Florida, certain points in Georgia, certain points in Illinois, and certain points in Ohio, and between Mobile, Ala., on the one hand, and, on the other, points in Alabama; *household goods* as defined by the Commission, between Birmingham, Ala., on the one hand, and, on the other, points in Mississippi, Tennessee, Florida, Georgia, Louisiana, and Virginia: *tires, tubes, tire fabric, empty spools, winding cores, core discs, core protectors, rubber products, canned goods, glass containers, fruit juices, jams, jellies, preserves, vinegar*, and *apple products*, from, to, and between points and areas, varying with the commodity transported, in Maryland, Alabama, Georgia, Kentucky, Mississippi, Indiana, Tennessee, Illinois, Ohio, and Virginia. BAGGETT TRANSPORTATION COMPANY is authorized to operate in Alabama, New York, Pennsylvania, New Jersey, Florida, Texas, Illinois, New Mexico, Colorado, Wyoming, Montana, Minnesota, Kansas, Virginia, West Virginia, Kentucky, Tennessee, Indiana, Missouri, Ohio, Arkansas, Delaware, Georgia, Iowa, Louisiana, Maryland, Michigan, Mississippi, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6341. Authority sought for purchase by BENTON RAPID EXPRESS, 216 West Hull Street, Savannah, Ga., of a portion of the operating rights and property of EMPIRE STATE EXPRESS, INC., 1137 Tenth Avenue, Columbus, Ga., and for acquisition by E. J. BENTON, SR., and E. J. BENTON, JR., both of Savannah, of control of such rights and property through the purchase. Applicants' representative: R. J. Reynolds, Jr., 1403 C & S Bank Building, Atlanta 3, Ga. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Columbus, Ga., and Atlanta, Ga., and between Atlanta, Ga., and the U. S. Army Depot at or near Conley, Ga., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Georgia and Florida. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6342. Authority sought for control by PARKTON LIMITED, 2515 Gerrard Street East, Toronto, Ontario, Canada, of the operating rights and property of CANAL CARTAGE LIMITED, 324 Parkdale Avenue North, Hamilton, Ontario, Canada, and for acquisition by J. E. HOUSTON, G. M. PARKE, C. M. WILLIAMS, R. F. MORGAN, R. H. TETLAW and P. R. SCOTT, all of Toronto, of control of such rights and property through the transaction. Applicant's representative: Floyd B. Piper, 604 Crosby Building, Buffalo 2, New York. Operating rights sought to be controlled: *Blast furnace slag*, as a *common carrier* over irregular routes, from Lackawanna, N. Y., to the boundary of the United States and Canada at the ports of entry at Buffalo and Niagara Falls, N. Y. Applicant is not a motor carrier but is the controlling stockholder in GILSON AUTOMOBILE TRANSPORT, LTD., Toronto, Ontario, Canada, which is authorized to operate as a *common carrier* in Michigan. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6343. Authority sought for control by CHARLES B. WEAVER, SR., GRACE M. WEAVER, and WEAVER WAREHOUSES, INC., all of 539 North Front Street, Steelton, Pa., STANTON E. WEAVER, 1800 Brandt Avenue, New Cumberland, Pa., CHARLES B. WEAVER, JR., 13 Jefferson Street, Steelton, Pa., and KENNETH P. WEAVER, 49 South Fourth Street, Steelton, Pa., of the operating rights and property of HARRISBURG TRANSFER COMPANY, 437 South Second Street, Harrisburg, Pa. Applicants' representative: John M. Musselman, State Street Bldg., Harrisburg, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions not including household goods, as a *common carier* over irregular routes from Harisburg, Pa., to points in Pennsylvania within 60 miles of Harrisburg; *household goods*, as defined by the Commission, from Harrisburg, Pa., to points in Pennsylvania within 60 miles of Harrisburg, and between Harrisburg, Pa., and points within 20 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Virginia and the District of Columbia. Applicants are not motor carriers but are affiliated with GEORGE W. WEAVER & SON, INC., a *common carrier*, which is authorized to operate in Pennsylvania, Virginia, Maryland, West Virginia, New York, New Jersey, Delaware, Massachusetts, Connecticut, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6344. Authority sought for purchase by BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo., of a portion of the operating rights and property of B. M. WORFUL, doing business as ST. CHARLES TRANSFER CO., 307 South Main Street, St. Charles, Mo., and for acquisition by GEORGE R. GOODE and P. W. GOODE, both of St. Louis, of control of such rights and property through the purchase. Applicants' representative: Gregory M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route between St. Charles, Mo., and St. Louis, Mo., serving all intermediate points and off-route points in the ST. LOUIS, MO., EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6345. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of the operating rights and property of GEORGE R. PIRNIE and JAMES PIRNIE, doing business as ARROW FREIGHT LINES, Broken Bow, Nebr. Applicants' representative: Russell B. James, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Broken Bow, Nebr., and Omaha, Nebr., between Broken Bow, Nebr., and Alliance, Nebr., between Alliance, Nebr., and Crawford, Nebr., between Chadron, Nebr., and Gordon, Nebr., between Alliance, Nebr., and Morrill, Nebr., between Alliance, Nebr., and the Alliance Air Base, Nebr., between Grand Island, Nebr., and Ravenna, Nebr., and between the site of Gate to the Cornhusker Ordnance Plant approximately five miles west of Grand Island and the junction of an unnumbered county road with a point on Nebraska Highway 2 approximately 3½ miles north of the site of Gate No. 1 to the Cornhusker Ordnance Plant, serving certain intermediate and off-route points; *household goods*, as defined by the Commission, and *emigrant movables*, over irregular routes, from Broken Bow, Nebr., and points within 25 miles of Broken Bow, to points in South Dakota, Iowa,

Wyoming, Colorado and Kansas; *salt*, from points in Kansas to Broken Bow, Nebr., and points within 25 miles of Broken Bow; *petroleum products*, in containers, from Kansas City, Mo., to Broken Bow, Nebr.; *livestock*, from Broken Bow, Nebr., and points within 25 miles of Broken Bow to points in Colorado, Iowa, Kansas and Indiana; *tractors and parts*, from Waterloo, Iowa, to Broken Bow, Nebr. Vendee is authorized to operate in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, Wyoming, Kansas, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6347. Authority sought for control by THE MASON & DIXON LINES, INCORPORATED, Eastman Road (P. O. Box 231), Kingsport, Tenn., of the operating rights and property of ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn., and for acquisition by E. WARD KING, E. WILLIAM KING, JOHN R. KING, and MARGARET K. NORRIS, all of Kingsport, of control of such rights and property through the transaction. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Operating right sought to be controlled: *Chemicals, in bulk, in tank vehicles*, as a *common carrier* over irregular routes from, to and between points and areas in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Kentucky, Indiana, Ohio, Florida, Michigan, Missouri, New Jersey, Maryland, New York, Delaware, Illinois, Pennsylvania, Alabama, Louisiana, Mississippi, Texas, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Arkansas, Minnesota, Wisconsin, and the District of Columbia. THE MASON & DIXON LINES, INCORPORATED, is authorized to operate as a *common carrier* in Tennessee, North Carolina, Georgia, New York, Virginia, New Jersey, Maryland, Pennsylvania, South Carolina, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 56-5975; Filed, July 24, 1956, 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 20, 1956.

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. 32388: *Butyl alcohol—Philadelphia, Pa., to Holston, Tenn.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on butyl alcohol, tank-car loads from Philadelphia, Pa., to Holston, Tenn.

Grounds for relief: To maintain rates the same as to Kingsport, Tenn., a related destination, and circuitous routes.

Tariff: Supplement No. 19 to Agent Boin's I. C. C. A-1079.

FSA No. 32389: *Sand and gravel—Attica, Ind., to Philo, Ill.* Filed by R. G. Raasch, Agent, for and on behalf of the Wabash Railroad Company. Rates on sand and gravel, carloads from Attica, Ind., to Philo, Ill.

Grounds for relief: Competition with motor trucks from wayside pits.

Tariff: Supplement 109 to Wabash Railroad Company's tariff I. C. C. 7685.

FSA No. 32390: *Building materials between official and extended Zone C territory in Wisconsin.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on materials, building, roofing and sheathing, carloads between points in official territory east of the Illinois-Indiana State line, on the one hand, and points in extended Zone "C" territory in Wisconsin, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 8 to Agent Hinsch's tariff I. C. C. 4720.

FSA No. 32391: *Liquefied petroleum gas—Mid-Continent Field to Kentucky.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-carloads from specified points in Kansas, Louisiana, Missouri, Oklahoma and Texas to Louisville, Owensboro, and Paducah, Ky.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 87 to Agent Kratzmeir's I. C. C. 4118.

FSA No. 32392: *Tar—Within, and between official and other territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on contaminated or refused road or paving tar, tank-car loads between points in official territory, including extended zone "C" in Wisconsin and western trunk-line "northwest" territory, and between official territory, on the one hand, and points in southern, southwestern and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 59 to Boston and Maine Railroad tariff I. C. C. A-3230 and other schedules listed in exhibit 1 of the application.

FSA No. 32393: *Canned or preserved foodstuffs, within* Western Trunk Line territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads between points in western trunk line territory.

Grounds for relief: Short-line distance formula truck competition, and circuitous routes.

Tariff: Supplement 1 to Agent Prueter's I. C. C. A-4164.

FSA No. 32394: *Trailer-on-flat-car-service—Monon Railroad.* Filed by the Monon Railroad, for itself and on behalf of the Erie Railroad Company. Rates on freight of various kinds, moving on class and commodity rates loaded in or on highway trailers and transported on railroad flat cars from Louisville, Ky., and stations grouped therewith to New York, N. Y., and stations grouped therewith.

Grounds for relief: Motor-truck competition.

Tariff: Monon Railroad tariff I. C. C. No. 4.

By the Commission.

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

[F. R. Doc. 56-5974; Filed, July 24, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERBERT STEWART MILNE

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

Herbert Stewart Milne, Lymington, England; Claim No. 62938; $358.53 in the Treasury of the United States. Vesting Order No. 17904.

Executed at Washington, D. C., on July 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5982; Filed, July 24, 1956; 8:49 a. m.]

ALAIN JEAN PETIT AND CATHERINE DENYSE BRUNET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alain Jean Petit, 6, rue Edmond Roger, Paris XV, France; Catherine Denyse Brunet, Rue Jules Grevy, Casablanca, Morocco; Claim No. 43839; $2,906.49 in the Treasury of the United States, one-half (½) thereof to each claimant. To each an undivided one-half (½) interest in agency commissions due Denyse Clairouin under publication contracts for the following works: Madame Curie (Translation); and The Price of Freedom by Eve Curie; The Goncourt Journals by Edmond and Jules de Goncourt; Madame Curie (in French), by Eve Curie, abridged and edited by Frederic Ernst and H. Stanley Schwarz; General Works of Eve Curie; Coq-En-Fer (The Weathercock) (Translation), by Simonne Ratel; and Noah, a play by Andre

Obey; to the extent that such interests were vested by Vesting Orders Nos. 3430 and 3552.

Executed at Washington, D. C., on July 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5983; Filed, July 24, 1956; 8:49 a. m.]

SCHOELLER BLECKMANN STEELWORKS LTD.

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

Schoeller Bleckmann Steelworks Ltd., Wildpretmarkt 2, Vienna I, Austria; Claim No. 40947; $8,171.63 in the Treasury of the United States. Vesting Order No. 1469.

Executed at Washington, D. C., on July 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5984; Filed, July 24, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF MRS. HENRIETTE KAPTIJN-PEZARO

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

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Henriette Kaptijn-Pezaro, L. S. Claim No. 525; Cities Service Company 5/58 Debenture No. 22028, in the principal amount of $1,000; and Cities Service Company 5/69 Debenture No. 603, in the principal amount of $1,000.

Willem Kattenburg, L. S. Claim No. 528; Southern Pacific Railroad Company 4/55 Bond No. 25443, in the principal amount of $1,000.

G. Z. Lifschitz, L. S. Claim No. 580; Kansas City Southern Railway Company 3/50 Bond No. 7469, in the principal amount of $1,000.

Mrs. F. Kaufmann (Mrs. F. Loewi), L. S. Claim No. 583; Southern Railway Company 4/56 Bond Nos. 26352, 46205 and 49798, in the principal amount of $1,000 each.

Johan C. S. Warendorf, L. S. Claim No. 795; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 2531, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., July 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5985; Filed, July 24, 1956; 8:50 a. m.]

[Vesting Order 15402, Amdt.]

WILHELMINE CHARLOTTE VAN HELTEN-FISCHER

In re: Bonds owned by Wilhelmine Charlotte van Helten-Fischer, also known as Mrs. W. Ch. van Helten-Fischer. F-28-30933.

Vesting Order 15402, dated October 27, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Wilhelmine Charlotte van Helten-Fischer, also known as Mrs. W. Ch. van Helten-Fischer, whose last known address is Otilostr. 16, Grafelfing, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Atchison, Topeka, and Santa Fe Railway Company 4 percent Adjustment Bond, of $1,000 face value, bearing the number 17413, and evidenced by coupons attached to or detached from said bond and due on or after November 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage Gold Bonds, each of $500 face value, bearing the numbers 1013, 1014, 1015 and 1182, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

c. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Central Pacific Railway Company 4 percent First Refunding Mortgage Gold Bonds, of $2,500 aggregate face value, bearing the numbers 8482, 10155 and 24760, and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

d. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Kansas City Southern Railway Company 3 percent First Mortgage Gold Bond, of $1,000 face value, bearing the number 21816, and evidenced by coupons attached to or detached from said bond and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond and coupons,

e. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Missouri Kansas Texas Railroad Company, Series A, 5 percent Bond, due 1967, of $1,000 face value, bearing the number 47606, and evidenced by coupons attached to or detached from said bond and due on or after April 1, 1936, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond and coupons,

f. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Missouri Kansas Texas Railroad Company, Series A, 5 percent bonds, due 1962, of $2,000 aggregate face value, bearing the numbers 2431, 2432 and 29343, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

g. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Missouri Kansas Texas Railroad Company, Series B, 4 percent Bonds of $2,000 aggregate face value, bearing the numbers 1156, 1157 and 8822, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

h. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Southern Pacific Railroad Company 4 percent Bonds, each of $1,000 face value, bearing the numbers 11611, 44226, 44227 and 46574, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons, and

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5986; Filed, July 24, 1956; 8:50 a. m.]