WASHINGTON, Tuesday, July 2, 1957

TITLE 3—THE PRESIDENT
PROCLAMATION 3188
UNITED NATIONS DAY, 1957
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the United States of America is one of the founders of the United Nations and has consistently supported it in its unceasing quest for a durable peace based upon freedom and justice; and

WHEREAS the devotion of the people of the United States to the principles of the United Nations Charter is the expression of a faith deeply rooted in American cultural, political, and spiritual convictions; and

WHEREAS the United States considers that further development of the process of the United Nations will enable it to promote justice under International law with increased effectiveness; and

WHEREAS world opinion in support of International morality, law, and order has helped to make the United Nations a constructive force for the development of a stable, prosperous, and peaceful world; and

WHEREAS the United Nations has been instrumental in preventing open conflict between nations by offering its machinery for conciliation, negotiation, and peaceful settlement; and

WHEREAS the United Nations, in cooperation with the Specialized Agencies, has been helping to create the basic conditions for peace by encouraging greater production of food, better health, higher standards of living, and greater educational opportunities; and

WHEREAS the General Assembly of the United Nations has resolved that October 24th, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Thursday, October 24, 1957, as United Nations Day by means of community programs which will demonstrate their faith in, and support of, the United Nations and will contribute to a better understanding of its accomplishments and of the hopes that inspired its founders.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures, as well as all citizens, to engage in appropriate observances of United Nations Day throughout our country in cooperation with the United States Committee for the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of October in the year of our Lord nineteen hundred and fifty-seven and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:
JOHN FOSTER DULLES, Secretary of State.

[Continued on p. 4631]

THE FEDERAL REGISTER WILL BE FURNISHED BY MAIL TO SUBSCRIBERS, FREE OF POSTAGE, FOR $1.50 PER MONTH OR $15.00 PER YEAR, PAYABLE IN ADVANCE. THE FEE FOR INDIVIDUAL COPIES (MINIMUM 10 CENTS) VARIES IN PROPORTION TO THE SIZE OF THE ISSUE. REPRINTS OR CHECK OFF PAYMENT, MADE PAYABLE TO THE GOVERNMENT PRINTING OFFICE, WASHINGTON 25, D.C.

THE MATERIAL APPEARING HEREIN IS KEYED TO THE CODE OF FEDERAL REGULATIONS, WHICH IS PUBLISHED, UNDER 50 TITLES, PURSUANT TO SECTION 552 OF THE FEDERAL REGISTER ACT, AS AMENDED AUGUST 5, 1955. THE CODE OF FEDERAL REGULATIONS IS SOLD BY THE SUPERINTENDENT OF DOCUMENTS, DIRECTLY TO THE GOVERNMENT PRINTING OFFICE, WASHINGTON, 25, D.C.

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Tuesday, July 2, 1957

FEDERAL REGISTER

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Title 14
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Part 192 4659

Title 43
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Title 49
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Chapter I: Part 105 4671

area established pursuant to the provisions of section 202 (a) of the said act, and to report to the President the quota of each quota area so determined; and

WHEREAS the State of Ghana came into existence on March 6, 1957, when the former British West African Colony of the Gold Coast was granted independence by the Government of the United Kingdom within the British Commonwealth of Nations, and at the same time the United Nations Trust Territory of British Togoland became an integral part of the State of Ghana; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that, in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said act, and have fixed, in accordance therewith, an immigration quota for Ghana as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act of 1933, as amended by the act of August 18, 1938, and in accordance with the Immigration Act of 1924, and the provisions of the Immigration and Nationality Act, and the authority conferred upon me by the said Act of August 18, 1938 (62 Stat. 1215, 1938 ed. § 317), do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

<table>
<thead>
<tr>
<th>Area No.</th>
<th>Quota area</th>
<th>Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>88</td>
<td>Ghana</td>
<td>100</td>
</tr>
</tbody>
</table>

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the addition of the immigration quota for Ghana as set forth in this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of June in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

Dwight D. Eisenhower

By the President:

JOHN FOSTER DULLES, Secretary of State.

[F. R. Doc. 57-5390; Filed, July 1, 1957; 10:35 a.m.]

PROCLAMATION 3189

IMPOSING A QUOTA ON IMPORTS OF RYE, RYE FLOUR, AND RYE MEAL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the Secretary of Agriculture advised me that there was reason to believe that rye, rye flour, and rye meal are practically certain to be imported into the United States after June 30, 1957, under such conditions and in such quantities as to interfere materially with and to tend to render ineffective, or materially interfere with, the said price-support program with respect to rye, and to reduce substantially the amount of products processed in the United States from domestic rye with respect to which such price-support program is being undertaken; and

WHEREAS, on May 11, 1957, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that rye, rye flour, and rye meal, in the aggregate, are practically certain to be imported into the United States after June 30, 1957, under such conditions and in such quantities as to interfere materially with and to tend to render ineffective the said price-support program with respect to rye, and to reduce substantially the amount of products processed in the United States from domestic rye with respect to which such price-support program is being undertaken; and

WHEREAS I find and declare that the imposition of the quantitative limitations hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption after June 30, 1957, of rye, rye flour, and rye meal will not render the said price-support program ineffective, or materially interfere with, the said price-support program:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that—

(1) the total aggregate quantity of rye, rye flour, and rye meal, which may be entered, or withdrawn from warehouse, for consumption in each of the 12-month periods beginning July 1 in 1957 and in 1958 shall not exceed 186,000,000 pounds, of which not more than 15,000 pounds may be in the form of rye flour or rye meal, which permissible total quantities I find and declare to be proportionately not less than 50 per centum of the total quantity of such rye, rye flour, and rye meal entered, or withdrawn from warehouse, for consumption during the representative period July 1, 1950, to June 30, 1953, inclusive, and

(2) during each such 12-month period, of the foregoing permissible total quantity, not more than 182,280,000 pounds shall be imported from Canada and not more than 3,720,000 pounds shall be imported from other foreign countries.

The provisions of this proclamation shall not apply to certified or registered seed rye for use for seeding and crop-improvement purposes, in bags tagged and processed by an officially recognized seed-certifying agency of the country of production, if—

(a) the individual shipment amounts to 100 bushels (or 56 pounds each) or less, or
(b) the individual shipment amounts to more than 100 bushels (of 56 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of June in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

Dwight D. Eisenhower

By the President:

John Foster Dulles,
Secretary of State.

[F. R. Doc. 57-5891; Filed, July 1, 1957; 10:35 a.m.]

EXECUTIVE ORDER 10717

THE PRESIDENT'S AWARD FOR DISTINGUISHED FEDERAL CIVILIAN SERVICE

By virtue of the authority vested in me by the Government Employees' Incentive Awards Act, approved September 1, 1944 (68 Stat. 1112), and as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established an honorary award for the recognition of distinguished service by civilian officers and employees of the Federal Government. The award shall be known as the President's Award for Distinguished Federal Civilian Service, and shall consist of a gold medal, the design of which accompanies and is hereby made a part of this order, suspended on a ribbon of appropriate material and color, and accompanying appurtenances. Each medal shall be suitably inscribed, and an appropriate citation shall accompany each award.

SEC. 2. The President's Award for Distinguished Federal Civilian Service shall be presented by the President to civilian officers or employees of the Federal Government for exceptionally meritorious or outstanding civilian service performed in connection with or in relation to their official employment. Presentation of the award shall be made at such times as the President may determine; but not more than five awards shall be made in any one year. An award involving a group achievement shall be considered as a single award.

SEC. 3. There is hereby established the Distinguished Civilian Service Awards Board (hereinafter referred to as the Board), which shall consist of five mem-

bers, appointed by the President from the Federal civilian service. The Chairman of the Board shall be designated by the President from the membership of the Board.

SEC. 4. The terms of service of the members of the Board shall be four years, except that the first term of service of two of the original members, other than the Chairman, shall be two years instead of four years. Any member appointed to fill a vacancy on the Board occurring prior to the expiration of the term of the member whose term is so terminated shall be appointed for the remainder of such term.

SEC. 5. The members of the Board shall serve as such without additional compensation. The Chairman of the Civil Service Commission, or his designated representative, shall serve as Executive Secretary of the Board, and the Civil Service Commission is requested to furnish the Board the necessary staff and other services.

SEC. 6. The Board shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing its functions, the Board shall carefully review recommendations submitted to it and decide which of them, if any, warrant presentation to the President, and shall transmit to the President, for his consideration, the names of those persons deemed by it to merit the award, together with its reasons therefor. Recipients for the award shall be selected by the President.

SEC. 7. Recommendations for the award may be made by the heads of executive departments and agencies. Each recommendation shall be made personally by the head of the department or agency in which the proposed recipient of the award is employed, and shall be submitted, with appropriate supporting material, to the Board for its consideration.

SEC. 8. The Board shall be guided in the performance of its functions by the provisions of subsections (b) and (c) of section 304 of the Government Employees Incentive Awards Act, and by criteria and procedures established by it with the approval of the President. Such criteria shall include, but not be limited to, the following:

(a) The significance and importance of the contribution to the Government or the public interest shall be so outstanding or exceptional that, in the opinion of the Board, the officer or employee is deserving of greater public commendation and official recognition than that which can be accorded by the head of the department or agency in which he is employed.

(b) Awards shall be made only to civilian career officers or employees of the Government, or to officers or employees whose Federal service, in the opinion of the Board, can reasonably be considered as career service.

SEC. 9. This order shall become effective on July 1, 1957.

Dwight D. Eisenhower

THE WHITE HOUSE, June 27, 1957.

EXECUTIVE ORDER 10718

DELEGATING TO THE SECRETARY OF STATE AUTHORITY TO PRESCRIBE THE RATES OR TARIFFS OF FEES FOR OFFICIAL SERVICES AT UNITED STATES EMBASSIES, LEGATIONS, AND CONSULATES

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby delegated to the Secretary of State the authority vested in the President by section 1745 of the Revised Statutes of the United States (22 U.S.C. 1301) to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business
of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate.

Sec. 2. This order shall not operate to amend, supersede, or terminate any rates or tariffs of fees, designations, or adaptations prescribed or made under authority of the said section 1748 and in force immediately prior to the issuance of this order; but authority to amend supersede, or terminate the same, and to prescribe regulations necessary or desirable for the implementation of rates or tariffs of fees, designations, or adaptations heretofore or hereafter prescribed or made, shall be deemed to be included within the authority delegated by section 1 of this order.

Sec. 3. The rates or tariffs of fees and the regulations prescribed and any other actions taken by the Secretary of State under authority of this order shall be published in the Federal Register.

Dwight D. Eisenhower
The White House,
June 27, 1957.

[F. R. Doc. 57-5574; Filed, June 28, 1957; 2:52 p.m.]

REORGANIZATION PLAN NO. 1 OF 1957

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 29, 1957, pursuant to the provisions of the Reorganization Act of 1949, approved June 28, 1949, as amended.

ABOLITION OF THE RECONSTRUCTION FINANCE CORPORATION

SECTION 1. Definitions. As used in this reorganization plan: (a) The term "Corporation" means the Reconstruction Finance Corporation.

(b) The term "remaining functions" means (1) all functions of the Corporation, (2) except as otherwise provided in subsections (b) and (c) of section 6 of this reorganization plan, all functions of the Secretary of the Treasury under authority of this order; but authority to amend, supersede, or terminate the same, and to prescribe regulations necessary or desirable for the implementation of rates or tariffs of fees, designations, or adaptations heretofore or hereafter prescribed or made, shall be deemed to be included within the authority delegated by section 1 of this order.

Sec. 3. Transfer of assets and liabilities. The loans, obligations, securities, capital stock, and other assets pertaining to the functions transferred by section 2 of this reorganization plan, the property acquired in connection therefor, and the liabilities, contracts, bonds, mortgages, notes and other instruments relating thereto are hereby transferred to the Secretary of the Treasury, as miscellaneous receipts, all unused funds of the Corporation.

Sec. 4. Administrative property, personnel, funds and records. In addition to the transfers of functions provided for by sections 2 and 3 of this reorganization plan, there shall be transferred to the Housing and Home Finance Agency, General Services Administration, Small Business Administration, Office of the Secretary of the Treasury, and to the Independent Offices Appropriation Act, 1955, (68 Stat. 295).

Sec. 5. Delegation of authority. Each transferee may from time to time make such provisions as he shall deem appropriate; he may authorize the performance of any function transferred to him by any officer, employee, agency, or administrative unit under his jurisdiction of any function transferred by the provisions of this reorganization plan, to the extent of the authority theretofore exercised by the said Director.

Sec. 6. Abolition of the Corporation. (a) The Corporation is hereby abolished. (b) The Secretary of the Treasury shall retain the capital stock of the Corporation, and, subject to the provisions of section 10 hereof, shall be vested in the Treasury, as miscellaneous receipts, all unused funds of the Corporation.

(c) Not later than June 30, 1959, the Secretary of the Treasury shall transmit a report to the Congress, which report shall cover the affairs of the Corporation up to the time of the taking effect of the provisions of this reorganization plan.
plan, and (2) shall correspond to the final report required by section 10 of the Reconstruction Finance Corporation Act, as amended (15 U.S.C. 609). The function of making the final report provided for in the said section 10 is hereby abolished.

Schedule A

This schedule annexed to Reorganization Plan No. 1 of 1957 lists by name and address of the obligor or borrower the obligations and loans referred to in clause (2) of section 2 (d) of such reorganization plan.

Name of obligor or borrower

<table>
<thead>
<tr>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska Plywood Corporation</td>
</tr>
<tr>
<td>Alfred Refrigerated Warehouse</td>
</tr>
<tr>
<td>Braun Bros. Packing Company</td>
</tr>
<tr>
<td>Chromcraft Corporation</td>
</tr>
<tr>
<td>Civic Hotel Corporation</td>
</tr>
<tr>
<td>Detroit Terminal, Inc</td>
</tr>
<tr>
<td>Detroit Steel Corporation</td>
</tr>
<tr>
<td>Hal Roach Studios, Inc</td>
</tr>
<tr>
<td>Hayward Woolen Company</td>
</tr>
<tr>
<td>Jack Tar of Arkansas, Inc</td>
</tr>
<tr>
<td>Landers Packing Company</td>
</tr>
<tr>
<td>Langley Corporation</td>
</tr>
<tr>
<td>Lawton Community Hotel</td>
</tr>
<tr>
<td>Lone Star Steel Company</td>
</tr>
<tr>
<td>Lone Star Corporation</td>
</tr>
<tr>
<td>Lustron Corporation</td>
</tr>
<tr>
<td>Mayfair Extension, Inc</td>
</tr>
<tr>
<td>New Haven Clock &amp; Watch Company</td>
</tr>
<tr>
<td>Oregon Fibre Products, Inc</td>
</tr>
<tr>
<td>The Prudence Company, Inc</td>
</tr>
<tr>
<td>Seidelluber Steel Rolling Mills</td>
</tr>
<tr>
<td>South Water Building Corporation</td>
</tr>
<tr>
<td>South Water Machinery Corporation</td>
</tr>
<tr>
<td>Texas Consolidated Oils</td>
</tr>
<tr>
<td>Texas Frozen Foods Corporation</td>
</tr>
<tr>
<td>Wheltam Watch Company</td>
</tr>
<tr>
<td>Wheland Company</td>
</tr>
</tbody>
</table>

Juneau, Alaska
Dallas, Texas
Troy, Ohio
St. Louis, Missouri
Odessa, Texas
Brooklyn, New York
Detroit, Michigan
Culver City, California
Whittinsville, Massachusetts
Deep River, Connecticut
Hot Springs, Arkansas
Denver, Colorado
San Diego, California
Lawton, Oklahoma
Dallas, Texas
Louisville, Kentucky
Columbus, Ohio
Washington, D.C.
New Haven, Connecticut
Pilot Rock, Oregon
New York, New York
Seattle, Washington
Brockton, Massachusetts
Dallas, Texas
Harlingen, Texas
Chattanooga, Tennessee

[8] R. Doc. 57-5382; Filed, July 1, 1957; 9:19 a.m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

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

[1926 (Cigar-Binder and Cigar-Filler and Binder) 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO, AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, and 55) TOBACCO MARKETING QUOTA REGULATIONS, 1957-58 MARKETING YEAR

GENERAL

Sec. 723.833 Issuance of marketing cards.
723.839 Person authorized to issue cards.
723.840 Rights of producers in marketing cards.
723.841 Successors in interest.
723.842 Invalid cards.
723.843 Report of misuse of marketing cards.
723.844 Extent to which marketings from a farm are subject to penalty.
723.845 Disposition of excess tobacco.
723.846 Identification of marketings.
723.847 Rate of penalty.
723.848 Persons to pay penalty.
723.849 Marketings deemed to be excess tobacco.
723.850 Payment of penalty.
723.851 Request for return of penalty.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

723.844 Extent to which marketings from a farm are subject to penalty.
723.845 Disposition of excess tobacco.
723.846 Identification of marketings.
723.847 Rate of penalty.
723.848 Persons to pay penalty.
723.849 Marketings deemed to be excess tobacco.
723.850 Payment of penalty.
723.851 Request for return of penalty.

RECORDS AND REPORTS

723.852 Producer's records and reports.
723.853 Buyer's records.
723.854 Buyer's reports.
723.855 Buyers not exempt from regular records and reports.
723.856 Records and reports by truckers and persons sorting, stemming, packing, or otherwise processing tobacco.
723.857 Separate records and reports from persons engaged in more than one business.

REFERENCES

723.858 Failure to keep records or make reports.
723.859 Additional records and reports to Director.
723.860 Examination of records and reports.
723.901 Keeping of time records and reports to be kept.
723.902 Information confidential.


GENERAL

§ 723.830 Basis and purpose. Sections 723.830 to 723.862 are issued pursuant to and in the Agricultural Stabilization Act of 1938, as amended, the Agricultural Act of 1949 and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports pertaining thereto on the marketings of cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco during the 1957-58 marketing year. Prior to preparing §§ 723.830 to 723.862, public notice (22 F.R. 3291) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 723.830 and 723.862 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956.

§ 723.831 Definitions. As used in §§ 723.830 to 723.862, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco such person rather than such employed person(s) is the buyer of such tobacco.

c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1957 which has not been marketed or which has not been disposed of under § 723.845.

(d) Committees: (1) "Community committee" means the persons elected within a community as the committee pursuant to the provisions of the Agricultural Stabilization and Conservation Act of 1938, as amended, and the Selective Service Law of 1917, which were submitted in their formulation were given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 723.830 and 723.862 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956.

(2) "County committee means the persons elected within a county as the county committee pursuant to regulations...
tions governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

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

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm": The definition "of this chapter (22 F. R. 3747) shall apply in the regulations in this part.

(i) "Farm Market": The disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market." (j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the farm, or otherwise disposed of in the form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

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

(l) "Producer" means a person who is owner, landlord, tenant or sharecropper, is entitled to share in the tobacco available for marketing from a farm or in the proceeds thereof.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(n) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(o) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(p) "Secretary" means the Secretary of Agriculture of the United States or any other employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "Tobacco" means:

(1) (i) Type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley of Ohio and extending into Indiana; (ii) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zinner, Spanish, or Zinner Spanish, produced principally in the Tobacco Section of Ohio; (iii) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (iv) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut Valley area of Massachusetts and Connecticut; (v) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut Valley area of Massachusetts and Connecticut; (vi) type 53 tobacco—that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type, produced principally south and east of the Wisconsin River; and (vii) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(2) Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is harvested, shall include all acreage of tobacco on the farm, including any acreage which the farm operator may contend is not devoted to the production of tobacco as defined herein. The acreage of each kind of tobacco (cigar-binder (types 51 and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of tobacco so as determined shall be considered to be the tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29, of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be the amount so determined as the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1957 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(8) "Tobacco subject to marketing quotas" means any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco marketed during the period October 1, 1957, to September 30, 1958, inclusive, and any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco produced in the calendar year 1957 and marketed prior to October 1, 1957.

(9) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.832 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.833 Extent of calculations and rule of fractions. (a) The acreage of tobacco harvested or available for marketing, except tobacco marketed, shall be expressed in hundreds and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than a tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon the marketing of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the remaining portion of the converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 0.38 cents per pound would be 0.06 cents per pound.
§ 723.836 Amount of farm marketing quota. (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Piller and Binder—57)—1, Marketing Quota Regula-
tions, 1955 (28 F.R. 3722). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1957 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of tobacco harvested on the farm in 1957 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carryover tobacco.

§ 723.837 Transfer of farm marketing quotas. There shall be no transfer of farm marketing quotas except as provided in §§723.820 and 723.826 of the tobacco marketing cards for the farm harvested acreage of any kind of tobacco in excess of the farm acreage allotment for such kind of tobacco. For any kind of tobacco produced on a farm in 1957 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a zero penalty except where the provisions of §§723.845 (a) and 723.846 (be) may be used.

An excess marketing card showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1957, an excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions: (a) Where tobacco is harvested in 1957 from a farm in excess of the farm acreage allotment for which the farm operator has a person or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on the farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative determines the correct acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(ii) Where tobacco is harvested in 1957 from a farm for which no 1957 acreage allotment was established, or

(ii) Where tobacco is harvested in 1957 from a farm and the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) Excess marketing card showing converted rate of penalty or zero penalty. An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in §723.846A, including zero penalty except where the provisions of subdivision (i) of this subparagraph apply, shall be issued in any case:

(i) Where tobacco is harvested in 1957 from a farm in excess of the farm acreage allotment therefor and

(ii) Where tobacco is to be marketed from a farm in 1957 having carryover tobacco available for marketing and the percent excess determined pursuant to §723.844 (b) exceeds zero percent, or

(iii) Where tobacco is produced on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956 and which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or before May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project for a farm for which tobacco is produced on the farm in 1957 in excess of the farm acreage allotment therefor and

(iv) For any kind of tobacco physically harvested from a farm in 1957 from an acreage in excess of the acreage allotment therefor and disposed of other than by marketing, unless the county committee with the approval of a representative of the State committee certifies that the tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) Within Quota Marketing Card (MQ—76—Tobacco). In any case where an excess marketing card is not required to be issued for a farm under paragraph (b) of this section, a Within Quota Marketing Card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(i) If the harvested acreage of tobacco for the farm in 1957 is not in excess of the farm acreage allotment therefor and any excess carryover tobacco can be
keted without penalty under the provisions of § 723.884 (b).

(3) If the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASC State or county office a list of tobacco seed furnished by the operator of such station, and the list furnished is accurate and correct, the Director of the experiment station shall have the same rights as the producer of such tobacco seed to the use of the marketing card for marketing purposes, and the tobacco seed shall be exempt from the provisions of § 723.884 (b).

(4) To the extent allowed by the provisions of § 723.884 (b), marketing cards issued under the provisions of this section for tobacco grown on experimental farms shall be treated as marketing cards for tobacco grown for experimental purposes under § 723.844.

§ 723.839 Persons authorized to issue marketing cards. (a) The State administrative officer or county office manager, as the case may be, shall be responsible for the issuance of tobacco marketing cards in accordance with the provisions of this section that shall be issued only for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 723.833 and § 723.839.

(b) Each marketing card issued to the State administrative officer or county office manager, as the case may be, shall be utilized to issue the tobacco grown for experimental purposes.

(c) Each marketing card issued to the State administrative officer or county office manager, as the case may be, shall be utilized to issue tobacco grown for experimental purposes.

(d) Stampings within Quota Marketing Cards (MQ-76) to show producer indebtedness. If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ-76) issued for such farm in accordance with subparagraph (c) of this section shall bear the notation “Indebted” on the front thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card. Provided, That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ-76) bearing the notation “Indebted” on the front thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card, the Director of the publicly-owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was harvested in accordance with the requirements of such experiment. Provided, however, that if the Director of a publicly-owned agricultural experiment station does not furnish the information and certification required by this subparagraph, an excess marketing card showing zero penalty shall be issued for the farm.

§ 723.839 Personals authorized to issue marketing cards. (a) The State administrative officer or county office manager shall be responsible for the issuance of tobacco marketing cards for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 723.833 (c) (2).

(b) Except as provided in paragraph (a) of this section, the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager, or in his name and on his behalf by an employee who has his signature on file with such administrative officer or county office manager, as the case may be.

§ 723.840 Rights of producers in marketings of tobacco or other disposition of tobacco and penalties.

(a) Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.841 Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such successions, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.842 Invalid cards. (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initiated.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the State administrative officer or the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

§ 723.843 Report of misuse of marketing card. Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that:

(a) The tobacco grown on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC, State or county office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.844 Extent to which marketings from a farm are subject to penalty. (a) Marketings of tobacco from a farm having no carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.845 by the total acreage of tobacco harvested on the farm.

(b) Marketings of tobacco from a farm having carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.845 by the number of pounds of carryover tobacco from the prior years by the normal yield for the farm for that year.

§ 723.845 The “percent within quota” shall be 100 percent minus the “percent excess”. "Percent excess" for the year in which the carryover tobacco was produced except that if the excess portion of the carryover tobacco has been disposed of under § 723.845, the “percent within quota” shall be 100 percent minus the “percent excess”. "Percent excess" for the year in which the carryover tobacco was harvested.

(3) Determine the total acres of tobacco by adding the “carryover acres” (subparagraph (1) of this paragraph) by the “percent within quota” (i.e., 100 percent minus the “percent excess”) for the year in which the carryover tobacco was produced except that if the excess portion of the carryover tobacco has been disposed of under § 723.845, the “percent within quota” shall be 100 percent minus the “percent excess” for the year in which the carryover tobacco was harvested.

(4) Determine the excess acres by subtracting from the “total acres” (subparagraph (3) of this paragraph) the “percent within quota” and the “within quota carryover acres” (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the “total acres” into the “excess acres” (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carryover tobacco for a farm shall be liable for the payment of any penalty due on the farm.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty,
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shall be determined by multiplying the applicable rate of penalty by the percent excess tobacco prior to the marketing of any tobacco from the farm by furnish­ings shall show the amount of penalty to give satisfactory proof of disposition of any tobacco from the farm by furnish­ings of excess tobacco prior to the marketing of the entire crop will not be marketed. If the 1957 harvested acreage is less than the 1957 allotment an amount of any tobacco from the farm which was placed under storage for a prior market­ing year equal to the normal production of the acreage by which the 1957 har­vested acreage plus any acreage added with respect to any excess carryover to­bacco for the farm pursuant to § 723.844 is less than the 1957 allotment may be marketed penalty free.

§ 723.846 Identification of marketings. Each marketing of tobacco from a farm shall be identified by an executed memor­andum of sale from the 1957 market­ing card (MQ-76—Tobacco or EQ-77—To­bacco) issued for the farm on which the tobacco was produced.

(a) Memorandum of sale. (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer’s to­bacco by the end of the sale date and recorded and reported on MQ-95, Buyer’s Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the mar­keting shall be identified on MQ-95, Buyer’s Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.847 Rate of penalty. Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the aver­age market price for the 1956-57 market­ing year as determined by the Crop Reporting Board, Agricultural Mar­keting Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) Average market price. The aver­age market price as determined by the Crop Reporting Board, Agricultural Mar­keting Service, United States Depart­ment of Agriculture, for the 1956-57 market­ing year was 27.6 cents per pound for cigar-binder (types 42, 43, 44, 45, 53, 54 and 55) tobacco, and 52.2 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) Rate of penalty per pound. The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1957-58 market­ing year shall be 21 cents per pound for cigar-filler and binder (types 42, 43, 44, 45, 53, 54 and 55) tobacco, and 39 cents per pound in the case of cigar-binder (types 51 and 52) tobacco.

(c) Proportional rate of penalty. With respect to tobacco marketed from farms during the excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of to­bacco marketed which the tobacco available for marketing from the farm exceeds the marketing quota of the total amount of tobacco available for marketing from the farm as determined under § 723.844.

§ 723.848 Persons to pay penalty. The person to pay the penalty due on any marketing of tobacco subject to pen­alty shall be determined as follows:

(a) Sale. The penalty due on tobacco purchased directly from a producer, other than a buyer outside the United States, shall be paid by the buyer of the tobacco. The amount equivalent to the penalty from the price paid to the producer.

(b) Marketings through an agent. The penalty due on marketings by a pro­ducer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) Marketings outside the United States. The penalty due on marketings by a producer directly to any person out­side the United States shall be paid by the producer.

§ 723.849 Marketings deemed to be excess tobacco. Any marketing of tobacco under any one of the following conditions shall be deemed to be a mar­keting of excess tobacco:

(a) Without memorandum of sale. Any sale of tobacco which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the agent who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) Unrecorded sale. Any sale which is not recorded in MQ-95—Tobacco by the 10th day of the month next follow­ing the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof accept­able to the State or county committee showing that such marketing is not a marketing of excess tobacco. The pen­alty thereon shall be paid by the buyer.

(c) Marketings falsely identified. If any marketing of tobacco by a person other than the producer thereof is iden­tified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the pen­alty thereon shall be paid by such person.

(d) Producer marketings. (1) If any producer falsely identifies or fails to ac­count for the disposition of any tobacco produced on a farm, an amount of to­bacco equal to the normal yield of the number of acres harvested in 1957 in excess of the farm acreage allotment shall be deemed to have been marketed of excess tobacco from such farm.

If any producer who manufactures to­bacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.852 (e), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee concludes that the harvested acreage for the farm was in excess of the prior determination, any penalty due on the basis of the harvested acreage as determined pursuant to § 723.835 shall be paid by the producer.

§ 723.850 Payment of penalty. (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 723.845 (b), or in the case of false identification or failure to ac­count for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the 10th day of the calendar month next following the month in which the to­bacco became subject to penalty. A draft, money order, or check drawn pay­able to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

The penalty due on marketings of tobacco by a producer as determined under §§ 723.830 to 723.862 shall be paid as specified in § 723.848, even though the penalty may exceed the proceeds for the tobacco.

§ 723.851 Request for return of penalty. Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount re­quired under §§723.830 to 723.862 to be paid. Such request shall be filed on MQ-80 Form with the State office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 723.852 Producer’s records and re­ports—(a) Report of tobacco acreage. The farm operator or his representative shall file a report with the ASC county committee within thirty (30) days of the county committee on Form CSS-578, Report of Tobacco Acreage, showing all fields of to­bacco on the farm in 1957. If any pro­
shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time and apart from any other tobaccos.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the failure of the producer-manufacturer to furnish the ASC State office a report, as shown in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Piller and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958-59 Marketing Year.

(b) Report on marketing card. The operator of each farm on which tobacco is produced shall report to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1958.

(1) Each producer who manufactures products from tobacco produced by or for him as a producer shall report to the ASC State office as follows with respect to such tobacco.

(c) Reports by producer-manufacturer. (1) Each producer who manufactures products from tobacco harvested from the farm shall be reduced, except that such reduction shall be in addition to the reports required by paragraph (a) of this section for both such farms and kind of tobacco produced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Piller and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958-59 Marketing Year.

(e) Reports by producer-manufacturer. (1) Each buyer shall furnish the ASC State office a report, as shown in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Piller and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958-59 Marketing Year.

(f) False identification. If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for the farm, in fact, was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction shall be in addition to the reports required by paragraph (a) of this section for both such farms and kind of tobacco produced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Piller and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and normal yields, 1958-59 marketing year.

(e) Report of production and disposition. In addition to any other reports which may be required under §§ 723.830 to 723.862, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by the State administrative officer within fifteen days after the deposit of such request mail United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ-108—Tobacco a written report of the acreage, production and disposition of tobacco produced on the farm, by sending the same to the ASC State office showing, as to the farm at the time of filing said report.

(1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm.

(2) The total pounds of tobacco produced.

(3) The amount of tobacco on hand and its location, and

(4) As to each lot of tobacco marketed, the name and address of the buyer or other person to whom such lot of tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing.

Failure to file the report as required, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Piller and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958-59 Marketing Year.

§ 723.853 Buyer’s records — (a) Record of marketing. (1) Each buyer shall keep such records as will enable him to furnish the ASC State office with respect to each sale made by him the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the farm on which the tobacco was harvested, the address of the buyer of the manufactured product, the address of the buyer of any residue resulting from the manufacture and the exact amounts of penalty due with respect to each sale of such products or residue, together with copies of the written notice of the exact amount of penalty due given to the buyers of such products or residue. Failure to file such report, or the filing of a report which is found by the county committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Piller and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958-59 Marketing Year.

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

Identification of sale on buyer’s record. (1) The serial number of the memorandum of sale used to identify the sale, the date of sale, the serial number of the memorandum of sale issued to identify the sale, the amount of any deduction on account of the grading of tobacco from each farm.

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.
the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ-95—Tobacco.

(c) Marketing card and memorandum of sale. A valid memorandum of sale covering tobacco by the producer shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) Records of buyer's disposition of tobacco. Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) Additional records and reports by buyers. Each buyer shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.830 to 723.862.

§ 723.854 Buyer's reports—(a) Report of buyer's name, address, and registration. Each buyer shall properly execute, detach and promptly forward to the ASC State office “Receipt for Buyer’s Record” contained in MQ-95—Tobacco which is issued to the buyer.

(b) Record of purchases of tobacco from producers. (1) Each buyer shall keep a record and make reports on MQ-95—Tobacco, Buyer’s Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale, and the amount of the penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the name of such sale in the space for the serial number of the memorandum of sale, the applicable rate of penalty per pound shown in §723.847 (b) in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller’s name.

(2) The original of MQ-95—Tobacco, the memoranda of sale, and a remittance for the amount of the purchase shall be forwarded to the ASC State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.555 Buyers not exempt from regular records and reports. No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which handles tobacco as a business for the purpose of (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in each case respecting such tobacco for sale as required in §§ 723.830 to 723.862 for buyers.

§ 723.856 Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco. (a) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.830 to 723.862, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.830 to 723.862.

§ 723.859 Additional records and reports to Director. Any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.830 to 723.862, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.830 to 723.862.

§ 723.860 Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report or record, or of enforcing any regulations in this part, or of record or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available for examination by persons authorized to make such examinations, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture and upon written request by the State administrative officer or Director, such books, papers, records, accounts, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such persons.

§ 723.861 Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under §§ 723.830 to 723.862 for the 1957-58 marketing year shall be kept by him until September 30, 1958, and by any person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 723.862 Information confidential. All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.830 to 723.862 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county committees of the ASC, and by all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

Notes: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 27th day of June, 1957. Witness my hand under Title III of the act.
Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas
[Sugar Reg. 814.24, Am. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1957;
MISCELLANEOUS AMENDMENTS

Basta and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the “act”), for the purpose of further amending Sugar Regulation 814.24 (22 F. R. 5, 3700, 4133) which established allotments amounting to 541,125 tons, of the 1957 sugar quota for the Mainland Cane Sugar Area totaling 601,250 short tons, raw value. This amendment is necessary to substitute final data for estimated data on the proceedings of sugar from 1956-crop cane, marketings of sugar in 1956, and January 1, 1957, inventories of sugar used in the determination of allotments and to allot the increase in quota for the area established by Sugar Regulation 814.11 Amendments (22 F. R. 4960) which increased continental sugar requirements from 9,000,000 to 9,100,000 short tons, raw value, and which declared and prorated a deficit in the 1957 quota for Puerto Rico totaling 163,061 short tons, raw value. The increases in requirements increased the area quota by 6,887 tons, and of the deficit prorated, 20,287 tons were prorated to the Mainland Cane Sugar Area. Such increases in the area quota results in a total quota of 626,424 tons to be allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of substituting final data for estimated data used in the determination of allotments, and (2) adjusting allotments to take account of any change in the quota for the area resulting from any changes in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area.

The quantities of sugar and the per centages, based upon final data, to be used in the determination of allotments are as set forth in the following table:

<table>
<thead>
<tr>
<th>Processor</th>
<th>Proportion of total</th>
<th>Ability to market short tons, raw value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Percent)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
</tbody>
</table>

The allotments set forth herein have been established on the same basis as those established by Sugar Regulation 814.24, Amendment 1 (22 F. R. 3700, 4133), except that final data have been substituted for estimated data, and have been established in accordance with findings hereof made by the Secretary in the course of this proceeding. Such allotments afford a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act. Pursuant to the provisions of the act, finding 10 of the Findings and Conclusions hereof made (21 F. R. 3700) is amended by deleting “§ 611.86 of S. R. 111 (21 F. R. 10332)” and substituting in lieu thereof “§ 611.98 of S. R. 111, as amended (21 F. R. 10332; 22 F. R. 4468).”

Effective date. Allotments established by this order are larger than the allotments established by Sugar Regulation 814.24, Amendment 1 (22 F. R. 3700). To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective.

<table>
<thead>
<tr>
<th>Processor</th>
<th>Proportion of total</th>
<th>Ability to market short tons, raw value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Percent)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
</tbody>
</table>

1 The difference between 601,310 tons (quota established) and 602,260 tons (quota prorated) to Louisiana State University and 262,389 tons (January 1, 1957, Effective Inventory) amounting to 256,560 tons prorated on the basis of each processor's 1952-56 average new-crop marketings within allotments (column 6).

2 Determined by weighing “processings” (column 2) by 60 percent, “marketings” (column 4) by 30 percent, and “ability” (column 9) by 20 percent.
as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 257), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Act, as amended, it is hereby ordered, That paragraph (a) of § 814.24, as amended, be further amended to read as follows: § 814.24 Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area.—(a) Allotments. The 1957 sugar quota for the Mainland Cane Sugar Area of 628,424 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:  

<table>
<thead>
<tr>
<th>Processors</th>
<th>Quotas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania Sugar Co., Inc.</td>
<td>6,698</td>
</tr>
<tr>
<td>Alma Plantation, Ltd</td>
<td>6,501</td>
</tr>
<tr>
<td>J. Aron &amp; Co., Inc.</td>
<td>13,707</td>
</tr>
<tr>
<td>B.F. Cankton &amp; Co., Inc.</td>
<td>6,001</td>
</tr>
<tr>
<td>Breaux Bridge Sugar Co.</td>
<td>7,026</td>
</tr>
<tr>
<td>J. M. Burguiere Co., Ltd., The</td>
<td>7,006</td>
</tr>
<tr>
<td>Burdellson Sugar Co., Inc.</td>
<td>17,472</td>
</tr>
<tr>
<td>Caire &amp; Graunard</td>
<td>3,475</td>
</tr>
<tr>
<td>Caldwell Sugar Co., Inc.</td>
<td>11,335</td>
</tr>
<tr>
<td>Catherine Sugar Co., Inc.</td>
<td>6,149</td>
</tr>
<tr>
<td>Columbia Sugar Company</td>
<td>6,193</td>
</tr>
<tr>
<td>Corn-Texas Mfg. Co., Inc.</td>
<td>2,856</td>
</tr>
<tr>
<td>Dugas &amp; LeBlanc, Ltd</td>
<td>12,641</td>
</tr>
<tr>
<td>E. &amp; B. Bourgeois Sugar Co., Inc.</td>
<td>8,789</td>
</tr>
<tr>
<td>Erath Sugar Co., Ltd</td>
<td>5,077</td>
</tr>
<tr>
<td>F. M. Hall Sugar Co., Inc.</td>
<td>22,287</td>
</tr>
<tr>
<td>Evangeline Producers Assoc.</td>
<td>4,964</td>
</tr>
<tr>
<td>Felisier Sugar Producers Assoc.</td>
<td>8,540</td>
</tr>
<tr>
<td>Frisoe Cane, Inc.</td>
<td>15,060</td>
</tr>
<tr>
<td>Glenwood Co., Inc.</td>
<td>11,238</td>
</tr>
<tr>
<td>Gulf States Land &amp; Industries, Inc.</td>
<td>21,413</td>
</tr>
<tr>
<td>Helvetia Sugar Co., Inc.</td>
<td>6,064</td>
</tr>
<tr>
<td>Iberia Sugar Co., Inc.</td>
<td>14,666</td>
</tr>
<tr>
<td>LaFourche Sugar Company</td>
<td>14,728</td>
</tr>
<tr>
<td>Harry L. Laws &amp; Co., Inc.</td>
<td>10,906</td>
</tr>
<tr>
<td>Leverton Sugar, Inc.</td>
<td>9,037</td>
</tr>
<tr>
<td>Loisil Sugar Co., Inc.</td>
<td>5,607</td>
</tr>
<tr>
<td>Louisiana State Penitentiary</td>
<td>2,978</td>
</tr>
<tr>
<td>Lula Factory, Inc.</td>
<td>11,499</td>
</tr>
<tr>
<td>Massa Sugar Co., Inc.</td>
<td>4,784</td>
</tr>
<tr>
<td>Milliken &amp; Farwell, Inc.</td>
<td>13,094</td>
</tr>
<tr>
<td>National Sugar Refining Co.</td>
<td>12,824</td>
</tr>
<tr>
<td>Orleans Sugar Refining Inc.</td>
<td>1,500</td>
</tr>
<tr>
<td>M. A. Patout &amp; Son, Ltd.</td>
<td>9,840</td>
</tr>
<tr>
<td>Poplar Grove Fgt., &amp; Ref. Co., Inc.</td>
<td>7,345</td>
</tr>
<tr>
<td>St. James Sugar Co., Inc.</td>
<td>12,891</td>
</tr>
<tr>
<td>St. Mary Sugar Co., Inc.</td>
<td>12,215</td>
</tr>
<tr>
<td>South Coast Corp.</td>
<td>43,643</td>
</tr>
<tr>
<td>Southdown Sugars, Inc.</td>
<td>42,313</td>
</tr>
<tr>
<td>Stocking Sugars, Inc.</td>
<td>20,815</td>
</tr>
<tr>
<td>J. Supple's Sons Fgt., Inc.</td>
<td>5,240</td>
</tr>
<tr>
<td>United States Sugar Corp.</td>
<td>110,038</td>
</tr>
<tr>
<td>Valentine Sugar, Inc.</td>
<td>17,935</td>
</tr>
<tr>
<td>Vermilion Sugar Co., Inc.</td>
<td>2,450</td>
</tr>
<tr>
<td>Vida Sugars, Inc.</td>
<td>4,506</td>
</tr>
<tr>
<td>A. James &amp; Co., Ltd., &amp; Sh. Co.</td>
<td>6,490</td>
</tr>
<tr>
<td>Young's Industries, Inc.</td>
<td>8,450</td>
</tr>
<tr>
<td>Louisiana State University</td>
<td>100</td>
</tr>
<tr>
<td>All other persons</td>
<td>00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>628,424</strong></td>
</tr>
</tbody>
</table>

[See II. Delin.—Determination of Wage Rates [Sugar Determination 683.10]]

**PART 863—SUGARCANE; FLORIDA**

**PERIOD OF JULY 1, 1957—JUNE 30, 1958**

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, and after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 9, 1957, the following determination is hereby issued:

§ 863.10 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1957 through June 30, 1958. (a) Requirements. A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the Act during the period July 1, 1957 through June 30, 1958 if all persons employed on the farm for the extraction of sugar or harvesting of sugarcane work shall have been paid in accordance with the following:

(1) Wage rates. All such persons shall have been paid in full for all such work as follows:

- The hourly rate of earnings at which each person is required to start work and ends upon the work day. Compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or worker of animals or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transportation to and from the field, and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) Applicability. The requirements of this section are applicable to all persons employed on the farm for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee an acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such purposes.

(c) Workers not covered. The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, extraction, and processing of sugar or liquid sugar for livestock feed, including, but not limited to, mechanics, welders, and other maintenance workers and repairmen.

(d) Proof of compliance. The producer shall request the appropriate Agricultural Stabilization and Conservation Committee to furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished without cost to the worker in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and apparel, such as boots and raincoats, required to discharge the work assignment.

(e) Subterfuge. The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(f) Claim for unpaid wages. Any person who believes he has not been paid in accordance with this section may file a claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Such claim must be filed within two years from the date of payment of the worker. The County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party
Tuesday, July 2, 1957

FEDERAL REGISTER

4643

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

PART 927—MILK IN NEW-YORK-NEW JERSEY MILK MARKETING AREA

AMENDED ORDER REGULATING HANDLING

All of the findings, terms, and provisions of the "Order Regulating the Handling of Milk in the New-York-New Jersey Milk Marketing Area" which were annexed to and made a part of the decision of the Acting Secretary of Agriculture issued June 10, 1957 (22 F. R. 4194; Doc. 57-4898), with respect to a proposed marketing agreement and to a proposed amended order regulating the handling of milk in the New-York-New Jersey marketing area shall be and are the findings, terms, and provisions of this order subject to the following revisions and additions:

1. In the fifth line of § 927.25 (c) change the word "part" to "section":

"13" to "15";

and

2. Add paragraph (b) to § 927.6.

Sec. 927.6 Findings and determinations.

a. Definitions

927.1 Act.

927.2 Secretary.

927.3 Marketing area.

927.4 Person.

927.5 Dairy farmer.

927.6 Producer.

927.7 Handler.

927.8 Pool plant.

927.10 Market administrator.

927.11 Base.

927.12 Base milk.

927.13 Excess milk.

b. Pool administrator

927.20 Selection, removal, and bond.

927.21 Compensation.

927.22 Powers.

927.23 Duties.

927.25 Person.

927.29 Operating requirements.

927.27 Suspension and cancellation of designation.

927.28 Plant replacements and change of operator.

927.29 Temporary pool plants.

c. Classification

927.30 Basis of classification.

927.31 Burden of proof.

927.32 Period for establishing classification.

927.33 Plant at which classification is to be determined.

927.34 Plant loss.

927.35 Accounting procedure.

927.36 Rules and regulations.

927.37 Classes of utilization.

d. Minimum prices

927.40 Class prices.

927.41 Butterfat differentials.

927.42 Transportation differentials.

927.43 Butter-cheese adjustment.

927.44 Fluid skim differential.

927.45 Use of equivalent price or index.

927.46 Announcement of prices.

927.47 Reports of handlers.

927.50 Monthly reports.

927.51 Producer payroll reports.

927.52 Storage cream reports.

927.53 Other reports.

In wage rates over those provided in the 1956-57 determination, stating that wage rates had increased substantially more than either sugar prices or labor productivity during the past several years. They also pointed out that the majority of workers employed on the farm, recommended a minimum wage of $1.25 per hour. This witness stated that present wage rates in Florida are too low for an adequate determination continues unchanged the wage levels and other provisions of the 1956-57 determination, except that workers are required to furnish to the Secretary, or to the County Committee, copies of their payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records shall be kept with respect to each worker employed, depending upon the method of payment (e.g., time basis or piecework basis) (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piece rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the farmer to furnish payroll records.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations herefore applicable to wage determinations.

On the basis of an analysis and consideration of the pertinent factors involved in the provision, the determination are deemed to be fair and reasonable.

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


Issued this 27th day of June 1957.

[SEAL.]

True D. Morse,

Acting Secretary of Agriculture.

[F. R. Doc. 57-3844: Filed, July 1, 1957; 8:31 a. m.]

is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, Cheops Building, Gainesville, Florida, which shall likewise consider the recommendation of the Director and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committees, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) General. The foregoing determination provides for fair and reasonable wage rates to be paid for work performed by workers employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1957, to June 30, 1958, as one of the conditions with which producers must comply to be entitled to receive payments under the act.

(b) Requirements of the act and standards employed. Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1957, to June 30, 1958, as one of the conditions with which producers must comply to be entitled to receive payments under the act.

(c) 1957-58 wage determination. This determination provides that the producers shall furnish the County Committee upon request, adequate proof of compliance with the wage requirements; such proof may be in the form of payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records shall be kept with respect to each worker employed, depending upon the method of payment (e.g., time basis or piecework basis) (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piece rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations herefore applicable to wage determinations.

On the basis of an analysis and consideration of the pertinent factors involved in the provision, the determination are deemed to be fair and reasonable.

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


Issued this 27th day of June 1957.

[SEAL.]

True D. Morse,

Acting Secretary of Agriculture.
§ 927.0 Definitions. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agri-cultural Marketing Agreement Act of 1937, as amended.

§ 927.2 Secretary. "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 927.3 Marketing area. "New York-New Jersey milk marketing area" (hereinafter called the "marketing area") means all of the territory within the boundaries of the city of New York, and the counties and parts of counties set forth in the definition of any dairy farming area or the territory in the New York-New Jersey milk marketing area which milk was received at a pool plant, and all of the territory within the boundaries of the city of New York, and the counties and parts of counties (except the territory of Johnsburg, Thurman, and Stony Creek); Washington; and Yates (except the territories of Italy, Middlesex, and Potter); and in the State of New Jersey; Bergen; Essex; Hudson; Hunterdon; Middlesex; Monmouth; Morris; Ocean (except the boroughs of Barnegat Light, Beach Haven, Harvey Cedars, Ship Bottom, Surf City, Tuckerton, and the towns of Brick and Toms River); Schuylkill, Ulster, Warren (except the territory of Lacey, Little Egg Harbor, Long Beach, Ocean, Stafford, and Union); Passaic; Somerset; Sussex; Union; and Warren.

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

§ 927.5 Dairy farmer. "Dairy farmer" means any person who produces milk.

§ 927.6 Producer. "Producer" means any dairy farmer whose milk is delivered direct from farm to a pool plant.
or at a plant approved by any health authority as a source of milk for the marketing area, (b) any person who engages in the handling of milk, concentrated fluid milk, cultured or flavored milk drinks, cream, half and half, or skim milk, all or a portion of which is shipped to, or received in, the marketing area, or (c) any cooperative association of dairy farmers with respect to any milk which it causes to be delivered from dairy farmers to a pool plant of any other handler for the account of such association and for which such association receives payment.

§ 927.8 Plant. "Plant" means the lands, buildings, surroundings, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products as determined by the market administrator.

§ 927.9 Pool plant. "Pool plant" means any plant which is designated as a pool plant pursuant to §§ 927.25, 927.28, or 927.29.

§ 927.10 Market administrator. "Market administrator" means the agency, which is described in §§ 927.20 through 927.23 for the administration of this part.

§ 927.11 Base. "Base" means a quantity of milk expressed in pounds per day or month computed pursuant to § 927.60.

§ 927.12 Base milk. "Base milk" means the milk delivered by a producer during the month in an amount which is not in excess of his base.

§ 927.13 Excess milk. "Excess milk" means all milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATION

§ 927.20 Selection, removal, and bond. The agency for the administration of this part shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 927.21 Compensation. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 927.22 Powers. The market administrator shall have the following powers: (a) To administer the terms and provisions of this part; (b) To make rules and regulations to effectuate the terms and provisions of this part; (c) To receive, investigate, and report to the Secretary complaints of violations of this part; and (d) To recommend to the Secretary amendments to this part.

§ 927.23 Duties. The market administrator, in addition to the duties hereinafter described, shall:

No. 127-3

(a) Keep such books and records as will clearly reflect the transactions provided for in this part;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety from each person covering each employee who handles funds entrusted to the market administrator.

(e) Publicly disclose, after reasonable notice the facts, concerning any person who has not made reports pursuant to §§ 927.50, 927.51, and 927.53, or made payments required by §§ 927.70, 927.71, 927.72, 927.77, 927.80, 927.82, 927.83, 927.84, and thereof;

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

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

(h) Pay out of the funds received pursuant to § 927.90 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; (i) Maintain a main office and such branch offices as may be necessary; and (j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination; as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is located in the event that the particular premises in question constitutes more than one plant: Provided, That if the request of the handler is for revision or affirmation of a previous determination, the request must be made within 45 days following the date on which the handler receives notice of such determination; Provided further, That if 50 percent or more of the dairy farmers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant but for which such association receives payment, an application must be filed by such cooperative association as well as the person operating the plant.

§ 927.24 Plant. The plant is located in New York, New Jersey, or Pennsylvania: Provided, That if such plant is located in Pennsylvania within 200 miles of Philadelphia, it shall be eligible only if it is in a county bordering the marketing area thereon or if the marketing area than it is to Philadelphia, distance to the marketing area being the same as that used for zoning plants pursuant to § 927.42, and distance to Philadelphia being the shortest highway mileage computed by the market administrator from data contained in Mileage Guide No. 5 issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carriers' Bureau, Agent, Washington, D. C.

(c) The plant was a pool plant either pursuant to paragraphs (a) and (b) of § 927.29, or pursuant to § 927.27 as in effect immediately prior to the effective date of this section, for each of the 12 months immediately preceding the month during which an application is filed;

(d) The operating requirements of § 927.26 are being met.

§ 927.26 Operating requirements. The person operating the plant shall meet each of the following requirements:
(a) Be willing to dispose of as Class I-A milk the marketing area milk received at the plant from dairy farmers;
(b) Keep such control over the sanitary conditions under which milk received at the plant is produced and handled as to assure that the requirements of a source of milk for the marketing area: Provided, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk received from producers at such plant, which receives or has any members who deliver milk to such plant, and shall notify individually all producers delivering to such plant who are not members of such qualified cooperative association, of such suspension of designation.
(c) Have no commitments for disposition of milk that prevent him from utilizing milk as set forth in § 927.27 (g).

§ 927.27 Suspension and cancellation of designation.

The designation of a plant for failure to meet the requirements set forth in paragraphs (a) (c), or (d) of this section, finds on the basis of available information that the handler operating the plant is not meeting the requirements of § 927.27. Provided, That, if the handler operating the plant is not a cooperative association qualified pursuant to § 927.81, the market administrator shall also notify any qualified cooperative association which has any members who deliver milk to such plant, and shall notify individually all producers delivering to such plant who are not members of such qualified cooperative association, of such suspension of designation.

(d) In the case of the suspension pursuant to this section of the designation of one or more plants for failure to meet the requirements set forth in paragraphs (a) (c), or (d) of this section, the handler operating such plant may select, prior to the effective date of such suspension, some other pool plant or plants to be substituted for the plant or plants which were suspended, and during the preceding month, the quantity of milk received from producers at such substituted plant or plants was not less than the quantity of milk received from producers at the suspended plant. The handler may also select the order in which plant designations are to be cancelled in the event of a later determination by the Secretary cancelling the designations of some but not all of the plants suspended.

(e) Not later than 10 days after the effective date of suspension of designation pursuant to this section, the handler may apply to the Secretary for a review. If the handler fails to so apply for such review, the designation of the plant as a pool plant shall be cancelled as of the effective date of suspension. Provided further, That if 50 percent or more of the producers delivering milk at such plant deliver milk to such plant for the account of a cooperative association which does not deliver milk to such plant, but such milk association receives payment, an application must be made by such cooperative association as well as by the handler operating the plant: Provided further, That such plant shall not be treated as a pool plant on any basis from the effective date of cancellation until after the next continuous period of April through June.

(f) The designation of any plant which on June 15 of any year is not approved by a health authority as a source of milk for the marketing area shall be automatically suspended effective August 1 of such year unless the plant is not approved by a health authority as a source of milk for the marketing area milk on the date of such determination.

(g) Pool plant designation shall be suspended for failure to meet the requirements of § 927.26 (a) except under the following conditions:

(1) A meeting has been held no sooner than three days after notice by the market administrator to all handlers operating pool plants designated pursuant to § 927.27 or § 927.28 that the suspension is being made because the handler utilizing the milk received from producers during a period ending not later than the end of the second month after the month during which the suspension was made effective is not less than the percentage of the total milk reported by all handlers to have been received from producers during such month which was

RULERS AND REGULATIONS
Plant replacements and change of operator. (a) A plant may be designated at any time as a pool plant upon application made by the person operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to § 927.25, or this section, which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this paragraph (a), the designation of the plant or plants which is replaced shall be automatically cancelled.

(b) The designation of pool plants pursuant to § 927.25 or this section shall be cancelled for failure to meet the requirements of § 927.26 (b), only if the absence of such approval continues for more than 15 days.

§ 927.28 Plant replacements and change of operator. (a) A plant may be designated at any time as a pool plant upon application made by the person operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to § 927.25, or this section, which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this paragraph (a), the designation of the plant or plants which is replaced shall be automatically cancelled.

(b) The designation of pool plants pursuant to § 927.25 or this section shall be cancelled for failure to meet the requirements of § 927.26 (b), only if the absence of such approval continues for more than 15 days.

§ 927.29 Temporary pool plants. Except for plants which, pursuant to paragraph (a) of § 927.27 or pursuant to the proviso of paragraph (c) of this section, are not eligible for designation, any plant not designated pursuant to § 927.25 or § 927.28 shall automatically be designated a pool plant in accordance with paragraphs (a) through (d) of this section.

(a) For any of the months of January through March and July through December, any plant at which 25 percent or more of the receipts of milk from dairy farmers is classified in Class I-A on some basis other than the failure to account for such milk shall automatically be designated a pool plant for such month.

(b) For any of the months of April, May, or June, any plant at which, during a consecutive period of October, November, and December either (1) no milk was received from dairy farmers, or (2) 60 percent or more of the milk received from dairy farmers was classified in Class I-A on some basis other than the failure to account for such milk, shall automatically be designated a pool plant for any of such months of April, May, or June in which 10 percent or more of the milk received from dairy farmers was classified in Class I-A on some basis other than the failure to account for such milk.

(c) Any plant which is a pool plant in any of the months of April, May, or June on the basis of paragraph (b) of this section shall be a pool plant in any of the months of July through March following in which 60 percent or more of the milk received from dairy farmers is classified in Class I-A and Class I-B:

Provided, That upon written request presented to the market administrator by the handler, the plant shall not be a pool plant in any of the preceding year. / *\(\text{Provided, That upon written request presented to the market administrator by the handler, the plant shall not be a pool plant in any of the preceding year.}\)

(d) Any plant which for any month is not a pool plant because of failure to meet the requirements of paragraphs (a), (b), or (c) of this section (except a plant which is not a pool plant pursuant to the proviso in paragraph (c)), but from which Class I-A milk is distributed in the marketing area other than to another plant shall be a pool plant in any month at the option of the handler, exercised at the time of filing the report pursuant to § 927.50, if at least 50 percent of the milk received from dairy farmers at the plant during such month is classified in Class I-A and Class I-B:

Provided, That a plant which, except for this paragraph, received milk from farmers would have been classified in Class I-A under an order issued pursuant to the act, shall not be a pool plant pursuant to this paragraph unless the percentage of the milk received from dairy farmers at the plant which is classified in Class I-A is greater than the percentage of such milk which is classified in Class I-B and disposed of in the marketing area defined in such order.

(e) No plant shall be a pool plant on the basis of this section during the months of January through July if the designation of the plant as a pool plant was cancelled during the preceding year.

(f) At the time of announcing the uniform price for each month, the market administrator shall publish the location and name of the operator of any plant for which a report of receipts from dairy farmers was used pursuant to this section in the computation of that uniform price.

Classification

§ 927.30 Basis of classification. All milk the butterfat from which is received at a plant at which the classification of milk received from producers is to be determined pursuant to § 927.33, and all milk entering the marketing area in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or skim milk, shall be classified as fluid milk, in the form in which it is held at, or moved from, the plant at which classification is determined. Such classification shall be subject to the conditions set forth in §§ 927.31 through 927.38.

§ 927.31 Burden of proof. In establishing the classification of milk received from producers, the burden rests upon the handler who received the milk from producers to show that the milk should not be classified as Class I-A, and that the skim milk in Class II and Class III milk should not be subject to the fluid skim differential. The burden rests upon the handler who receives the milk from dairy farms or at a pool plant, or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or skim milk the butterfat from which is received from dairy farmers at the plant is not a pool plant pursuant to the act, shall not be a pool plant because of failure to meet the requirements of § 927.26 during the preceding year.

§ 927.33 Plant at which classification is based. The classification of milk received shall be determined at the plant at which such milk is received from dairy farmers:

Provided, That if such milk is shipped in the form of milk or cream to another plant, the classification of milk received from dairy farmers shall be determined at the plant at which such milk is shipped in the form of milk or cream to another plant, subject to the provisions of paragraphs (a) and (b) of this section, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream except as set forth in paragraphs (a) and (b) of this section.

(a) Except as set forth in paragraph (b) of this section, the classification of milk received in the form of milk the butterfat from which is shipped in the form of cream to a non pool plant shall be determined at the plant at which such milk is shipped in the form of cream, unless such non pool plant is in the marketing area from which no milk from dairy farmers is and is engaged substantially either in distributing packaged milk or cream in the marketing area or in shipping bulk milk or cream to a pasteurizing and bottling plant in the marketing area, unless the handler operating the pool plant from which such shipments are made to the non pool plant elects in writing on his monthly reports to have classification of
all milk or cream received during the month at such handler's pool plant and shipped as milk or cream to the non pool plant determined at the pool plant from which the milk or cream is shipped to the non pool plant.

(b) The classification of milk shipped in the form of milk more than 65 miles from the plant where received from dairy farmers and of the milk which is shipped in the form of cream more than 65 miles from the plant where the milk was separated to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia, will be determined at the pool plant from which the milk or cream is so shipped.

§ 927.34 Plant loss. Allowances for plant loss not to exceed 5 percent of the butterfat in the product resulting from any specific plant operation, which plant losses may be determined at the milk or cream receiving plant as the milk equivalent of the butterfat in the product, shall be determined by the market administrator pursuant to § 927.36.

§ 927.35 Accounting procedure. The administrator shall formulate procedures for classifying milk pursuant to §§ 927.30 through 927.37 shall be set up by the market administrator pursuant to § 927.36. Such accounting procedure shall include conversion factors and methods used in the absence of specific weights and tests, specific definitions of products, and such methods for assignment of milk to classes according to source and form as may be necessary to effectuate the provisions of §§ 927.30 through 927.37 and which are not inconsistent with the following general principles:

(i) Milk, concentrated fluid milk, fluid milk products, cream, half and half, fluid cream products, and skim milk received from pool plants or from handlers shall be assigned, as far as possible, to Class I-A milk subject to the fluid skim differential. The assignment of milk shall be subject to the additional requirements set forth in subparagraphs (1) through (5) of this paragraph.

(1) If the plant is not a pool plant pursuant to § 927.25 or § 927.28, milk received directly from dairy farmers in an amount sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.39 shall be assigned to Class I-A milk leaving the plant which is distributed to outlets which are not other plants: Provided, That a handler's own farm milk is not sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.39, no assignment pursuant to this subparagraph is to be made by the handler.

(2) After any required assignment pursuant to subparagraph (1) of this paragraph, milk from the following sources shall be assigned as far as possible to Class I-A:

(i) Milk received from producers delivering to the plant if the plant is designated as a pool plant pursuant to § 927.35 or § 927.28.

(ii) The balance of the milk received from producers if the plant is a pool plant pursuant to § 927.29 on the basis of the assignment pursuant to subparagraph (1) of this paragraph at such other plants.

(iii) Milk received from other pool plants designated pursuant to § 927.25 or § 927.28.

(iv) Milk received from other plants which are pool plants pursuant to § 927.29 on the basis of the assignment pursuant to subparagraph (1) of this paragraph at such other plants.

(v) After assignments pursuant to subparagraph (1) of this paragraph, milk from other sources shall be assigned to remaining Class I-A at the option of the handler.

(c) Notwithstanding the other provisions of this paragraph, milk received from the plant of a handler at which milk is received from farms which is eliminated from the computation of the handler's net pool obligation pursuant to § 927.65 (b) or (c), is excluded from assignment, as far as possible, to Class I-A milk at the plant unless such assignment results in nonpooled milk being assigned to Class I-A. Class III-A milk subject to the fluid skim differential.

(d) After the assignment prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from nonpooled plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk.

(e) After the manipulations prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received (except packaged milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk) from a handler's plant receiving milk which, pursuant to § 927.65 (b) or (c), is excluded from such handler's net pool obligation shall be assigned to remaining Class I-A at the option of the handler.

(f) After the assignment prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from nonpooled plants shall be assigned pro rata to the total classification of such products received in like form.

(g) After the assignment prescribed in paragraph (a) of this section, skim milk received from nonpool plants shall be assigned to remaining Class I-A milk subject to the fluid skim differential.

(h) Milk from a handler's own farm which is excluded from the computation of the handler's net pool obligation pursuant to § 927.35 (b) or (c) shall be assigned to remaining Class I-A milk at the plant after first assigning all milk from other pool plants to Class I-A: Provided, That any milk shipped to another plant on which the handler operating the other plant is required to make payments pursuant to § 927.83 shall be considered to be Class III at this plant, and shall be considered to be subject to the butter-cheese adjustment if such adjustment is required by rule of the administrator in determining the rate of payment pursuant to § 927.83.

§ 927.36 Rules and regulations. The rules and regulations to effectuate the terms and provisions of §§ 927.30 through 927.37 shall be made, and may from time to time be amended, by the market administrator in accordance with the procedure set forth in this section: Provided, That at any time upon a determination by the Secretary that an emergency of such a nature which makes immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the procedures set forth in this section, and a copy of such rules and regulations shall be sent at least five days prior to the date of the meeting held pursuant to paragraph (a) of this section for the consideration of all interested persons.

(a) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which time all interested persons shall have opportunity to be heard. Notice of such meeting shall be given by the market administrator, and a copy of the proposed rules and regulations shall be mailed not less than five days prior to the date of the meeting to all handlers operating pool plants.

(b) A meeting held pursuant to paragraph (a) of this section shall be allowed for the filing of briefs. Such briefs shall be public information available for inspection at the office of the market administrator.

(c) Not later than 30 days after a meeting held pursuant to paragraph (a) of this section, the market administrator shall issue and send to all handlers operating pool plants the tentative rules and regulations or amendments thereto relating to the issues considered at such meeting, or a tentative notice that no rules or regulations or amendments thereto are to be issued prior to further consideration. The tentative rules and regulations, or tentative notice, together with copies of the stenographic record and briefs, shall also at the same time be forwarded by the market administrator to the Secretary.

(d) Not later than 30 days after issuance by the market administrator of a tentative notice as issued, or direct the market administrator to reconsider. In which latter event, the market administrator shall within 30 days either issue revised tentative rules and regulations or tenta-
tive notice, or call another meeting pursuant to subparagraph (a) of this section.

The tentative rules and regulations and amendments thereto or tentative notice issued pursuant to paragraph (c) of this section shall be effective as of the first of the month following classification by the Secretary, but not sooner than ten days after issuance by the market administrator.

§ 927.37 Classes of utilization. Subject to all of the conditions set forth in §§ 927.30 through 927.36, milk shall be classified in one of the classes named in this section. Classification is to be determined as follows:

(a) Class I-A milk shall be all milk, except as provided in paragraph (b) of this section and in subparagraphs (3) and (4) of paragraph (d) of this section, the butterfat from which leaves or is on hand at the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, unless such cream, half and half, fluid cream products, or cultured or flavored milk drinks is delivered to a purchaser outside the marketing area.

(b) Class I-B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (d) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and all milk the classification of which is not established in some other class named in this section.

(c) Class II milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of sweet or sour, half and half, fluid cream products, or in the form of cultured or flavored milk drinks, containing less than 3.0 percent or more than 5.0 percent of butterfat, unless such cream, half and half, fluid cream products, or cultured or flavored milk drinks is delivered to a purchaser outside the marketing area and remains outside the marketing area.

(d) Class III milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, half and half, fluid cream products, or in the form of cultured or flavored milk drinks, containing less than 3.0 percent or more than 5.0 percent of butterfat or in the form of cream, half and half, or fluid cream products, or cultured or flavored milk drinks is delivered to a plant or a purchaser outside the New York metropolitan district and remains outside the New York metropolitan district.

(2) All milk the butterfat from which leaves or is on hand at the plant in the form of cream which is subsequently held in a licensed cold storage warehouse, at least 28 days, and which is subject at all times until utilization of such cream to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days, such cream may be moved from one licensed cold storage warehouse to another.

(e) For Class I-A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph: Provided, That the proviso in effect for the purposes of Class I-A milk for the month immediately preceding the effective date of this proviso shall continue in effect for the purpose of computing the Class I-A prices for the first two months following the effective date of this paragraph.

(1) Divide (with the result expressed to three decimal places) the monthly wholesale price index for all commodities in the second preceding month, reported on a 1947-49 base by the Bureau of Labor Statistics, United States Department of Labor, by the average of the monthly indexes reported on the nearest month for the preceding calendar year:

- January 1.05
- February 1.03
- March 1.00
- April 0.94
- May 0.88
- June 0.89
- July 0.95
- August 1.00
- September 1.04
- October 1.07
- November 1.09
- December 1.07

(b) Whenever any of the following conditions exist for 3 consecutive months, the market administrator shall promptly consider those and other economic conditions, or promptly an-
nounce his determination that such a hearing should not be held, together with reasons for such determination.

(1) There is a difference of more than 6 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of wholesale prices (1955 base) announced pursuant to § 927.46 (a) (1).

(2) There is a difference of more than 10 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of the Class I-A price announced pursuant to § 927.46 (a) (7).

(3) The Class I-A price for each of 3 consecutive months is less than $1.00 higher than the condensery price announced pursuant to § 927.46 (a) (6) and the index of the Class I-A price for each of 3 consecutive months shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(4) For Class I-B milk the price shall be the price for Class I-A milk.

(5) For Class II milk the price during each month shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(6) The average butter price set forth in this table at the same rate to cover such average butter price.

(7) Multiply by 7.5 the average of all months from August through February for which the utilization adjustment percentage announced pursuant to § 927.46 (a) (2) is 107.5 or larger, there shall be an additional three cents added to such average butter price.

(8) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption in carots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

(9) Determine the appropriate seasonal adjustment in accordance with the following table:

<table>
<thead>
<tr>
<th>Month to which the price is applicable</th>
<th>Amount</th>
<th>March through April</th>
<th>May and June</th>
</tr>
</thead>
<tbody>
<tr>
<td>July through November</td>
<td>$0.06</td>
<td>$1.06</td>
<td>$0.06</td>
</tr>
<tr>
<td>December through February</td>
<td>$0.08</td>
<td>$1.08</td>
<td>$0.08</td>
</tr>
<tr>
<td>March and April</td>
<td>$0.10</td>
<td>$1.10</td>
<td>$0.10</td>
</tr>
<tr>
<td>May and June</td>
<td>$0.10</td>
<td>$1.10</td>
<td>$0.10</td>
</tr>
</tbody>
</table>

§ 927.41 Butterfat differentials. The minimum price for Class I-A and Class I-B milk shall be plus or minus four cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class II and Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract the respective Class prices from the amount computed pursuant to § 927.40 (d) (2), and divide by 36.

§ 927.42 Transportation differentials. The market administrator shall determine and publicly announce a freight zone for each pool plant, and he shall determine the freight zone for each plant at which milk products subject to the provisions of §§ 927.83 and 927.84 is received from dairy farmers or is first found. Such freight zone shall be the shortest highway mileage from the plant to the nearest of the following points as computed by the market administrator from data contained in Mileage Guide No. 5, without supplements, issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carriers’ Bureau, Agent, Washington, D. C.: Mount Vernon or Yorkers in the State of New York; Tenafly, Glen Ridge, East Orange, Elizabeth, Hackensack, Hillside, Irvington, or Passaic in the State of New Jersey. The freight zone for plants located in New York City, Nassau, and Suffolk Counties in the State of New York, or in Essex, Hudson, and Union Counties in the State of New Jersey shall be the 1-10 mile zone. The class prices set forth in § 927.40 and the fluid skin differential set forth in § 927.44 shall be plus or minus the amount set forth in the following schedule:

<table>
<thead>
<tr>
<th>Cents per hundredweight</th>
<th>Class I-A, I-B, and skim milk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10</td>
<td>$0.00</td>
</tr>
<tr>
<td>11-20</td>
<td>$0.10</td>
</tr>
<tr>
<td>21-50</td>
<td>$0.20</td>
</tr>
<tr>
<td>51-70</td>
<td>$0.30</td>
</tr>
<tr>
<td>71-100</td>
<td>$0.40</td>
</tr>
<tr>
<td>101-120</td>
<td>$0.50</td>
</tr>
<tr>
<td>121-140</td>
<td>$0.60</td>
</tr>
<tr>
<td>141-160</td>
<td>$0.70</td>
</tr>
<tr>
<td>161-180</td>
<td>$0.80</td>
</tr>
<tr>
<td>181-200</td>
<td>$0.90</td>
</tr>
<tr>
<td>201-220</td>
<td>$1.00</td>
</tr>
<tr>
<td>221-240</td>
<td>$1.10</td>
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<tr>
<td>241-260</td>
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<tr>
<td>261-280</td>
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<td>301-320</td>
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<td>$1.70</td>
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<tr>
<td>361-380</td>
<td>$1.80</td>
</tr>
<tr>
<td>381-400</td>
<td>$1.90</td>
</tr>
<tr>
<td>401 and over</td>
<td>$2.00</td>
</tr>
</tbody>
</table>

§ 927.43 Butter-cheese adjustment. For milk received from producers which is classified as Class III pursuant to § 927.37 (d) (6), and which leaves or is delivered at the plant at such classification is determined in the form of butter or Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, or is assigned to plant loss 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 § 927.49 (6) 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 an-
nounced 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: Provided, That with respect to skim milk received from producers at a plant in which milk is not pool, the handler shall pay a fluid skim differential computed as follows: deduct the price of Class I-A milk computed pursuant to § 927.40 (a) for the following month by $5.20.

(3) The butter and cream adjustment pursuant to § 927.49.

(4) The fluid skim differential pursuant to § 927.41.

(5) The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one quotation reported daily in "The Producers' Price-Current") for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bases, or similar products" for the preceding month.

(6) The respective averages of the cash prices per pound of spray process and of roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as reported on a 1947-49 base by the Bureau of Labor Statistics, United States Department of Labor, and the seasonal adjustment, for the following month.

(7) The respective averages of the cash prices per pound of spray process and of roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as reported on a 1947-49 base by the Bureau of Labor Statistics, United States Department of Labor, and the seasonal adjustment, for the following month.

(8) The average selling prices per pound reported by the United States Department of Agriculture for Wisconsin State Brand Cheese and Creamery butter at the new York market.

(9) The average selling prices per pound reported by the United States Department of Agriculture for Wisconsin State Brand Cheese and Creamery butter at the new York market.

(10) The nearby differential rate for the preceding month for the following month.

REPORTS OF HANDLERS
§ 927.50 Monthly reports.

On or before the 10th day of each month, each handler shall report to the market administrator for the preceding month, in the manner and on forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his other plants, such milk or milk products subject to payments under §§ 927.83 and 927.84 were handled, the following: Provided, That for informational and statistical purposes only, each handler, by not later than the 10th day after the effective date of this proviso, shall report to the market administrator, for the preceding month, in the manner and on forms prescribed by the market administrator, the information specified in paragraphs (a) through (e) of this section with respect to plants which become pool plants on the effective date of this proviso, but which were not pool plants at the beginning of this period.

(a) The total quantity of milk and of each milk product with the average butterfat content thereof, received from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, each plant, the average butterfat content thereof, and the destination of any milk or milk product the classification of which wholly or partially depends upon its destination, moved out of each plant;

(c) The disposition of milk or milk products at each other plant at which the disposition of any milk or milk products is claimed as the basis of classification;

(d) The computation pursuant to § 927.65 of such handler's net pool obligation;

(e) The computation of the amount of any payments pursuant to §§ 927.83 and 927.84; and

(f) Beginning March 1985, the total quantity of base milk and the total quantity of excess milk delivered by dairy farmers.

§ 927.51 Producer payroll reports.

Each handler shall report with respect to producers as follows:

(a) On or before the 10th day after the end of each month, the information required by paragraphs (a) through (e) of this section with respect to producer additions, producer withdrawals, and changes in names of farm operators; and

(b) On or before the last day of each month, such handler's producer payroll.
for the preceding month, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof: Provided, That, if no butterfat tests are made on any of the milk received from producers, and if each milk is received by the handler from no more than 10 producers, 3.5 percent shall be reported as the average butterfat test of milk received from producers.

(2) The amount of payment due each producer.

(3) Any deductions and charges made by the handler.

(4) The net amount of payment to such producer made pursuant to §§ 927.70 through 927.72, and

(5) Such other information with respect thereto as the market administrator may require.

§ 927.52 Storage cream reports. (a) On or before the last day of the period for establishing classification pursuant to § 927.32, or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, each handler who stores cream shall make a report to the market administrator on forms prescribed by the market administrator that contains information with respect to the storage of cream. Failure to make such report shall result in the disallowance of Class III classification pursuant to § 927.32(d) (1).

(b) The handler who made such reports shall report to the market administrator, not later than the end of the second month following the month during which frozen cream is stored as a basis for Class III classification pursuant to § 927.37(d) (2) shall report to the market administrator on forms prescribed by the market administrator that contains information with respect to the storage of cream. Failure to make such reports shall result in the disallowance of storage cream payments pursuant to § 927.81 and § 927.82.

(c) With respect to notices of transfer of cream filed pursuant to § 927.37(d) (2) and with respect to storage cream reports filed pursuant to this section, a record shall be kept of such notice or report as shall be made by the market administrator to the handler within 48 hours after such notice or report is received by the market administrator.

§ 927.53 Other reports. At such time as the market administrator may request, each handler shall report to the market administrator in the manner and on forms prescribed by the market administrator:

(a) The total quantity of milk and of each milk product received at his non-pool plant, with the average butterfat content thereof, from dairy farmers, from fluid skim milk producers, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand in, non-pool plants, the average butterfat content thereof, and the destination of any milk or milk product moved out of such plants;

(c) Information concerning land, buildings, surroundings, facilities, and equipment at any of his plants;

(d) The current receipts and utilization of milk at each of his pool plants; and

(e) Such other information as may be necessary for the administration of the provisions of this part.

§ 927.54 Verification of reports and payments. The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records and of the records of any handler or person upon whose disposition claim is made. Such audit shall be made, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or other persons, as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to §§ 927.50 through 927.53, and, in case of errors or omissions, ascertain the correct figures;

(b) Weight, sample, and test for butterfat content the milk received from producers, and any product of milk upon which classification depends;

(c) Verify the payments to producers prescribed in §§ 927.70 through 927.72;

(d) Verify all claims for payments pursuant to §§ 927.81 and 927.82; and

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant.

§ 927.55 Retention of records. All books and records, or specified books and records, as will enable the market administrator to ascertain what constitutes a plant, shall, during the usual hours of business, be open to inspection by the market administrator. All books and records shall be retained by the handler for a period of three years prior to the date of final removal of the cream from storage, each handler who stores cream shall make a report to the market administrator on forms prescribed by the market administrator that contains information with respect to the storage of cream. Failure to make such report shall result in the disallowance of storage cream payments pursuant to § 927.81 and § 927.82.

§ 927.56 Computation of producer's base. (a) Subject to the rules set forth in § 927.61, the market administrator shall, in each month, compute a daily base for each producer as follows: determine the total amount of milk delivered by the producer in the months of July through November and divide by 183. Such base shall be obtained for the 12-month period beginning the March following.

(b) The monthly base for any producer shall be the daily base multiplied by the number of days in the month, except that for any producer who discontinues delivering to a pool plant during the monthly base shall be the daily base multiplied by the number of days in the month prior to the discontinuance of delivery, and for any producer who begins delivering to a pool plant in a month, the monthly base at such plant shall be the daily base multiplied by the number of days remaining in the month beginning with the day of first delivery.

§ 927.61 Base rules. No later than March 1 of each year, the market administrator shall issue a schedule of the daily base for each of his producers delivering milk to his pool plants; and not later than 15 days after receiving such information, handlers shall inform each producer of his base.

DETERMINATION OF UNIFORM PRICE

§ 927.65 Net pool obligation of handlers. The handler's net pool obligation shall be computed pursuant to paragraphs (a) through (g) of this section: Provided, That milk specified in paragraph (d) of this section shall be excluded from the computation of the butter-cheese adjustment applicable to the producer in that month, milk subject to the fluid skim differential by the fluid skim differential, and add together the resulting values;

(c) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent, and add, in the case of each plant where the average butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butter-cheese adjustment applicable to the producer in that month, milk subject to the fluid skim differential by the fluid skim differential, and add together the resulting values;

(d) Deduct, in the case of each plant nearer New York City than the 201-210 mile zone, and add, in the case of each plant further from New York City than the 201-210 mile zone, the sum obtained by multiplying the milk received from producers by the zone differential set forth in column B of the schedule in § 927.42 applicable to the plant.

(e) Deduct the total amount of the butter-cheese adjustment computed pursuant to § 927.43;

(f) Deduct the total value of the new or differentials paid to the handler pursuant to § 927.71 (b). The computation to this point shall be known as the handler's net pool obligation;

(g) Add together the handler's net pool obligation and such other differentials as may be paid to the handler by the zone differential set forth in column B of the schedule in § 927.42 applicable to the plant.
of milk in New York City and milk received from farms in New York City.

(2) Milk received at a handler's plant not in excess of an average of 800 pounds per day from such handler's own farm in the event that no milk is received at such plant from other dairy farmers but is received from other plants.

(3) All milk received at a handler's plant from such handler's own farm in the event that no milk is received from any other source at such plant.

§ 927.66 Computation of the uniform price. The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than two cents per pound, just the amount received from producers on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.76 shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made payment of the last monthly pool debts. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the net pool obligations of all handlers;

(b) Subtract the total of payments required to be made for such month by § 927.81;

(c) Add the total payments required to be made by handlers for such month pursuant to §§ 927.63 and 927.84;

(d) Add the amount of unreserved cash in the producer settlement fund;

(e) Subtract from the amount received from producers in the preceding month at not less than the uniform price subject to appropriate differentials set forth in §§ 927.71 and 927.72: Provided, That each handler which is also a cooperative marketing association determined to be qualified under the Capper-Volstead Act may, with respect to producers who are members of and under contract with such association, make distribution, in accordance with proper rights and applicable provisions of the association and such members, of the net proceeds of all its sales in all markets in all use classifications. Whenever verification by the market administrator of the pool debit account of the cooperative association of producers for milk delivered to any handler discloses payment of less than is required by this subpart, the handler shall make up such payment to the producer or to the cooperative association of producers not later than the time of making payment next following such disclosure: Provided further, That a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make such payment from the producer settlement fund to the handler or to the lawful claimant. Provided further, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of admittance to the market administrator’s findings upon verification as provided above, such payment shall be made to the producer settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the market administrator that the required payment has been made to the producer or association of producers, in which case the carrier claim shall be refunded to the handler.

§ 927.71 Location differentials. The uniform price shall be subject to the appropriate location differentials set forth below:

(1) A zone shall be determined by the market administrator for each farm as follows: A zone for each minor civil division (township, borough, incorporated village, or city) within the nearly differential area shall be determined by computing the shortest highway mileage distance from the nearest point in the minor civil division to the nearest point specified in § 927.42, using the mileage guide specified in such section supplementary to § 927.43. The zone of a farm shall be the same as the zone of the minor civil division in which the milkhouse of such farm is located: Provided, That all farms located in the State of New Jersey shall be considered to be in the 1–50 mile zone.

(2) The weighted average percentage of milk utilized in Classes 1-A and 1-B for the 12-month period ending with the preceding month shall be computed: Provided, That for the 12 months following the effective date of this provision, such percentage shall be presumed to be 65% and over, but under 66.

(3) The rates of nearby differentials, except as provided in subparagraphs (4), (5), and (6), of this paragraph, shall be as set forth in the following table:

<table>
<thead>
<tr>
<th>Mileage zone of the farm pursuant to paragraph (4) of this paragraph</th>
<th>Under 50</th>
<th>50 and over, but under 65</th>
<th>65 and over, but under 70</th>
<th>70 and over, but under 75</th>
<th>75 and over, but under 80</th>
<th>Over 80</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dollars per hundredweight</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(4) For farms located in Columbus, Rensselaer, and Albany counties, and the townships of Catskill, Athens, Coxsackie, New Baltimore, Greenville, Cairo, and Durham in Greene County, the rate shall be as follows: for farms in the 91–120 mile zone, the rate otherwise applicable for farms in the 91–120 mile zone; for farms in the 121–130 mile zone, the rate otherwise applicable for farms in the 121–130 mile zone; for farms in the 131–140 mile zone, the rate otherwise applicable for farms in the 131–140 mile zone.

(5) Farms delivering to plants in Columbia, Rensselaer, and Albany counties, and the townships of Catskill, Athens, Coxsackie, New Baltimore, Greenville, Cairo, and Durham in Greene County beyond the 111–120 mile zone, and farms delivering to plants located in any other territory beyond the 111–120 mile zone shall not be eligible for the differentials set forth in this paragraph.
RULES AND REGULATIONS

§ 927.68 Handlers’ accounts. The market administrator shall establish an account for each handler who is required to make payments to the producer settlement fund. For each handler, the market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler’s pool debit or credit account as follows:

If, at any such time, the balance in the producer settlement fund is insufficient to make payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler shall be deemed to be in violation of §§ 927.70 through 927.74 if he reduces his total payments to producers for milk delivered by him during the preceding month by not more than the amount of the reduction in payment and all debits or credits entered on such handler’s pool debit or credit account as follows:

The market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler’s pool debit or credit account for any such amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall direct the handler’s producer settlement fund account for such amount.

§ 927.70 Adjustments of errors in payments. Whenever verification by the market administrator of reports or payments of any handler discloses an error, the market administrator shall adjust and correct the amounts paid as payments from the producer settlement fund, the market administrator shall adjust and correct the amounts paid as payments from the producer settlement fund account as follows:

The application shall be approved by the market administrator only if he determines that:

§ 927.75 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 and any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall direct the handler’s producer settlement fund account for such amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall direct the handler’s producer settlement fund account for such amount.

§ 927.72 Buttermilk differential. The uniform price shall be plus or minus, as the case may be, 1 cent per hundredweight of milk delivered by any producer during any month, an amount equivalent to the average of the buttermilk differentials determined pursuant to § 927.41, for each class weighted by the pounds of buttermilk in the milk in each such class used in the month in such class for the preceding month. Such differential shall be computed to the nearest one-tenth of a cent.

§ 927.76 Payments out of producer settlement fund. On or before the 15th day of each month, the market administrator shall make full payment of the debit balance, if any, of each handler shown on the last statement of account rendered pursuant to § 927.76. If, at any such time, the balance in the producer settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler shall be deemed to be in violation of §§ 927.70 through 927.74 if he reduces his total payments to producers for milk delivered by him during the preceding month by not more than the amount of the reduction in payment and all debits or credits entered on such handler’s pool debit or credit account as follows:

The application shall be approved by the market administrator only if he determines that:

§ 927.79 Handlers’ pool debit or credit. After computing the uniform price for each month, the market administrator shall compute each handler’s pool debit or pool credit as follows:

The application shall be approved by the market administrator only if he determines that:

§ 927.81 Cooperative payments for market-wide services. Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section. Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) Definitions. As used in this section the following terms shall have the following meanings:

(2) “Federation” means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (15 U.S.C. 291 et seq.); has all facilities under the control of its members; and has full authority in the sale of its members’ milk.

§ 927.80 Buttermilk differential. The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month, an amount equivalent to the average of the buttermilk differentials determined pursuant to § 927.41, for each class weighted by the pounds of buttermilk in the milk in each such class used in the month in such class for the preceding month. Such differential shall be computed to the nearest one-tenth of a cent.

§ 927.5 Producer settlement fund and its operation

§ 927.50 Adjustments of errors in payments. Whenever verification by the market administrator of reports or payments of any handler discloses an error, the market administrator shall adjust and correct the amounts paid as payments from the producer settlement fund, the market administrator shall adjust and correct the amounts paid as payments from the producer settlement fund account as follows:

The application shall be approved by the market administrator only if he determines that:

(i) In the case of a cooperative:

Any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall direct the handler’s producer settlement fund account for such amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall direct the handler’s producer settlement fund account for such amount.
livered by them, subject to the proviso in subdivision (i) of this subparagraph.

(iii) If the application is also for an additional payment under subparagraph (v) of paragraph (f) of this section, the applicant cooperative or federated cooperatives operating cooperative which operates marketing facilities, i.e., pool plant(s), at which it receives at least 25 per centum, by weight, of the milk marketed by its members.

That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by a member of the cooperative or federated cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(ii) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least one year, and such contracts shall be in writing and renewed for a period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes.

That in computing payment to a cooperative or federation for cooperative payment purposes, (1) the aggregate membership of the cooperative or federation must demonstrate that it has the ability to perform the market-wide services for which application is made, and that such services will be performed.

That no person shall be counted in this requirement is complied with, there shall be excluded the milk delivered by a member of the cooperative or federated cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(iii) Its federated cooperatives have an aggregate of not less than 4,000 members and the federated cooperatives receive from the members not less than 1 cent per hundredweight of milk delivered by them; and its federated cooperatives will pay to the federation, when required by rules and regulations issued by the market administrator, the minimum monthly payment specified in the rules and regulations to finance the activities of the federation that are not market-wide in character: Provided, That the amounts so paid to the federation shall be counted in this respect as a member if he is a member of a cooperative which is an applicant for or which receives cooperative payments, or if he is a member of another federation or cooperative.

(iv) If the application is also for an additional payment under subparagraph (v) of paragraph (f) of this section, the aggregate membership of the federated cooperatives is not less than 6,000 members and the federated cooperatives received from their members not less than 1 cent per hundredweight of milk delivered by their members, subject to the proviso in subdivision (ii) of this subparagraph.

(v) If the application is also for an additional payment under subparagraph (v) of paragraph (f) of this section, any cooperative or federation which operates marketing facilities, i.e., pool plant(s), or the federated cooperatives operate marketing facilities, at which it receives at least 25 per centum, by weight, of the milk marketed by its members or by the members of the federated cooperatives: Provided, That in determining whether the 35 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

Provided, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.
cordance with subparagraph (1) of this paragraph and subject to the provisions contained in subparagraph (2) of this paragraph.

Any cooperative that operates marketing facilities, i.e., pool plant(s), at which is received at least 25 per cent, by weight, of the milk marketed by its members shall receive a payment, in addition to the payment provided for in subparagraph (2) or subparagraph (3) of this paragraph of 1 cent per hundredweight of all milk marketed by its members in accordance with subparagraph (1) of this paragraph: Provided, That in computing the payment under this subparagraph there shall be excluded the milk delivered by a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(5) Any federation that operates marketing facilities, i.e., pool plant(s), or whose members include one or more federated cooperatives that operate marketing facilities, at which is received at least 25 per cent, by weight, of the milk marketed by the members of its federated cooperatives shall receive a payment, in addition to the payment provided for in subparagraph (2) or subparagraph (3) of this paragraph, of 1 cent per hundredweight of all milk marketed by such members in accordance with subparagraph (1) of this paragraph: Provided, That in computing the payment under this subparagraph there shall be excluded the milk delivered by members of a cooperative which is an applicant for or receiving cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk.

(6) If an individually qualified cooperative or federation is affiliated with a federation, the cooperative payment shall be made to the federation unless the cooperative contract with the federation specifies in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least one year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(2) Disqualification. (1) The market administrator shall issue an order wholly or partly disqualifying a previously qualified cooperative or federation for payments under rules and regulations issued pursuant to this section and to the provisions of this section applicable to it.

(1) The cooperative or federation no longer complies with the requirements of this section: Provided, That in the case of the cooperative or federation, if it or one of its federated cooperatives has failed to comply with the requirements of this section applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the production area served by the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such non-complying federated cooperative or federation.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator under subparagraph (3) of this paragraph: Provided, That if a hearing was held the complete record thereof, including all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which any appeal shall be decided by the Secretary.

(i) Regulations. The market administrator is authorized to issue rules and regulations thereto and amendments thereto to effectuate the purposes of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall be given an opportunity to be heard. Not less than five days prior to the meeting, notice thereof and of the proposed rules or amendments shall be published in the Federal Register to notify qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least five days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section shall be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the Federal Register. The Secretary's ruling on the petition for review shall become final and shall be final and shall then be returned to the producer settlement fund.

(3) Record on appeal. If an appeal is taken under subparagraphs (1) or (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: Provided, That if a hearing was held the complete record thereof, including all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which any appeal shall be decided by the Secretary.

(1) Regulations. The market administrator is authorized to issue rules and regulations thereto and amendments thereto to effectuate the purposes of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall be given an opportunity to be heard. Not less than five days prior to the meeting, notice thereof and of the proposed rules or amendments shall be published in the Federal Register to notify qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least five days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section shall be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the Federal Register. The Secretary's ruling on the petition for review shall become final and shall then be returned to the producer settlement fund.

(3) Record on appeal. If an appeal is taken under subparagraphs (1) or (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: Provided, That if a hearing was held the complete record thereof, including all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which any appeal shall be decided by the Secretary.
shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

§ 927.82 Cream payments. (a) For milk received from producers which is classified as Class I milk, (b) the butterfat from which is subsequently assigned in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.46, and (c) or reconstituted cream shipped to, received in, or distributed in the metropolitan district, or is not established to have been otherwise utilized, or to be still in storage, the handler receiving the milk from the producer settlement fund or issue debit against balances due to such handler from the producer settlement fund in the months of August through February.

(b) On the basis of reports pursuant to § 927.52 of the utilization of frozen cream and the market administrator’s investigations and other reports, the market administrator shall make payment out of the producer settlement fund to the handler filing such reports, or issue credit against balances due from such handler from the producer settlement fund, an amount equal to the butterfat in such cream which was separated in the months of April through July, and 10 cents per pound of butterfat if the milk was separated in the months of August through February.

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been replaced at a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification, such cream is so handled and classified as to establish a plant outside the marketing area in Class III pursuant to § 927.37 (d) (1), (3), (5), or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of reports of distribution and receiving bills, and in establishing the uniform price is more than 15 percent of the combined volume of the Class I-A and Class III prices applicable for the month when the milk was received from producers.

§ 927.83 Payments on milk received from dairy farmers. (a) Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section: Provided, That for any month in which the volume of Class III milk used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I-A and Class II milk used in such computation, the payments set forth in this section shall not be required.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the butterfat of the milk or milk product is classified as Class I-A or Class II milk, such milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk shall be paid on each amount of milk or milk product, and the value obtained by subtracting the value of the milk or milk equivalent of the butterfat at the class price or prices under subparagraph (2) of this paragraph from the value computed in accordance with the classification and pricing set forth in this subpart: Provided, That the payment shall be at the rates set forth in subparagraph (2) of this paragraph, or at the rates set forth in the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be the amount computed pursuant to § 927.44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a nonpool plant in the 401-425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the differences between its classified value at the Class I-A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat, less and the location of the plant at which such milk or milk product was received from farmers: Provided, That for concentrated fluid milk, cream, half and half, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a nonpool plant farther than the 401-425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I-A or Class II price, depending upon its classification, and its value at the Class III price, such payment from the amount other­wise due for such milk pursuant to § 927.44 adjusted for the location of the plant at which the nonpool milk was received from farmers: Provided, That for milk, fluid milk prod­ucts, and cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent butterfat, the amount of payments shall be the difference between the value of such milk or milk product at the Class I-A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I-A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk product at the rates set forth at the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: Provided, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler’s obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler, operating the plant where the milk or milk product is first received in the marketing area if...
the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was marketed, outside the marketing area or not at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.80.

§ 927.84 Payments on milk or milk products the source of which is not established. Payments shall be made by handlers to producers through the producer set-aside fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk which milk or milk product meets each of the requirements specified in subparagraphs (1) and (2) and, if applicable, subparagraph (3) of this paragraph.

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.80.

EXPENSE OF ADMINISTRATION

§ 927.90 Payment by handlers. As his pro rate share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding two cents per hundredweight computed pursuant to § 927.40 (d) by 0.9125.

(b) The amounts of payment for the purposes set forth in paragraphs (a) through (d) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks containing 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such milk or milk products, if the handler receives such milk or milk product at a pool plant outside the marketing area.

(2) For cream, half and half, fluid cream products, and skim milk which milk or milk product contains containing less than 3.0 percent or more than 5.0 percent of butterfat.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (d) by 0.9125, add an amount computed pursuant to § 927.44, and adjust the result by the differentials set forth in column B in the table in § 927.42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (d) by 0.9125.

(b) In computing the milk equivalent value of benefits as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk products and if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.80.

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler, operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph.

The provisions of this section shall apply to sections 8c (15) of the act, a petition claiming such money.

§ 927.96 Continuing obligation of handlers. Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions of this part, such
§ 927.97 Continuing power and duty of market administrator. The market administrator shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (c) so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant to this part.

§ 927.98 Liquidation. Upon the termination or suspension of this part, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses pursuant to the provisions of this part over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

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

Amended, terminated, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have risen or may thereafter arise in connection with any provision of this subpart; release or waive any violation of this subpart occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

Subchapter B - Export Regulations

Section 371.51 Supplement 1: Commodities subject to general licenses GHK and/or GLSA is amended in the following respects:

1. The following entry is added to the list of commodities:

<table>
<thead>
<tr>
<th>Schedule B No.</th>
<th>Code</th>
<th>Commodity</th>
</tr>
</thead>
<tbody>
<tr>
<td>085700</td>
<td>H S</td>
<td>Tailor, inedible.</td>
</tr>
</tbody>
</table>

2. The code "S" is added in the column headed "Code" opposite each of the following entries in the list of commodities:
This amendment shall become effective as of June 20, 1957, except that with respect to paragraph 3 it shall become effective as of June 27, 1957.

Shipment of any commodity removed from General License GLSA as a result of changes set forth in paragraph 3 above, which was on dock for loading, or lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., June 20, 1957, may be exported under the previous General License GLSA provisions up to and including July 20, 1957. Any such shipment not laden aboard the exporting carrier or in transit to a port of exit on or before July 20, 1957, requires a validated license for export to the specified Subgroup A destinations.

3. The code "S" is deleted in the column headed "Code" opposite each of the following entries in the list of commodities:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion-picture films, except newsreel, sensitized, 8 mm.</td>
<td>911570</td>
</tr>
<tr>
<td>Surgical and medical apparatus, n.e.c., and specially fabricated parts, n.e.c., the following only; 8-day alarm clocks; clock chimes, dials, and pianettes and novelty clocks.</td>
<td>914200</td>
</tr>
<tr>
<td>Articles not elsewhere classified, the following only: aquarium equipment; artists' supplies, except paper and bristles; brushes and parts; brushes; brushes, except rubber and bristle and rubber and mixed brushes; book cloth.</td>
<td>996900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rubber and rubberized textile goods, fabric, and sheeting, n.e.c.</td>
<td>202590</td>
</tr>
<tr>
<td>Canvas shoes with rubber soles.</td>
<td>203400</td>
</tr>
<tr>
<td>Textile manufactures, n.e.c.</td>
<td>985300</td>
</tr>
<tr>
<td>Umbrellas and parasols.</td>
<td>985300</td>
</tr>
</tbody>
</table>

Thus, the commodity list is as follows:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>394800</td>
<td>Coated or impregnated fabrics.</td>
</tr>
<tr>
<td>394900</td>
<td>Waterproof outer garments, except rubber or rubberized.</td>
</tr>
<tr>
<td>395900</td>
<td>Neatling, cravats, mufflers, and scarves (all fibers).</td>
</tr>
<tr>
<td>396000</td>
<td>Hats, caps, and berets, n.e.c.</td>
</tr>
<tr>
<td>396100</td>
<td>Mattresses, cotton, kapok, moss, and hair.</td>
</tr>
<tr>
<td>396200</td>
<td>Abdominal cotton, sterilized gauze, and sterilized bandages.</td>
</tr>
<tr>
<td>396300</td>
<td>Elastic webbing, woven, knitted, or braided.</td>
</tr>
<tr>
<td>396500</td>
<td>Garments, arm bands, suspenders, and braces of all materials.</td>
</tr>
<tr>
<td>999900</td>
<td>Miscellaneous textile products: Window-shade cloth (all types).</td>
</tr>
</tbody>
</table>

This amendment becomes effective as of June 20, 1957, except that with respect to paragraph 3 it shall become effective as of June 27, 1957.

3. The code "S" is deleted in the column headed "Code" opposite each of the following entries in the list of commodities:
No. 127—5

FEDERAL REGISTER [4661

Tuesday, July 2, 1957

Menominee, Missaukee, Mont., Montgomery, Muskegon, Newago, Oceana, Ontonagon, Oscoda, Otsego, Roscommon, Saginaw, Schoolcraft, Van Buren and Wexford Counties;

(q) Mississippi: Hinds County;


(s) Nebraska: Burt, Chase, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Hamilton, Harlan, Jefferson, Johnson, Lancaster, Nance, Nemaha, Otoe, Pawnee, Sarpy, Cedar, Thurston, Washington, Webster, and York Counties;

(t) Nevada: Mineral, Ormsby, and Storey Counties;

(u) New Jersey: Atlantic, Bergen, Camden, Cape May, Passaic, and Union Counties;

(v) New Mexico: De Baca, Grant, Guadalupe, Hidalgo, Las Alamos, McKinley, and San Juan Counties; and Jicarilla, Navajo, Taos, and Zuni Indians Reservations;

(w) New York: Hamilton and Warren Counties;


(y) Ohio: Columbiana;

(z) Ohio: Clackamas, Columbia, Coos, Curry, Douglas, Josephine, Marion, Morrow, Multnomah, Sherman, Tillamook, Washington, and Yamhill Counties;


(cc) South Carolina: Bamberg, Cherokee, Chester, Horry, Marlboro, Saluda, Union, and York Counties;

(dd) Tennessee: Johnson, McNairy, Macon, Scott, Trousdale, and Weakley Counties;

(ee) Utah: Davis, Garfield, Morgan, Piute, and Weber Counties; and Navajo Indian Reservation;

(ff) Virginia: Matthews, Middlesex, and Warwick Counties;

(gg) West Virginia: Boone, Brooke, Cabell, Clay, Fayette, Grant, Greenbrier, Hancock, Hardy, Lincoln, Logan, McDowell, Marshall, Mongomery, Ohio, Pleasants, Summers, Taylor, Upshur, and Wyoming Counties.

§ 78.14 Public stockyards. (a) Federal inspection is maintained for the inspection of livestock for communicable diseases at the following stockyards:

Name of Stockyard and Location

ALABAMA

Union Stockyards—Montgomery.

ARIZONA

Cornell Livestock Co.—Phoenix.

ARKANSAS

Greater Little Rock Stock Yards—Little Rock.

CALIFORNIA

Union Stockyards—Los Angeles.

COLORADO

Union Stock Yards—Denver.

IDAHO

Boise Valley Livestock Commission Co.—Caldwell.

Idaho Livestock Auction, Inc.—Idaho Falls.

Southern Idaho Stock Yards Co.—Twin Falls.

ILLINOIS

Union Stock Yards—Chicago.

St. Louis National Stock Yards—St. Louis.

INDIANA

Evansville Union Stock Yards—Evansville.

Indianapolis Stock Yards—Indianapolis.

IOWA

Sioux City Stock Yards—Sioux City.

KANSAS

Parsons Stockyards Co.—Parsons.

 McCormick Union Stock Yards—Wichita.

KENTUCKY

Bourbon Stock Yards—Louisville.

LOUISIANA

New Orleans Stock Yards—New Orleans.

MARYLAND

Union Stock Yards—Baltimore.

Farmers’ Livestock Exchange, Inc.—Boonsboro.

Baltimore Livestock Auction, Inc.—West Friendship.

MICHIGAN

Detroit Stock Yards—Detroit.

MINNESOTA

St. Paul Union Stock Yards—South St. Paul.

MISSOURI

Joplin Stock Yards—Joplin.

Kansas City Stock Yards—Kansas City.

Mississippi Valley Stock Yards—St. Louis.

St. Joseph Stock Yards—South St. Joseph.

Union Stock Yards Co.—Springfield.

MONTANA

Billings Public Stock Yards—Billings.

NEBRASKA

Union Stock Yards—Omaha.

NEW JERSEY

Jersey City Stock Yards—Jersey City.

NEW MEXICO

Clovis Cattle Commission Co.—Clovis.

Ranchers & Farmers Livestock Sales Co.—Clovis.

NEW YORK

Buffalo Stock Yards—Buffalo.

stk Yards—New York.

Cincinnati Union Stock Yards—Cincinnati.

Union Stock Yards—Cleveland.

OKLAHOMA

Oklahoma National Stock Yards—Oklahoma City.

Tulsa Stockyards, Inc.—Tulsa.

Fort Smith Stockyards Co.—West Fort Smith.

OREGON

Portland Union Stock Yards—North Portland.

Ontario Livestock Commission Co.—Ontario.

PENNSYLVANIA

Union Stockyards—Lancaster.

Pennsylvania Stock Yards—Philadelphia.

Pittsburgh Joint Stock Yards—Pittsburgh.

SOUTH DAKOTA

Sioux Falls Stock Yards—Sioux Falls.

TENNESSEE

Union Stockyards—Nashville.

Dixie National Stock Yards—Memphis.

South Memphis Stock Yards—Memphis.

TEXAS

Fort Worth Stock Yards—Fort Worth.

Port City Stock Yards—Houston.

Union Stock Yards—San Antonio.

Texarkana Stockyards, Inc.—Texarkana.

UTAH

Salt Lake Union Stock Yards—North Salt Lake.

Ogdin Union Stock Yards—Ogden.

VIRGINIA

Richmond Union Stock Yards—Richmond.

WASHINGTON

Seattle Union Stockyards—Seattle.

Old Spokane Union Stock Yards—Spokane.

WISCONSIN

Milwaukee Stock Yards—Milwaukee.

(d) The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis dealers and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Stockyard and Location

ARKANSAS

*Corning Auction Sales Co.—Corning.

*El Dorado Sales Barn—El Dorado.

*Rudors Sales Barn—Rudors.
FEDERAL REGISTER

MASSACHUSETTS

Brighton Stock Yards—Brighton.
Devono Livestock Commission—Southwick.

MISSISSIPPI

• Billingsley Auction Sale, Doc.—Senatobia.
• Booneville Commission Co.—Booneville.
• Clarksdale Livestock Sales Co.—Clarksdale.
• Clay County Stockyards, Inc.—West Point.
• Columbus Livestock Co.—Columbus.
• Corinth Livestock Auction Co.—Corinth.
• Dixie Stockyard Auction.—Dixie.
• Feders Livestock Sales Co.—Summit.
• George County Stock Yards—Lucedale.
• Graves Livestock Sales.—Graves.
• Grenada Livestock Exchange—Grenada.
• Henderson Sales Co.—Corinth.
• Hernando Auction Co.—Hernando.
• Hodges, W. H. & Sons.—Liberty.
• Kosciusko Stock Yards Co.—Kosciusko.
• L & S Community—Columbia.
• Laurel Community Auction.—Laurel.
• Live Stock Producers Association—Tyler.
• lumber Stockyards,—Natchez.
• Moore and Woods Commission Co., Inc.—

MAINE

• Maine Livestock Commission.—Lindroth.

LOUISIANA

• Avoyelles Livestock Commission Market—

MASSACHUSETTS

Brighton Stock Yards—Brighton.
Devono Livestock Commission—Southwick.

MISSISSIPPI

• Billingsley Auction Sale, Doc.—Senatobia.
• Booneville Commission Co.—Booneville.
• Clarksdale Livestock Sales Co.—Clarksdale.
• Clay County Stockyards, Inc.—West Point.
• Columbus Livestock Co.—Columbus.
• Corinth Livestock Auction Co.—Corinth.
• Dixie Stockyard Auction.—Dixie.
• Feders Livestock Sales Co.—Summit.
• George County Stock Yards—Lucedale.
• Graves Livestock Sales.—Graves.
• Grenada Livestock Exchange—Grenada.
• Henderson Sales Co.—Corinth.
• Hernando Auction Co.—Hernando.
• Hodges, W. H. & Sons.—Liberty.
• Kosciusko Stock Yards Co.—Kosciusko.
• L & S Community—Columbia.
• Laurel Community Auction.—Laurel.
• Live Stock Producers Association—Tyler.
• lumber Stockyards,—Natchez.
• Moore and Woods Commission Co., Inc.—

MAINE

• Maine Livestock Commission.—Lindroth.

LOUISIANA

• Avoyelles Livestock Commission Market—

MASSACHUSETTS

Brighton Stock Yards—Brighton.
Devono Livestock Commission—Southwick.

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• Columbus Livestock Co.—Columbus.
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• George County Stock Yards—Lucedale.
• Graves Livestock Sales.—Graves.
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• Hernando Auction Co.—Hernando.
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MAINE

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• Avoyelles Livestock Commission Market—

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• Laurel Community Auction.—Laurel.
• Live Stock Producers Association—Tyler.
• lumber Stockyards,—Natchez.
• Moore and Woods Commission Co., Inc.—

MAINE

• Maine Livestock Commission.—Lindroth.

LOUISIANA

• Avoyelles Livestock Commission Market—

MASSACHUSETTS

Brighton Stock Yards—Brighton.
Devono Livestock Commission—Southwick.

MISSISSIPPI

• Billingsley Auction Sale, Doc.—Senatobia.
• Booneville Commission Co.—Booneville.
RULES AND REGULATIONS

NEW YORK

Agrett & Law Commission Market—Isquia.
Burton Livestock Exchange—Vernon.
Cable's Cattle Market—Roxbury.
Cambridge Valley Livestock Market—Cambridge.
Chatham Area Auction Coop., Inc.—Chatham.
Danville Commission Auction—Danville.
Dickerson Commission Sales—California.
Dryden Livestock Sales—Dryden.
Dupont's Commission Auction—Little Falls and Port Plain.
Empire Livestock Marketing Cooperative, Inc.—Bath.
Empire Livestock Marketing Cooperative, Inc.—Bullville.
Empire Livestock Marketing Cooperative, Inc.—Caledonia.
Empire Livestock Marketing Cooperative, Inc.—Governor.
Empire Livestock Marketing Cooperative, Inc.—Green.
Empire Livestock Marketing Cooperative, Inc.—Cmenta.
Empire Livestock Marketing Cooperative, Inc.—West Winfield.
Farmer's Livestock Market—Bath.
Hippolyte Farm Auction, Inc.—Hilldale.
Horseheads Livestock Market—Horseheads.
N. Johncox Sons Livestock Auction—Palmer.

J. M. Kaplan & Son, Inc.—Millerton.
Kessler & Genter—Springville.
Kimball Stand Commission Sales—James.

Luthers' Livestock Commission Market—Wassau.
Miller's Livestock Market—Argyle.
Neerrett, H. L. & Sons—Chazy.
Neerrett, H. L. & Sons—Eilenburg Depot.
Norwich Commission Sale—Norwich.
Owego Livestock Sales—Owego.
Sauquoy Valley Livestock Exchange—Cassville.
Southern Cayuga Commission Sales—Moravia.
Southern Tier Livestock Market—Whitney Point.
Stilson Tweedie—Watson.
Sullivan Brothers—Ulta.
Swine Commission—Binghamton.
Tully Valley Livestock Market—Apulia Station.
Wickham's Commission Auction—Ovid.

NORTH DAKOTA

Ashmore, William L.—Killdeer.
Beulah Livestock Auction Sales—Beulah.
Edgeley Livestock Sales Co.—Edgeley.
Killdeer Livestock Sales Co.—Killdeer.
Harrington Brothers—Mayville.
Harrington Brothers—Minot.
Harrington Brothers—Valley City.
Harvey Livestock Sales Pavilion—Harvey.
Hettinger Livestock Sales Co.—Hettinger.
Home Base Auction Co.—Bowman.
Jamestown Sales Co.—Jamestown.
Kamrath Sales Pavilion—Mott.
Linton Livestock Sales Co.—Linton.
Mandan-Bismarck Livestock Commission Co.—Mandan.
Missouri Slope Auction Sales, Inc.—Bismarck.
Park River Livestock Sales Co.—Park River.
Schnell-Dickinson Livestock Sales—Dickinson.
Western Livestock Co., Inc.—Dickinson.
Williston Livestock Commission Co.—Williston.

OKLAHOMA

Buffalo Livestock Commission Co.—Bulpalo.
Guymon Livestock Commission Co.—Guymon.
Pawhuska Auction Livestock Market—Pawhuska.

TEXAS

Amarillo Livestock Auction Co. and Western Stockyard Co.—Amarillo.
Dalhart Auction Co.—Dalhart.

UTAH

Salina Auction.—Salina.

SPANISH FORK

Utah Valley Auction.—Spanish Fork.

VERMONT

Chickering Livestock Corp.—Westminster.
East Thetford Commission Sale—East Thetford.
Vergennes Livestock Commission Sale—Vergennes.

VERMONT

Bedford Livestock Market, Inc.—Bedford.
Big Stone Gap Livestock Market—Big Stone Gap.
Chattensburg Livestock Market, Inc.—Chatellensburg.

Pennsylvania

Barnes Sales—Oxford.
Carlisle Livestock Market—Carlisle.
Danville Livestock Market, Inc.—Danville.
Eighty-four Auction Sales, Inc.—Eighty-four.
Enon Valley Community Sales—Enon Valley.
Exton Livestock Auction, Inc.—Exton.
Farms Market & Auction—Ephrata.
Fayette Stockyard Co.—Unilton.
Greenfield Livestock Auction—North East.
Greenville Livestock Market, Inc.—Greenville.
Hickory Auction.—Hickory.
Indiana Livestock Market, Inc.—Homer City.
Kennett Auction Co., Inc.—Kennett Square.
Knoxville Sales, Inc.—Knoxville.
Krumsville Livestock Auction—Krumsville.
Lebanon Valley Livestock Market, Inc.—Frederickburg.
Leesport Livestock Market,—Leesport.
Mason-Dixon Livestock Market, Inc.—Stewartstown.
Meadville Livestock Auction,Sagerstown.
Montague Livestock Auction—Union City.
Mount Cobb Auction Sales—Hamlion.
New Wilmington Livestock Auction—New Wilmington.
Payne's Livestock Market—Jamestown.
Penns Valley Sales Barn—Centre Hall.
Pennsylvania Livestock Auction, Inc.—Waynesboro.
Perkiomenville Sales Stables—Perkiomenville.
Quakertown Sales Co.—Quakertown.
Showalter Livestock Exchange—Duncansville.
Silver Springs Livestock Market—Mechanicsburg.
Tess & Bunnell Auction Sale—Tunkhannock.
Tri-County Livestock Auction—Brockway.
Troy Sales Cooperative—Troy.
Valley Stock Yards, Inc.—Atha.
Vintzle Sales Stables, Inc.—Paradise.
Wayne County Livestock Exchange, Inc.—Honesdale.
Wyalusing Sales Co.—Wyalusing.
York Livestock Market, Inc.—Thomasville.

SOUTH CAROLINA

Chesnee Livestock Co.—Chesnee.
J. W. Coder Co.—Columbia.
Harper Livestock Co.—Estill.
Spartanburg Livestock Yards—Spartanburg.

TEXAS

Amarillo Livestock Auction Co. and Western Stockyard Co.—Amarillo.
Dalhart Auction Co.—Dalhart.

GALENIVILLE LIVESTOCK AUCTION SALE—Galenville.
Heredford Livestock Auction Co.—Herd.
Owen Brothers Auction Co.—Texarkana.

UTAH

Salina Auction.—Salina.

SPANISH FORK

Utah Valley Auction.—Spanish Fork.

VERMONT

Chickering Livestock Corp.—Westminster.
East Thetford Commission Sale—East Thetford.
Vergennes Livestock Commission Sale—Vergennes.

VERMONT

Bedford Livestock Market, Inc.—Bedford.
Big Stone Gap Livestock Market—Big Stone Gap.
Chattensburg Livestock Market, Inc.—Chatellensburg.

Pennsylvania

Barnes Sales—Oxford.
Carlisle Livestock Market—Carlisle.
Danville Livestock Market, Inc.—Danville.
Eighty-four Auction Sales, Inc.—Eighty-four.
Enon Valley Community Sales—Enon Valley.
Exton Livestock Auction, Inc.—Exton.
Farms Market & Auction—Ephrata.
Fayette Stockyard Co.—Unilton.
Greenfield Livestock Auction—North East.
Greenville Livestock Market, Inc.—Greenville.
Hickory Auction.—Hickory.
Indiana Livestock Market, Inc.—Homer City.
Kennett Auction Co., Inc.—Kennett Square.
Knoxville Sales, Inc.—Knoxville.
Krumsville Livestock Auction—Krumsville.
Lebanon Valley Livestock Market, Inc.—Frederickbug.
Leesport Livestock Market,—Leesport.
Mason-Dixon Livestock Market, Inc.—Stewartstown.
Meadville Livestock Auction,Sagerstown.
Montague Livestock Auction—Union City.
Mount Cobb Auction Sales—Hamlion.
New Wilmington Livestock Auction—New Wilmington.
Payne's Livestock Market—Jamestown.
Penns Valley Sales Barn—Centre Hall.
Pennsylvania Livestock Auction, Inc.—Waynesboro.
Perkiomenville Sales Stables—Perkiomenville.
Quakertown Sales Co.—Quakertown.
Showalter Livestock Exchange—Duncansville.
Silver Springs Livestock Market—Mechanicsburg.
Tess & Bunnell Auction Sale—Tunkhannock.
Tri-County Livestock Auction—Brockway.
Troy Sales Cooperative—Troy.
Valley Stock Yards, Inc.—Atha.
Vintzle Sales Stables, Inc.—Paradise.
Wayne County Livestock Exchange, Inc.—Honesdale.
Wyalusing Sales Co.—Wyalusing.
York Livestock Market, Inc.—Thomasville.

SOUTH CAROLINA

Chesnee Livestock Co.—Chesnee.
J. W. Coder Co.—Columbia.
Harper Livestock Co.—Estill.
Spartanburg Livestock Yards—Spartanburg.

TEXAS

Amarillo Livestock Auction Co. and Western Stockyard Co.—Amarillo.
Dalhart Auction Co.—Dalhart.
**BEACH.**

**Rock.**

slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only. The following slaughtering establishments operating under the provisions of the Meat Inspection Act of March 4, 1907, may be obtained from the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., and from the Federal Inspectors and State Inspectors.

(b) The following slaughtering establishments, specified by an asterisk, are specifically approved for the purposes of § 78.15 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis. The following slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

**Name of Slaughtering Establishment and Location**

**ARIZONA**
- Arizona Meat Packers—Tucson.
- C & C Meat Co.—Phoenix.
- Crescent Packing Co.—Scottsdale.
- Herseh Meat Packers—Phoenix.
- Maricopa Packing Co.—Phoenix.
- OK Meat Co.—Phoenix.
- Paramount Packing Co.—Casa Grande.
- Safford Packing Co.—Safford.
- Southwest Meat Co.—Yuma.
- Tempe Meat Co.—Tempe.
- Town & Country Packing Co.—Mesa.

**ARKANSAS**
- Broadway Packing Co., Inc.—Jonesboro.
- Brown, Kelton Wholesale Meats—Little Rock.
- Brown, Pink Packing Co., Inc.—Little Rock.
- City Abattoir—Pine Bluff.
- Columbia Packing Co.—Magnolia.
- Finkbeiner Packing Co.—Pine Bluff.
- Guire Packing Co.—Byrhtville.
- Heim Brothers—Little Rock.
- Hunt, Leo and Ryburn—Pine Bluff.
- Little Rock Packing Co.—Little Rock.
- Morrilton Packing Co.—Morrilton.
- Redd Slaughter House—Harrisburg.
- Reaves Packing Co.—Pine Bluff.
- Southwestern Packing Co.—Pine Bluff.
- Stephens Meat Co.—Pine Bluff.
- Western Meat Packers, Inc.—Little Rock.

**CALIFORNIA**
- Allen’s Meat Products Co.—San Francisco.
- Altopa Meat Co.—Mendocino.
- Atwater Meat Co.—Atwater.
- Avila Meat Co.—Gustine.
- Brennan Meat Co.—Tulare.
- Butler Brothers—Yountville.
- Candelaria, N. L.—Richmond.
- Castro, P. L.—Richmond.
- Chico Meat Co., Inc.—Chico.
- Christie, A. W.—Eves.
- Cottonwood Dressed Beef—Cottonwood.
- Crum Meat Co.—McArthur.
- Cuaymaces Meats, Inc.—El Cajon.
- Diamond Meat Co.—Melbourn.
- Eik Grove Meat Co.—Elk Grove.
- Felder packing Co.—Napa.
- Ferrara Meat Co.—San Jose.
- Frenno Packing Co.—Fresno.
- Hohener, Ernest—San Leandro.
- Johnson, Inc., J. D.—San Francisco.
- Keller Brothers, H. & H.—Helena.
- Kern Valley Packing Co.—Bakersfield.
- Klapp’s Packing House Market—Ontario.
- Klubniken Packing Co.—Vernon.
- Krueger & Kretzer—Eureka.
- Lewis & McDermott—Berkeley.
- Marysville Meat Packing Co.—Marysville.
- Modesto Trust Meat Co.—Modesto.
- Moller & Sons, H.—Pleasonton.
- Naylor, S. E.—Soledad.
- Nelson Meat Co.—San Jose.
- Nunes & Styron Meat Co., Inc.—San Miguel.
- Orvis & Clinger, Inc.—Stockton.
- Pacific Packing Co.—Reddell.
- Palace Market—Fresno.
- Palace Market—Stockton.
- Palo Verde Packing Co.—Elythe.
- Paniszers, C. V.—Occidental.
- Port Stockton Sausage Co.—Stockton.
- Port Stockton Sausage Co.—Oakdale.
- Prime Meat Products—Ukiah.
- Pure Sausage & Meat Co.—Lodi.
- Quong Wah Yuen—Stockton.
- Redwood Meat Co.—Eureka.
- Roesen Meat Packing Co., Inc.—Vernon.
- Russo Meat Co.—Eureka.
- S & S Locker Plant—Thorton.
- San Luis Meat Co.—San Luis Obispo.
- Santa Ana Packing Co.—Santa Ana.
- Santa Maria Meat Co.—Santa Maria.
- Scratia Packing Co. & Locker Storage—Costa Rica.
- Sebastropol Meats Co.—Petaluma.
- Sierra Butcher Co.—Auburn.
- Smith Packing Co.—San Bernardino.
- Sonoma Meat Co.—Sonoma.
- Steenbergen Brothers—La Grange.
- Stornetta Brothers—Point Arena.
- Susanville Meat Co.—Susanville.
- Taaffe & Co., Inc., Wm.—San Francisco.
- Tulare Packing Co.—Beckwold.
- Temecula Meat Packing House—Temecula.
- Tempe’s Prepared Foods—Stockton.
- Turlock Meat Co.—Turlock.
- Ventura Meat Packing Co., Inc.—Saticoy.
- Victor Valley Packing Co.—Victorierville.
-Walker’s Market, Inc.—Upland.
- Walnut Creek Meat Co.—Walnut Creek.
- West Coast Meat Co.—Alvarado.
- Western Meat Products—Stockton.
- Wright Packing Co.—National City.
- Yettner Brothers—Fort Bragg.
- Zeff, B.—Modesto.

**COLORADO**
- Basin Packing Co.—Durango.
- Colorado Packing Co.—La Junta.
- Cortez Packing Co.—Cortez.
- Pateau Sausage Co.—Trinidad.

**CONNECTICUT**
- Biker, Ellis D.—Torrington.
- Bell Brothers — Southport.
- Bridgeport Municipal Abattoir—Bridgeport.
- Clark, L. W.—Danbury.
- Connecticut Packing Co.—Bloomfield.
- Connecticut Veal Co.—Beacon Falls.
- Porta, J. P.—Branford.
- Freeman, Myer—New London.

**FLORIDA**
- Beesley Packing Co. of Florida—Pensacola.
- Central Packing Co.—Center Hill.
- Dill Sausage Co.—Miami.
- Farris & Co.—Jacksonville.
- Florida Sausage Co., Inc.—Pensacola.
- Fort St. Meaux Packing Co.—Tallahassee.
- Gold Merit Packing Co., Inc.—Jacksonville.
- Gotham Provision Co., Inc.—Miami Springs.
- Hawkins Wholesale Meats, Inc.—East Palatka.
- Henry Brothers Packing—Tampa.
- Hickory Hill Meat Packers, Inc.—Tampa.
- Hygrade Food Products Corp.—Hialeah.
- Jackson Meat Co.—Marianna.
- Lobb & Gottfried—Hialeah.
- Lykes Brothers, Inc.—Tampa.
- Meat Supply Co.—Pensacola.
- Oakland Meat Packing—St. Landers.
- Register Meat Co., Inc.—Cotondale.
- Tobias Packing Co.—Chipley.

**GEORGIA**
- Akrigde Sausage Co.—Rome.
- Beavers Packing Co.—Newnan.
- Brooks County Packing Co., Inc.—Quitman.
- Carroll Packing Co.—Valdosta.
- City Abattoir—Albany.
- Cochran Provision Co.—Dublin.
- Dufry Sausage Co.—Carrollton.
- Lowell Packing Co.—Pittsfield.
- Medlin Packing Co.—Dade City.
- Pioneer Provision—Atlanta.
- Scott Meat Packers—Augusta.
- Simpson Provision Co., Inc.—Fayetteville.
- Southern Foods, Inc.—Columbus.
- United Butchers Abattoir, Inc.—Atlanta.
- Vaidota Abattoir Co., Inc.—Valdosta.
- Wiggers Packing Co.—Chunchucmus.

**IDaho**
- B & M Packing Co.—Burley.
- Boise Valley Packing Co.—Eagle.
- Carter Packing Co.—Buhl.
- City Meat Market—Wallace.
- Custom Meat Co.—Royalo.
- Custom Packing Co.—Twain Falls.
- Dehmen Food Lockers—Leavenworth.
- Davis Packing Co.—Pocatello.
- Independent Meat Co., Inc.—Twain Falls.
- Johnstone Brothers—Caldwell.
- Kendall Packing Co.—Preston.
- Pigeon Lockers—New Plymouth.
- Wallace Meat Co.—Wallace.
- X-F Packing Co.—Couer d’Alene.
- York Packing Co.—Twin Falls.

**ILLINOIS**
- Barlow Brothers, Inc.—Rushville.
- Bergman Meat Packing Co., Inc.—Pittsfield.
- Callahan & Co.—Pompano.
Ostanley Locker Plant—Ostanley.
Parrott Packing Co.—Fort Wayne.
Price's Abattoir, Walter—Plymouth.
Puckett Meat Co.—Lebanon.
Quick Freeze Locker Service Abattoir—Madison.
Rockville Packing Co.—Rockville.
Ross Packing Co.—Indianapolis.
Rose City Packing Co., Inc.—New Castle.
Roy's Packing Plant—Elkhart.
Sanitary Mutual Meat Market—Brookville.
Schmitt, H. P. Locker Service—Decatur.
Schnerke Slaughter House—New Haven.
Schuler Slaughter House—South Bend.
Sellerburg Locker Co.—Sellersburg.
Shackelford, W. E.—Owensville.
Shinn Slaughter House—Greencastle.
Sievers, Lester—Vincennes.
Sievers, Louis—Vincennes.
Snipty's—Angola.
South Side Butcher's—Indianapolis.
Stahl Packing Co.—Evansville.
Standard Packing Co.—Kokomo.
Straub & Smith Packing Co., Inc.—Indianapolis.
Summers Packing Co.—North Liberty.
Vale City Packing Co.—Valparaiso.
Van Wagner Brothers—Angola.
Van Wagner, Dick—Crawfordsville.
Vetter Meat Co.—Columbus City.
Viets Packing Co.—Clinton.
Wabnitz & Deters—Indianapolis.
Warrick County Frozen Food Lockers—Boonville.
Weiler Packing Co.—Batesville.
Wenning Packing Co., Inc.—New Salisbury.
West's Locker House—Ames.
Whitler, J. L. & Sons, Inc.—Elkhart.
Wilcox Brothers—North Liberty.
Williams, J. B. & Sons—Tipton.
Wolf Meat Co.—New Albany.
Wolf Packing Co.—La Porte.
Wright Packing Co.—Chandler.
Young Packing Co.—Clarksville.
Young Brothers Market—LaGrange.
Zaring Processing Plant—Greencastle.

KANSAS

A and B Butchers—Arkansas City.
Addington Slaughtering Establishment—Elkhart.
Alverson, Geo. A.—Elk City.
B & W Packing Co.—Colby.
Baltimore Packing Co.—Marshalltown.
Barnes Packing Co.—Owensboro.
Barnett Packing Co.—Westville.
Barnett Packing Co.—Crawfordville.
Barrett Packing Co.—Portageville.
Bartow Packing Co.—Huntingburg.
Bates Cattle Company—Princeton.
Belcher Meats—Darlington.
Bennett Packing Co.—Crawfordville.
Bender, Henry—Tipton.
Bennett Packing Co.—Crawfordville.
Berry, J. H.—Elkton.
Bissell Packing Co.—Marshalltown.
Bison Packing Co.—Ponca City.
Bivins Packing Co.—Marshalltown.
Blackwell Packing Co.—Ponca City.
Blazier Packing Co.—Ponca City.
Blanchard Packing Co.—Marshalltown.
Blanchard Packing Co.—Marshalltown.
Blanchard Packing Co.—Marshalltown.
Blanding Packing Co.—Owensboro.
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FEDERAL REGISTER

Tuesday, July 2, 1957

MONTANA
Blastock Wholesale Meats—Butte.

* Montana Meat Co.—Helena.

New Butte Butchering Co.—Butte.

NEVADA
M B Bybee Slaughter Establishments—

* Nevada Meat Packing Co.—Reno.

* Truckee Mountain Packing Co.—Reno.

NEW HAMPSHIRE
Edwards, George—Walpole.

French Brothers Beef Co., Inc.—Hooksett.

Hoffman, Fred—Hooksett.

Langeller, Lucien—Rochester.

Satzow, Samuel—Concord.

Taylor, George—Dover.

NEW JERSEY
Burich, William L.—Vineland.

* Delaware Packing Co.—Trenton.

* Fish Brothers—Bridgeport.

Gaskill’s Frosted Food Locker Plant—

Elmer.


Haskell Packing Co.—Holliston.

* Irell Packing Co.—Monroeville.

Maresca’s—Stockton.

Miller Brothers—Cape Girardeau.

Monmouth County Abattoir—Ashbury Park.

Moonlight Hog Farms—Pittsburgh.

Perth Amboy Packing Co.—Perth Amboy.

Preziosi, George—New Village.

Rome, Clarence—Sussex.

Salem Packing Co.—Salem.

* Schein, Inc.—Hopelawn.

* Struble, O. W., Inc.—Newton.

* Tindik Son’s—Johnston.

* Trenton Packing Co.—Trenton.

Wagner Provision Co.—Gibbstown.

NEW MEXICO
Azezi Locker Plant—Aztec.

Dean Wholesale Meat Co., T. M.,—Roswell.

Deeming Packing Co.—Deming.

Glover Packing Co.—Las Cruces.

Hatch Packing Co.—Portales.

Las Cruces Meat Co.—Las Cruces.

New Mexico Packing Co., Inc.—Carlsbad.

* Rancho Packing Co.—Clovis.

Raton Packing Co.—Raton.

Rollins Packing Co., Inc.—Clovis.

* Stilwell Packing Co.—Chemult.

* Starkey Packing Co.—Clovis.

Stephens Packing Co.—Albuquerque.

Swatman Packing Co.—Albuquerque.

Taco Locker Plant—Taco.

Valley Packing Co.—Fairview.

Valley Packing Co.—Raytown.

Wofford Slaughtering Establishment—

Santa Fe.

NEW YORK
Acer, Inc.—Buffalo.

Archie & Sons, Inc., E. J.—Buffalo.

Arason & Milton Arason, Jerome—

Queensbury.

Arason, William—Glens Falls.

Bender & Son, Eimer—Buffalo.

Bieser, Frederick—Whiteville.

Brennan, Inc.—Buffalo.

Brown’s Slaughter House—Otto.

C. J. D. Packing Co., Inc.—Buffalo.

Cukerstein & Son, Inc.—Hudson.
Cowan, Neil—Schenectady.
Dean Slaughter House—Goshen.
*Dembo's—Troy.
DeVita, James & Gino—Endicott.
Dunning's Slaughterhouse—Hornell.
Ekman, Albert M.—Frewsburg.
* F. K. & Son, Inc.—Buffalo.
Pulchark Farms—Schenevus.
Farber Meat Packing Corp.—Liberty.
Fargnoli, Sam & John—Endicott.
Ferrall, Edward—Queensbury.
Frank Brothers—Poughkeepsie.
Freer, Leroy Earl—Endicott.
Geibel Packing Co.—Buffalo.
Goede Packing Co.—Tonawanda.
Goshen Packing Co.—Howells.
Green Brothers—Schenectady.
Hans, eax.—Buffalo.
Harrison, W. W.—Corning.
*Hokan's Slaughterhouse—Angola.
Horlein, John—Schenectady.
Klinck & Schaller, Inc.—Buffalo.
Kusler, Benjamin—Elmira.
Kwiatkowski Brothers—Buffalo.
Levine, S.—Schenectady.
Ludington Brothers—Mains.
Maple Brook Slaughterhouse—Binghamton.

*Morandi Packing Co.—Milwaukee.
*New Bern Provision Co.—New Bern.
Norman's Wholesale Meats—Buffalo.
Norman's Wholesale Meats—Buffalo.

*Norman's Wholesale Meats—Buffalo.
Obier & Sorenson—Horseshoe.
Olean Cold Store Co., Inc.—Olean.
Overzwiell Provision Co.—Buffalo.
Parkers Slaughter House—Schnectadico.
Polynask, Victoria—Newark Valley.
Rauh, S., Inc.—Frank.—Buffalo.
Rosenuhler Brothers—Cohoes.
Samlof and Sons, David—Albany.
Scott, Hubert—Albany.
Seven Valley Beef, Inc.—Cortland.
Shapiro Wholesale Meats, M.—Jamestown.
Shapero Slaughterhouse—Pine City.
Smith, Bernard G.—Troy.

Syracuse Packing & Provision Co.—Camillus.
Stafford & Sons, T. W.—Buffalo.
Sussman, Louis—Cohoes.
Syracuse Packing & Provision Co.—Camillus.
Tog Packing Co., Inc.—Buffalo.
Utica Veal Co., Inc.—Marcy.
Wallace Byrne Packing Corp.—Buffalo.
Ward Co.—Slate Hill.
West Co., Inc., R. B.—Buffalo.
Weiberg, James K.—Pine City.
Ziff, Herbert M.—Elmira.

*North Carolina

*Aberdeen Packing Co.—Aberdeen.
*Carolina Packers—Smithfield.
Chesapeake Packing Co.—Charlottesville.
Cook's Packing Co., Inc.—Concord.
*Curtin Packing Co.—Greensboro.
*Elliott Packing Co., Inc.—Goldsboro.
Greenfield Slaughter Co.—Greenvillc.
*Hickory Packing Co.—Hickory.
*Jones Abattoir Co.—Greenville.
Mortola Abattoir—Royston.
*New Bern Provision Co.—New Bern.
*Piedmont Packing Co.—Hillsboro.
*Shoe Quality High Point.
Statesville Packing Co., Inc.—Statesville.
White Packing Co., Inc.—Statesville.

Barnes Provision Co.—Alliance.
Boll and Son Wholesale Meats, John—Ironstone.

*Ohio

Barnes Provision Co.—Alliance.

Braun Brothers Packing Co.—Troy.
Bucky, Chas. G. Packing Co.—Greenville.
Canton Provision Co.—Canton.
*David, David, Inc. (618 West Mound Street)—Columbus.
*David, David, Inc., Plant No. 3—Zanesville.
*Davies, David, Inc. (1340 Jackson Pike) —Columbus.
*Davies, David, Inc.—Plant No. 3—Zanesville.
*Davies, David, Inc.—Zanesville.
Donedieu Bros.—Cincinnati.
Dillco & Sullivan, Jos. A.—Cleveland.
Eckert Packing Co.—Defiance.
Egle's Slaughtering Establishment—Covington.
*Evens Packing Co.—Columbia.
Falter, Herman Packing Co.—Columbus.
Falmouth Provision Co.—Cincinnati.
Fink and Heine Co.—Springfield.
Finley Packing Plant, Inc.—McComb.
Fleischner Brothers Packing Co., Inc.
Foster's Sons, Wm.—Dayton.
*Foigel Packing Co.—Toledo.
Gersterlenger Meats, Inc.—Creston.
Hygrade Food Products Corp.—Youngstown.
Kent Provision Co., Inc.—Kent.
Krugh's Slaughtering Establishment—Canton.
Libert, John and Co.—Alliance.
* Lima Packing Co.—Lima.
Lloyd Packing Co.—Youngstown.
Matthews, J. H. & Son—Sardina.
McMahen Packing Co.—Marysville.
Pride of Lima Provision Co.—Lima.
Ritterberger Brothers—Zanesville.
Sandusky Dressed Beef—Springfield.
Sanludske Dressed Beef—Sanludske.
Scheckert Provision Co.—Toledo.
Sekota Provision Co.—Newark.
Sugarda Provision Co.—Canton.
Superior Provision Co.—Clay.
Teutol Provision Co.—Cleveland.
Wallockpack—Sandusky.
Webb Beef Co.—Cleveland.
Williams' Slaughtering Establishment—Van Wert.
Zeitmer Packing Co.—Antwerp.

* Oklahoma

Banfield Packing Co.—Enid.
Braun Slaughtering Establishment—Ponca City.
*Canadian Valley Slaughtering Establishment—Oklahoma City.
*Cutler Packing Co.—Miami.
*Corrett Slaughtering Establishment—Oklahoma City.
Cushing Packing and Provision Co.—Cushing.
Danc Packing Co.—Ponca City.
*Endl Packing Co.—Enid.
Haliseid Slaughtering Establishment—Fairview.
Hamlin Slaughtering Establishment—Mifflinfield.
Harris Meat and Produce Co.—Okahoma.
Miller Packing Co.—Sapulpa.
O. K. Packing Co.—Tucumcari.
* Oklahoma Packing Co.—Oklahoma City.
Okmige Packing Co.—Okmige.
Osage County Packing Co.—Fairfax.
Ridley Packing Co.—Duncan.
*Shallou Slaughtering Establishment—Alva.
*Southeastern Packing Co.—Durant.
*Thomas, Earl C.—Moore.
Turner Slaughtering Establishment—Hidalgo.
Turner Slaughtering Establishment—Fred.
*Turney Inc. Slaughtering Establishment—Oklahoma City.
*Turney Packing Co.—Blackwell.
Van Cleve, C. L.—Tulsa.
White Slaughtering Establishment—Stillwater.
Whitten Slaughter House—Broken Bow.
Wickham Packing Co.—Ada.
* Wickham Packing Co.—Cochrane.
*Williams Packing and Storage Co.—Miami.
Woods, Lloyd—Westville.

* Oregon

Airport Meat Packing Plant—Madras.
Alpine Meat Co.—Prineville.
*Arrow Meat Co.—Corvallis.
*Associated Meat Packers—Portland.
Bond Brothers—Lakeview.
Bostons Beef Packers — Kelso.
Boyer Meat—Roseburg.
*Bruce Packing Co.—Sutterville.
*Cedar Point Packing Co.—Clevehall.
Cinder Butte Packing Co.—Redmond.
Clover Leaf Packing Co.—Drain.
Community Meats—Forest Grove.
Culver Meat Plant—Bandon.
Culver Packing Co.—Culver.
Dales City Pack—Dales.
Edridge Packing Co.—LaGrande.
Erdman Packing Co.—Bandon.
Farmers Packing Co.—Medford.
*Fisher, Donald R. Midway Meats—Medford.
Garrison, R. O.—Lebanon.
*Great Pacific Packing Co.—Grants Pass.
H & M Meat Co.—Union.
Heppner Slaughter House—Heppner.
Hill Meat Co.—Pendleton.
*Hopkin's Wholesale Meats—Nya.
Independent Meat Co, Ken and Thomas—Ashtabula.
Jachmullen, John—Corvallis.
*Kenton Packing Co.—Portland.
*Klamath Packing Co.—Klamath Falls.
LeGrand Meat Co.—Medford.
Lamont Packing Co.—Prineville.
Lewis Brothers Section Lime and Kine Road—Gresham.
Ludis, R. Abate or, L. E.—Ashland.
Medford Meat Co.—Medford.
*Morrill Meat Co.—Klamath.
Montgomery's Killing Plant—Silverton.
*Mount Angel Meat Co.—Mount Angel.
Myers Cold Storage & Meats, Don—Elgin.
Myers Packing Co.—Bend.
*Myrtle Packing Co.—Coeille.
Ontario Meat Packing—Ontario.
Petersen, Gerald—Northeast.
Pioneer Meat Packers—Ontario.
*Polk Cold Pack—Medford.
*Rogue Valley Packing Co.—Myrtle Creek.
*Roseburg Meat Co.—Roseburg.
*Silver Falls Packing Co.—Portland.
Stein Brothers Provision Co.—Albany.
*Super Packing Co.—Klamath Falls.
*T. P. Packing Co.—Klamath Falls.
Tromniet's Meat Co.—Sutherlin.
Valley Sausage Co.—LaGrande.
Van Dine Meat Co.—Myrtle Creek.
Warren, R. T.—Medford.
Western Meats—Milton-Freewater.
Yocom's Meat Co.—Coeille.

* Pennsylvania

Albert Packing Co.—Washington.
Allikoff's & Son, Harry—Wilkes-Barre.
*Baum, T. William—Waynesburg.
Bauern, Daniel S.—Easton.
Baum's Meat Packing—Lansdale.
Biderman & Mosse Inc.—Philadelphia.
Bonaccorso & Sons, S.—Philadelphia.
*Brest Packing Co.—Shamokin.
*Hicks Beef Co.—Dumore.
*Brown's Slaughterhouse—Smethport.
Burke's Food Market—McSherrystown.
Crisman Brothers—Castanea.
*DeFranco, Frank—Elfering.
Dresler, Paul—Ector.
Elizabethville Abattoir—Elizabethville.
Falk, Karl—Erie.
*Fischer and Sons, Inc., J. Fred—York.
Fried & Holmes Packing Co.—Pittsburgh.
*Glick Brothers Packing Co.—Mt. Pleasant.
Hager's Meat Market—Quakertown.
Hahn Packing Co., Edward—Johnstown.
Halbach Brothers—Youngstown.
*Hickory Packing Co.—Scranton.

*Williams Packing and Storage Co.—Mimi.
Woods, Lloyd—Westville.
FEDERAL REGISTER
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Tuesday, July 2, 1957

Hollinger Meat Products, Inc.—Mechanicsburg.
*Kessler’s Inc.—Lemoyne.
Kline Brothers—Hollidaysburg.
Kunerz & Co., Inc.—Lancaster.
Lancaster Packing Co.—Lancaster.
Manteri, Inc.—Philadelphia.
Martin, Edgar F.—Pittsburgh.
Marvin, Russell T.—Covington.
Meadow Valley Abattoir, Inc.—Gettysburg.
*Council Packing Co.—York.
Mount Rose Food Market—York.
Moyer, C. D., Co.—Shamokin.
Oswald & Hess Co.—Pittsburgh.
Pennsylvania State University—University Park.
*Peters, William H., Inc.—Harriburg.
Punzalawney Beef and Prov. Co.—Punzalanway.
Reliable Provision Co.—Scranton.
Rupert Meat & Poultry Supply—Rupert.
Salsburg’s Abattoir—Shillington.
*Shamokin Packing Co.—Shamokin.
Shaw Brothers—Newry.
Silver Lake Packing Co.—Dunmore.
Silverberg Meats—Bradford.
Smaltz, Fred—Millvale.
Spitzler’s Meat Products, Inc.—Uniontown.
Stockton’s Wholesale Meats—Columbus.
Taylor Co., J. V.—Wylauing.
Troy Meat Plant, Inc.—South of Troy.
United Home Dressed Meat Co.—Altoona.
Walter’s Slaughter House—Waterford.
Warrington Packing Co., Inc.—Chalfont.
*Welsh Packing Co.—Plymouth Meeting.
West Apollo Packing House—West Apollo.
Western Provision Co.—Erie.
*West Branch Beef & Provision Co.—Williamsport.
Western Provision, Inc.—Erie.
*Williams Packing Co.—Wilkes-Barre.
*Williamson’s Wholesale Meats—Tuberville.
Winner Packing Co.—Lock Haven.
*Wolf River Sausage Co., Inc.—Weyerswag.
Zeller, Alfred—Cedar.

ROCK ISLAND
Berman, Inc., Louis M.—Pawtucket.
Bruno’s Slaughterhouse—Westerly.
Burchard’s Slaughterhouse—Poster.
*Cola’s Packing Co.—North Providence.
Concord Dressed Beef & Veal Co.—Pawtucket.
Cory’s Slaughterhouse—Tiveron.
De Santis, John—Westerly.
Diamond Hill Packing Co.—Cumberland.
Farrow, Inc.—Johnston.
Pezza’s Slaughterhouse—Johnston.
Russo’s Slaughterhouse—Bristol.
Sacco’s Market—Westerly.

SOUTH CAROLINA
Balentine Packing Co.—Greenville.
*Carolina Abattoir—Columbia.
*Cherokee Packing Co., Inc.—Gaffney.
*Dixie Livestock Co.—Greenwood.
Rodgers Bros. Co.—Abbeville.
Kingan Dairy and Lygrade Food Products Corp.—Orangeburg.
Reliable Auctions, Inc.—Abbeville.
*Rogge Packing Co.—Columbia.
*Southland Provision Co.—Orangeburg.
Sparkaburg Abattoir—Sparkaburg.
*United Beef Co., Inc.—Gaffney.

TENNESSEE
Balts Brothers Packing Co.—Nashville.
Barnett’s Grinn—Tullahoma.
Bill’s boxing Plant—Dyersburg.
Brantley & Tillet—Shelbyville.
Bridgwell Packing Co.—Trenton.
Brothers Seafood—Winchester.
Bryson Packing Co.—Somerville.
Carter Packing Co.—Morristown.
Castellaw’s Slaughtershouse—Alamo.
Charles’ Slaughterhouse—Trenton.
Chattanooga Sausage Co.—Memphis.
Cook’s Slaughterhouse—Oxford.
Cribbs Sausage Co.—Memphis.
Dixie Sausage Co.—Lebanon.

No. 127—6

Duck River Sausage Co.—Manchester.
Fayette Packing Co.—Eads.
Fineberg Packing Co.—Memphis.
Foils Slaughterhouse, Roy—Gadsden.
Fouts Grocery & Market—Cookville.
Glasgow’s Market—Dresden.
Hendon’s Slaughterhouse—Milan.
Hickory Valley Packing Co.—Hickory Valley.
Jacobs Packing Co.—Nashville.
Lingo Packing Co.—Dixie.
*Minnelli Meat Co.—McMinnville.
Moore, John L.—Peytonville.
Morton Brothers—Huntsville City.
Norman’s Packing Co.—Covington.
Penn’s Market—Trenton.
Powell Wholesale Meats, Charles J.—Chatanooga.
Rakes Slaughterhouse—Watauga.
Randall Packing Co.—Dallas.
Sell Meat Co.—Johnson City.
Smith Packing Co.—Nashville.
Southern Provision Co., Inc.—Chatanooga.
Steffen’s Slaughterhouse—Savannah.
Sulia Wholesale Meats—Wade—Johnson City.
Summer’s Slaughterhouse—Hollow Rock.
Sunnyside Meat Products, Inc.—Nashville.
Tennessee Valley Packing Co.—Columbia.

TENNESSEE
Alamo Braun Beef Co.—San Antonio.
Amarillo Packing Co.—Amarillo.
Auge Packing Co.—San Antonio.
Berryhill Packing Co., Inc.—Leaveland.
Collins Packing Co.—Morton.
Circle B, Dallas.
*Dallas City Packing Co.—Dallas.
Estes Brothers Packing Co.—Fort Worth.
Glover Packing Co. of Amarillo—Amarillo.
Golden Spread Packing Co.—Amarillo.
Hereford Meat Co.—Henderson.
Hubbuck Packing Co.—Henderson.
Montez Packing Co.—El Paso.
*Newcomb Packing Co.—Mt. Pleasant.
Pace Packing Co., Inc.—Sweetwater.
Panhandle Packing Co., Inc.—Pampa.
*Penn Packing Co.—McKinney.
Pinkney Packing Co.—Amarillo.
Plains Beef Co.—Amarillo.
*Queen’s Packing Co.—Bovina.
Select Meat Co.—San Antonio.
Steuernagel Packing Co.—San Antonio.
Tyler Packing Co.—Tyler.
Watkins Packing Co.—Dahlart.
Wickham Packing Co., Inc.—Longview.
Woff Meats Co.—San Antonio.

UTAH
*Bills Co., A.—Midvale.
*Granite Meat Co.—Murray.
Granite Meat and Livestock Market—Murray.
Langston Packing Co.—Hurricane.
*Ogden Dressed Meat Co.—Ogden.
*Park & Son, Wm. C.—Ogden.
*Tri-Miller Packing Co.—Hyrum.

VIRGINIA
*Danville Meat Supply, Inc.—Danville.
*Green Hill, Inc.—Danville.
*McKenna Inc.—Lynchburg.
*Perlin Packing Co.—Norfolk.
*Snowgrass Brothers, Inc.—Pennington Gap.
*Southern Packing Corp.—Norfolk.
*Suffolk Packing Co., Inc.—Suffolk.

WASHINGTON
A & W Packing Co., Inc.—Moses Lake.
*Chambers Packing Co.—Tumwater.
Colfax Market Co.—Spokane.
*Curcio Packing Co.—Walla Walla.
*Evergreen Packing Co.—Vancouver.
*Excel Sausage & Meat Co.—Spokany.
*Federal Packing Co.—Eugene.
*Federal Meat Co.—Tacoma.
*Ferry Brothers, Inc.—Ferndale.
*sFischer Packing Co. No. 45.—Isiquiesth.
*Florence Packing Co., No. 6—East Stanwood.
*Grandview Packing Co.—Grandview.
Grays Harbor Meat Co.—Hoquiam.
*H & H Meat Packers—Yakima.
*Henry, James Packing Co. No. 2—Seattle.
*Kelly Packing Co.—Auburn.
*Kennemore Packing Co.—Bothell.
*Kraitzing Meat Co.—Bellingham.
*Longview Meat Co., Inc. No. 87—Longview.
Martin’s Meat & Livestock No. 67—Golden.
McNulty Meat Co.—Wilbur.
*Meats, P. D. & J.—Kent.
*Meshow Valley Meat Co.—Twp.
*Miller Packing Co.—Puyallup.
*Monroe Packing Co.—Monroe.
Newport Packing Co.—Newport.
Norman’s Packing Co.—Eugene.
*Pacific Meat Co.—Puyallup.
*Pasco Meat Packers, Inc.—Pasco.
*Rice Meat Packing Co., Inc. No. 106—Veraule.
*Schoner Meat Co. No. 50—Silverdale.
*Shelton Meat Co.—Shelton.
*Shoehomish Packing Co.—Shoehomish.
*Soll’s Packing Plant—Rosalia.
*Valley Meat Co. No. 122—Chimacum.
*Valley Packing Co.—Tacoma.
*Weber & Kittner Co., Inc. No. 20—Summer.
*Weichsel Packing Co.—Mount Vernon Meat Co. No. 93—Mount Vernon.

WEST VIRGINIA
Balls Wholesale Meat Co.—Kenova.
Bell Market, M. J.—Blackshugh.
Bluegrass Meat Co., Inc.—Lewisburg.
Bridwell Packing House—Bluefield.
Brumfield, Jake—Huntington.
Camp Packing Co.—Parkersburg.
Coleman, M. E., Packing Co.—Oak Hill.
Croycey Sausage Co.—Owensville.
Elm Grove Packing Co.—Wheeling.
Gamble & Son Market—Moundville.
Chisholm Packing Co.—Huntington.
*Greenbrier Valley Stock Yards, Inc.—Ronceverte.
Hatten Wholesale Meat Co.—Huntington.
Holz Sons Co., P. E.—Charles.
Hoover’s Heths Packing Co.—Follansbee.
Logan, S. S. Packing Co.—Huntington.
Mauk’s Meat Market—Romney.
McCown, L. M. & Sons Co.—Charles.
Miller Brothers—Martinsburg.
Morland, Henry, Inc.—Parkersburg.
Niebergall & Martini, Inc.—Wheeling.
Places Butchering Quarters—Martinsburg.
Simmons, H. L. & Sons—Moundville.
Smith Packing House—Wheeling.
Smittle Packing—Paden City.
Stuart, Nate & Sons, Inc.—Mt. Clare.
Tabron, George H., Tabron, G. H.—Shin ton.
Thompson Brothers Packing Co.—Bluefield.
United Packing Co.—Bluefield.
Weiner Packing Co.—Wheeling.
Whitehall Packing Co.—Watson.
Young & Stout, Inc.—Clarksburg.
Rupert Meat & Poultry Supply—Rupert.

WISCONSIN
*Born and Son, August—Milwaukee.
*Clinton Packing Co.—Clinton.
*Curles Meat Plant—Brookfield.
*Delfino and Lloyd Jackson—Pulaski—Cottig.
*Host Brothers—Lake Geneva.
Kenosha Packing Co.—Kenosha.
*Meier Slaughtering, Alfred—Monroe.
Meiserly Corrigan—Saxon.
*Muskog Packing Co.—Muskog.
*Polar Locker—Lawrence.
Quality Packing House—New London.
*Sawyer & Walter—Erie.
Sham Slaughtering, John—LaCrosse.
South Side Slaughters—Milwaukee.
*Stoppachen Sausage Co.—Jefferson.
Valley Packing Co.—Kaukauna.
*Vere Ferris—Ontario.
*Wol Wolf River Packing Co., Inc.—Weyerswag.

WYOMING
K & B Cold Storage Co.—Afton.
Shy-Ann Packing Co.—Cheyenne.
Effective date. The foregoing amendments shall become effective upon publication in the Federal Register.

The amendment of § 17.05 deletes a certain stockyard from the list of stockyards designated as modified certified brucellosis-free areas because it has been determined that such area no longer comes within the definition in § 17.1 (1), and includes certain additional stockyards, which have been determined to come within such definition. The amendment of paragraph (a) of § 17.06 adds the names of certain stockyards to the list of stockyards at which livestock is required to be inspected and certified for the issuance of livestock for communicable diseases. Paragraph (b) of § 17.06 and paragraph (b) of § 17.05 are being amended to specifically approve certain stockyards and slaughtering establishments for the purposes of the regulations in Part 78 of Title 9, Code of Federal Regulations. It has been determined that the inspection and handling procedures at such stockyards and of livestock, carcasses, and products at such slaughtering establishments are adequate to effectuate the purposes of the regulations.

The amendments impose certain further restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They have been made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, and certain areas are in the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the Federal Register.

Title 14—Civil Aviation

Chapter I—Civil Aeronautics Board

[Title 14—Civil Aviation Regulations, Amend. 29-3]

Part 29—Physical Standards for Airmen; Medical Certificates

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on June 25, 1957.

On February 29, 1956, a general revision of Part 29 of the Civil Air Regulations, "Physical Standards for Airmen," was issued as a notice of proposed rule making which was published in the Federal Register (21 F. R. 13983, and circulated as Civil Air Regulations Draft Release No. 56-6 for comment. The Board has carefully considered the comments received from interested aviation and medical associations, as well as a large number of interested individuals, and has determined that it is appropriate to adopt at this time the changes and revisions proposed in Draft Release No. 56-6. Adoption of the other proposed changes will be delayed pending further analysis and study.

Issue of medical certificates. The draft release proposed a change in the wording of § 29.29 to reflect that this part establishes physical standards pertaining to medical certificates. In addition, it was proposed that § 29.13, which refers to the physical standards for the issuance of the medical certificates, be reworded to express the real function of the part and thus make it consistent with the other parts of the Civil Air Regulations governing the issuance of airman certificates. Accordingly, the words "Medical Certificates" are included in the title and the wording of § 29.1 is being amended to conform more closely with the language in the draft release.

General physical condition requirements. There has been some difference of opinion as to whether the general physical condition requirements of the currently effective Part 29 are the same for all three classes of medical certificates. It should be clearly understood that it is the intent of the Board that higher physical standards be required of airline transport and commercial pilots than of private pilots.

To resolve any ambiguity as to whether the standards are the same for all three classes of medical certificates, the general physical requirements for the three classes of medical certificates are being amended to reflect the intent of the regulations more clearly by relating the disqualifying physical deficiencies directly to the duties and privileges of the particular grade of airman certificate held or sought.

The currently effective requirements contain the condition that an applicant shall have no organic or functional disease or structural defect or limitation which "would" interfere with the safe performance of the duties of his airman certificate. Experience with this regulation indicates that the test prescribed therein to determine whether an applicant is qualified for an airman certificate is unsatisfactory because it is based upon an absolute certainty rather than a probability. The decisions in previous cases decided by the Board involving this provision have always been based on the probability or likelihood of such physical deficiencies interfering with the performance of the duties and exercise of the privileges of the airman certificate. The Board is of the opinion that the real test should be whether such physical deficiencies "would be likely to" render an applicant unable to perform the duties and exercise the privileges of his airman certificate for the duration of a medical certificate. Accordingly, such a test is incorporated into the regulation by this amendment.

Draft Release No. 56-6 contained a proposed note which was appended to the detailed requirements for the first, second, and third class medical certificates, respectively, and which stated that a bona fide history of psychosis or epilepsy, or an established diagnosis of diabetes requiring insulin treatment or of coronary heart disease, would be considered disqualifying. The Board has determined, however, that such a prohibition is entirely too broad and all-encompassing, would exclude many persons who are capable of performing their duties safely with the privileges of an airman certificate, and, therefore, must be regarded as arbitrary. Accordingly, the Board has decided that this note may not be adopted, but that the Administrator should be free to evaluate each case on the basis of the applicant's current physical condition.

Nervous system. The draft release proposed to delete the nervous system requirements in the sections governing the three classes of medical certificates with the understanding that all nervous diseases or conditions, whether organic or functional, would be considered disqualifying. This was opposed to the deletion of all references to the nervous system. The Board has reconsidered its proposal and, in view of the frequency with which mental cases have been brought before the Board and the necessity for clarification, considers it more appropriate to retain a nervous system provision so modified as to relate the disqualifying mental or neurologic deficiencies to the particular grade of airman certificate.

Waiver of physical standards. The draft release contained a complete modification of the concept of the present waiver of physical standards contained in § 29.5. The comment received in response to this proposed amendment was overwhelmingly in favor of this modification. The Board authorizes the Administrator to issue medical waivers and impose operational limitations, but limits this authorization to those cases in which the applicant's physical deficiencies support an airman compensate for his physical deficiency. This limitation prevented the Administrator from issuing airman certificates with limited privileges to those persons with physical deficiencies which are not compensated but which, nevertheless, would not prevent them from performing their duties safely and the privileges of an airman certificate. The substantial advances which have been made in medical science during the past few years indicate that the Administrator, if authorized to issue a limited medical certificate to those persons who, while not being able to compensate for their physical deficiency through experience, ability, and judgment, can carry out the operations which, notwithstanding their physical deficiency, they can per-
form and exercise safely those duties and privileges authorized by the Administrator on the airman certificates without endangering safety in air commerce.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 1236), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 29 of the Civil Air Regulations (14 CFR Part 29, as amended) effective August 1, 1957.

1. By amending the title of Part 29 to read "Physical Standards for Airmen; Medical Certificates".

2. By amending § 29.1 to read as follows:

| § 29.1 Issuance of medical certificates. A medical certificate of the appropriate class shall be issued to an applicant if the Administrator or his authorized representative finds that the applicant meets the physical standards prescribed in this part.

3. By amending § 29.2 (c) (1) to read as follows:

| § 29.2 First class. * * *

| (c) General physical condition. (1) An applicant shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

4. By amending § 29.2 (d) to read as follows:

| (d) Nervous system. An applicant shall have no organic or nervous system or abnormality of the personality which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

5. By amending § 29.3 (c) and (d) to read as follows:

| § 29.3 Second class. * * *

| (c) General physical condition. An applicant shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

| (d) Nervous system. An applicant shall have no organic or nervous system or abnormality of the personality which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

6. By amending § 29.4 (c) and (d) to read as follows:

| § 29.4 Third class. * * *

| (c) General physical condition. An applicant shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

7. By amending § 29.5 to read as follows:

| § 29.5 Physical deficiencies. (a) A limited medical certificate shall be issued to an applicant who fails to meet the physical standards prescribed for the medical certificate sought if the Administrator finds that the individual's physical deficiency has become limiting which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

| (b) Where the Administrator's finding regarding an individual's physical fitness is based upon a practical test, that individual shall not be required to retake such practical test during subsequent physical examinations unless, in the opinion of the Administrator, the individual's physical deficiency has become more pronounced.

Title 19—Customs Duties

Chapter I—Bureau of Customs, Department of the Treasury

Part 1—Customs Districts, Posts, and Stations

Locations of Headquarters of Appraisers of Merchandise

Due to changes in the office locations of the appraisers of merchandise for customs districts No. 32 (Hawaii), Honolulu, T. H., and customs district No. 14 (Virginia), Norfolk, Virginia, and to correct errors in the postal zone and street address of the appraisers for customs districts No. 32 (Puerto Rico), San Juan, P. R., and customs district No. 2 (Vermont), St. Albans, Vermont, respectively, § 1.6, Customs Regulations, is amended by substituting the following information pertaining to the addresses of the appraisers mentioned for the information now contained therein.

<table>
<thead>
<tr>
<th>District No.</th>
<th>Name of district</th>
<th>Location of headquarters</th>
<th>Address of appraiser of merchandise</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>Hawaii</td>
<td>Honolulu, T. H.</td>
<td>850 Fivio Rd., Honolulu, O. Box 712, 50-40 South Main St. 1420 Boisezvain Ave.</td>
</tr>
<tr>
<td>48</td>
<td>Alaska</td>
<td>Juneau, Alaska</td>
<td>850 Fivio Rd., Honolulu, O. Box 712, 50-40 South Main St. 1420 Boisezvain Ave.</td>
</tr>
<tr>
<td>2</td>
<td>Vermont</td>
<td>St. Albans, V.</td>
<td>850 Fivio Rd., Honolulu, O. Box 712, 50-40 South Main St. 1420 Boisezvain Ave.</td>
</tr>
<tr>
<td>14</td>
<td>Virginia</td>
<td>St. Albans, Va.</td>
<td>850 Fivio Rd., Honolulu, O. Box 712, 50-40 South Main St. 1420 Boisezvain Ave.</td>
</tr>
</tbody>
</table>

Federally registered appraisers mentioned for the information now contained therein.

Therefore, effective immediately upon publication in the Federal Register, § 105.5 is amended in paragraph (a) by deleting all of the text after the first sentence and substituting in lieu thereof "In the period from July 2 through August 9, fishing is prohibited from 6 o'clock postmeridian Monday to 6 o'clock antemeridian Tuesday, from 6 o'clock antemeridian Wednesday to 6 o'clock postmeridian Thursday, and from 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Monday.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (50 Stat. 237; 5 U. S. C. 1001 et seq.).

Sec. 1, 43 Stat. 484, as amended; 48 U. S. C. 221

A. W. Anderson,
Acting Director,
Bureau of Commercial Fisheries.

June 28, 1957.

FEDERAL REGISTER

Tuesday, July 2, 1957

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Chapman—Wildlife

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

Subchapter F—Alaska Commercial Fisheries

Part 105—Alaska Peninsula Area

Bear River District; Weekly Closed Period

Title 50—Wildlife

Basis and purpose: In order to better manage the Bear River salmon fishery in the Alaska Peninsula Area in view of the varying amounts of seawater, it has been determined that the weekly closed period should be revised and reliance be placed on weir count to control the fishery.
DEPARTMENT OF COMMERCE
Civil Aeronautics Administration
[ 14 CFR Part 514 ]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES
VOR RADIO RECEIVING AND ADF RADIO RECEIVING EQUIPMENT

Sections 514.38 and 514.39 define minimum performance standards for airborne VOR radio receiving equipment and airborne radio receiving and direction finding equipment to be used in civil aircraft of the United States engaged in air carrier operations. These regulations are being amended to require submission of data with the statement of conformance.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the Federal Register.

1. Section 514.38 (22 F. R. 110) of Subpart B of this part is amended by adding a new paragraph (c) to read as follows:

(c) Data requirements. Six copies each of the operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

2. Section 514.39 (22 F. R. 110) of Subpart B of this part is amended by adding a new paragraph (c) to read as follows:

(c) Data requirements. Six copies each of the operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

FEDERAL REGISTER
PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[ 43 CFR Part 181 ]

VETERANS', SOLDIERS' AND SAILORS' RIGHTS
NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 57-4134, published at page 3564 of the issue for Wednesday, May 22, 1957, the following changes should be made:
1. In the last sentence of § 181.6 (a), the fee "$12" should read "$2.00".
2. In the third line of paragraph (a) of § 181.7, the word "and" should read "any".

INTERSTATE COMMERCE COMMISSION
[49 CFR Part 10 ]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES
NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A. D. 1957.

Having under consideration the matter of certain modifications of the Uniform System of Accounts for Railroad Companies which were approved April 12, 1957, pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3) ), and published as proposed rule making in the Federal Register issue of April 19, 1957 (32 F. R. 2738 ); and,

It appearing, that responses to that notice which were timely filed in conformity with its terms by or on behalf of carriers subject to the regulations so to be modified, as well as by other interested persons, (1) were generally in agreement that changes so far reaching would, by becoming effective July 1, 1957 as provided in the notice, distort the accounts within a calendar year for comparative purposes; and (2) presented views about detailed application of the modifications which were not uniform but all of which merit further consideration; and good cause appearing therefor;

It is ordered, That the effective date of the said modifications so approved April 12, 1957, be and it is hereby postponed to January 1, 1958.

It is further ordered, That specifications for effecting such modifications, as more fully detailed in attachments to the said notice, be, and in the case of each of them hereby is, subject to such further order of the Commission on or before such effective date, as may be found necessary after full consideration; and good cause appearing therefor;

It is ordered, That the effective date of the said modifications so approved April 18, 1957, be and it is hereby postponed from July 1, 1957, to January 1, 1958.

It is further ordered, That specifications for effecting such modifications, as more fully detailed in attachments to the said notice, be, and in the case of each of them hereby is, subject to such further order of the Commission on or before such postponed effective date, as may be found necessary after full con-
order of the Commission on or before such postponed effective date, as may be
found necessary after full consideration has been given to views and arguments
of said respondents to such notice, or of other interested persons. If oral argu-
ment or other public hearing is found necessary, due notice of the time and place thereof will be given.

It is further ordered, That this order shall be served on all respondents of record in this proceeding and on each Class I common and contract motor carrier of passengers which is subject to its pro-
visions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL]
HAROLD D. MCCOY, Secretary.

[F. R. Doc. 57-5217; Filed, July 1, 1957; 8:47 a.m.]

[49 CFR Part 182]

[No. 32155]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A.D. 1957.

Having under consideration a notice of proposed rule making approved April 18, 1957 and published in the Federal Register issue of April 27, 1957 (22 F. R. 3018), which covered modification of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320), (1) to provide current liability accounts for the known amount of unpaid claims for personal injuries and losses sustained by third parties and for the amount of long-term debt due within one year, and (2) to increase the minimum for charging additions and betterments to property accounts from $50.00 at present to $200.00; and,

It appearing, that responses to that notice which were timely filed in con-
formity with its terms by or on behalf of carriers subject to the regulations so to be modified, and by interested public accounting firms and banking houses, presented views and arguments which were not uniform but all of which merit further consideration, and good cause appearing therefor:

It is ordered, That the effective date of the said modifications so approved April 18, 1957, be and it is hereby postponed from July 1, 1957 to January 1, 1958, the exact nature of such modifications being further subject to such revision as may be ordered before such postponed date be required for corresponding Class I accounts.

It is further ordered, That this order shall be served on each Class II common and contract motor carrier of property which is subject to the provisions of this order, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL]
HAROLD D. MCCOY, Secretary.

[F. R. Doc. 57-5316; Filed, July 1, 1957; 8:46 a.m.]

[49 CFR Part 184]

[No. 32155, Sub. No. 1]

CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A.D. 1957.

Having under consideration a notice of proposed rule making approved April 18, 1957 and published in the Federal Register issue of April 27, 1957 (22 F. R. 3018), which covered modification of the Chart of Accounts for Class II Motor Carriers of Property, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320), and it is hereby postponed from July 1, 1957 to January 1, 1958, the exact nature of such modifications being further subject to such revision as may be found necessary prior to such postponed date, and good cause appearing therefor:

It is ordered, That the effective date of modifications of the accounts for Class II carriers so approved April 18, 1957, be and it is hereby postponed from July 1, 1957 to January 1, 1958, the exact nature of such modifications being further subject to such revision as may be ordered before such postponed date be required for corresponding Class II accounts.

It is further ordered, That this order shall be served on each Class II common and contract motor carrier of property which is subject to the provisions of this order, and on every trustee, receiver, executor, administrator, or assignee of any such Class II motor carrier, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL]
HAROLD D. MCCOY, Secretary.

[F. R. Doc. 57-5318; Filed, July 1, 1957; 8:47 a.m.]

NOTICES

POST OFFICE DEPARTMENT

LEASES

REDELECTION OF AUTHORITY

The following is the text of Order No. 150 of the Assistant Postmaster General, Bureau of Facilities, dated June 13, 1957:

"A. Pursuant to authority of Order No. 65734, dated September 21, 1954 (19 F. R. 6169), authority is hereby dele-
gated to Kenneth L. Rabidoux, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows—

1. To make agreements for space on a month to month basis;
2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency con-
ditions where the rental is not in excess of $5,000 a month;
3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less;
4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less;
5. To exercise or reject options to renew leases where the original term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less;
6. To execute contracts or agreements for space or parking space for periods of not in excess of one year where the annual rental is $7,200 or less;
7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) en-
tered into or extended under authority of paragraphs 3 and 6 of this order; in the District of Columbia and the States of Maryland, Virginia, and West Virginia.

(B) This order shall be effective June 17, 1957.

(F. R. Doc. 57-5326; Filed, July 1, 1957; 8:48 a. m.)

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
GREEN CITY AUCTION CO. ET AL

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in the provisions of the Act, and should be made subject to the provisions of the act.

The Green City Auction Company, Green City, Missouri.

Fayground Sale Company, Maryville, Missouri.

Milan Auction Company, Milan, Missouri.


Beebe Bros. Livestock Sale, Warrensburg, Missouri.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

The following described public lands by this order segregates them from applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 669; 43 U.S.C. 624a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 17, 1944 (58 Stat. 497; 43 U.S.C. 279-284), as amended.

F. R. Doc. 57-5324; Filed, July 1, 1957; 8:47 a. m.

COLOMBO
SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands totaling 30.93 acres in Rio Grande County, Colorado, as suitable for disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 624a), as amended, subject to valid existing rights and the provisions of existing withdrawals:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 3 E.
Secs. 33, 34;SW1/4, NW1/4NE1/4SE1/4; SW1/4NE1/4SE1/4SE1/4; NW1/4SE1/4NE1/4SE1/4; NW1/4NE1/4SE1/4SE1/4;

NE1/4, NW1/4, NW1/4SE1/4; NW1/4, NW1/4SE1/4SE1/4; NW1/4, NW1/4SE1/4SE1/4;

SE1/4, SE1/4, SE1/4,

NW1/4SE1/4; SE1/4, SE1/4, SE1/4, SE1/4,

NW1/4SE1/4;

30.93 acres which have not been subdivided into small tracts.

Containing 30.93 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by as is in the public interest and for the purposes of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, section 3 of the act of August 27, 1935 (40 U.S.C. 202c), as amended, and all other applicable laws and regulations issued pursuant thereto.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 57-5309; Filed, July 1, 1957; 8:45 a. m.]

[F. R. Doc. 57-5326; Filed, July 1, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

In re application of Russell G. Salter, Dixon, Illinois, Docket No. 12024, File No. 826-10858; for construction permit.

The Hearing Examiner has been informedally advised that if the party to whom this application may be
entitled to a comparative hearing with the above-entitled application. Accordingly, it is ordered, By the Hearing Examiner on his own motion, this 26th day of June 1957, that the prehearing conference on the above-entitled matter, heretofore scheduled for July 1, 1957, be continued without date, and that the hearing heretofore scheduled for July 23, 1957, be likewise continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[seal] MARY JANE MORRIS, Secretary.
[F. R. Doc. 57-5346; Filed, July 1, 1957; 8:51 a.m.]

FEDERAL POWER COMMISSION,
[Docket No. 12056, etc.; FPC 57M-617]
RADIO TAMPA ET AL.
ORDER SCHEDULING PREHEARING CONFERENCE
It is ordered, This 26th day of June 1957, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:30 a.m., July 24, 1957, in the Commission's offices at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[seal] MARY JANE MORRIS, Secretary.
[F. R. Doc. 57-5347; Filed, July 1, 1957; 8:51 a.m.]

FEDERAL REGISTER
[Docket No. G-11185, G-11874]
ARKANSAS FUEL CORP. AND TEXAS EASTERN TRANSMISSION CORP.
NOTICE OF APPLICATIONS AND DATE OF HEARING
JUNE 26, 1957.
Take notice that on February 1, 1957, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, having its principal place of business at Shreveport, Louisiana, filed in Docket No. G-11874 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.2 miles of 3½-inch O. D. lateral supply pipeline to extend from Milepost 102.0 on Texas Eastern's 30-inch McAllen-Vidor transmission pipeline, in Kleberg County, Texas, to a point in the East Kingsville Field in Kleberg County, together with a main line tap and appurtenances; in order to enable Texas Eastern to purchase and receive natural gas produced in the East Kingsville Field by Arkansas Fuel Oil Corporation (Arkansas Fuel). The estimated total cost of the proposed facilities is $18,900, which cost is to be financed in part from proposed cash contributions.
On October 2, 1956, Arkansas Fuel filed in Docket No. G-11185 an application for a certificate of public convenience and necessity covering the above sale of gas to Texas Eastern. Pursuant to the provisions of § 1.30 of the Commission's rules of procedure (18 CFR 1.8 or 1.10) on or before the 26th day of June 1957, that the prehearing conference be held in the above-entitled matter at 8:45 a.m. on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:
(a) Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 25, 1957, at 9:30 a.m. o. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in the above-entitled applications: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure hereinafter provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.
(b) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and in consequence in omission herein of the intermediate decision procedure in cases where a request therefor is made.
[seal] JOSEPH H. GUTRIDE, Secretary.
[F. R. Doc. 57-5311; Filed, July 1, 1957; 8:45 a.m.]

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES
JUNE 26, 1957.
The American Metal Company, Limited Partnership, et al., (American Metal) on May 27, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission.
The proposed changes, which constitute increased gas rates and charges, are contained in the following designated filings:
Rate schedule designation: (1) Rate Schedule No. 2 (supersedes American Metal's FPC Gas Rate Schedule No. 1); (2) Supplement No. 1 to American Metal's FPC Gas Rate Schedule No. 2; (3) Supplement No. 2 to American Metal's FPC Gas Rate Schedule No. 2.
Effective date: * June 27, 1957.
In support of the proposed renegotiated rate increases, American Metal states that the "reasonable rate" for gas in the area is not less than 12 cents per Mcf.
The increased rates and charges so proposed have not been shown to be unjustified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.
The Commission orders:
(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.
(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are hereby suspended and the use thereof deferred until November 27, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.
(C) Neither the rate schedule or supplements hereby suspended, nor the rate schedules sought to be altered thereby, * Modifies and provides for cancellation of contract of April 29, 1957, if Commission does not accept 12-cent rate.
** The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by American Metal, if later.
shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(B) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) of the Commission’s rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[Seal] JOSEPH H. GUTRIDE, Secretary.

[F. R. Doc. 57-5510; Filed, July 1, 1957; 8:46 a.m.]

[DOCKET NO. G—11372 ETC.]

WOODS PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 26, 1957.


Take notice that on February 18, 1957, Cities Service Gas Company (Cities Service), a Delaware Corporation having its principal place of business in Oklahoma City, Oklahoma, filed an application in Docket No. G—12048, as supplemented on March 18, 1957, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing it to construct and operate approximately 2.75 miles of 6-inch and 0.11 mile of 4-inch supply lateral pipeline to extend from a point on its existing 10-inch pipeline in Grant County, Oklahoma, to two wells in the Medford Field in Grant County, Oklahoma, in order to purchase and receive natural gas produced in the Medford Field by Woods Petroleum Corporation, Operator, et al. (Woods) and The Texas Company (Texas Company), all as more fully described in its application, which is on file with the Commission and open to public inspection. Cities Service also proposes to connect future wells in the field to the above-described 6 and 4-inch lines. The estimated total cost of the Cities Service facilities applied for is $46,500, which cost will be financed from company funds.

On October 26, 1956, Woods filed in Docket No. G—11372 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the above sale of gas to Cities Service.

On March 6, 1957, Texas Company filed in Docket No. G—12162 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the above sale of gas to Cities Service.

Cities Service will transport the gas received from Woods and Texas Company commingled with its other gas supplies for sale in other states.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 17 and 15 of the Natural Gas Act, and the Commission’s rules of practice and procedure, a hearing will be held on July 30, 1957, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however, that the Commission, after a non-contested hearing, may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission’s rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Unless advised to the contrary by the Producer Applicants at least ten days prior to the date of hearing set hereby, it will be presumed that the Producer Applicants will accept certificates of public convenience and necessity which are granted in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[Seal] JOSEPH H. GUTRIDE, Secretary.

[F. R. Doc. 57-5512; Filed, July 1, 1957; 8:46 a.m.]

[PROJECT NO. 2232]

DUKE POWER CO.

NOTICE OF APPLICATION FOR LICENSE

JUNE 26, 1957.

Public notice is hereby given that an application has been filed under the Federal Power Act (16 U. S. C. §172a—825c) by Duke Power Company, of Charlotte, North Carolina, for license for water power Project No. 2232 on Catawba and Wateree Rivers in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, and Mecklenburg Counties, North Carolina, and Chester, Fairfield, Kershaw, Lancaster, and York Counties, South Carolina, affecting navigable waters of the United States. The application requests that the license be for a term of 50 years from the date of its issuance. The project would consist of one unconstructed development and ten constructed developments, described as follows:

Cowan’s Ford (unconstructed) located on Catawba River just west of Davidson, North Carolina; river mile 173; capacity 100,000 kw; usable storage 189,370 acre-feet at 40 foot drawdown; Rhodhiss located in Rhodhiss, North Carolina; river mile 239; capacity 25,500 kw; head 60 feet; reservoir area 3,515 acres; usable storage 27,570 acre-feet at 10 foot drawdown; Oxford located about 5 miles north of Hickory, North Carolina; river mile 222; capacity 36,000 kw; head 89.5 feet; reservoir area 4,110 acres; usable storage 26,600 acre-feet at 10 foot drawdown; Lookout Shoals located about 8 miles northeast of Newton, North Carolina; river mile 213; capacity 18,720 kw; head 78 feet; reservoir area 1,276 acres; usable storage 3,670 acre-feet at 3 foot drawdown; Mountain Island located about 3 miles northeast of Mt. Holly, North Carolina; river mile 164; capacity 60,000 kw; head 78 feet; reservoir area 3,235 acres; usable storage 25,837 acre-feet at 10 foot drawdown; Catawba located 4 miles northwest of Fort Mill, South Carolina; river mile 159; capacity 60,000 kw; head 77 feet; reservoir area 12,455 acres; usable storage 107,670 acre-feet at 10 foot drawdown; Fishing Creek located south of Fort Lawn, South Carolina; river mile 101; capacity 26,000 kw; head 61 feet; reservoir area 2,276 acres; usable storage 24,770 acre-feet at 10 foot drawdown.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[Seal] JOSEPH H. GUTRIDE, Secretary.

[F. R. Doc. 57-5513; Filed, July 1, 1957; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMUNITY FACILITIES COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC AGENCY LOANS PROGRAM

The Community Facilities Commissioner is hereby authorized to execute the
powers, functions, and duties transferred to the Housing and Home Finance Administrator under Reorganization Plan No. 1 of 1957 (22 F. R. 4633, July 2, 1957), with respect to or arising out of (1) the obligations, loans made to, and contracts or other agreements with, States, municipalities, political subdivisions thereof, public agencies, boards, commissions, or other public bodies, and (2) their securities, and obligations acquired in connection with programs of financial assistance for drainage and irrigation projects, except the Administrator’s authority to issue notes or other obligations to the Secretary of the Treasury under section 7 of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 606).

I

The Commission having heretofore approved a plan filed by the Interim Board of Directors of International Hydro-Electric System ("IHES") pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("act") for the transformation of IHES, a registered holding company, into an investment company, to be renamed Abacus Fund; and having found that IHES would be entitled to an exemption pursuant to Section 3 (a) (5) of the Act upon the consummation of said plan (Reorg. Plan No. 3 of 1947, 61 Stat. 954; Reorg. Plan No. 1 of 1939, 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

and hereby are, exempted from the provisions of the act applicable to IHES as a holding company and to its subsidiary companies as such.

It is further ordered, That the jurisdiction heretofore reserved herein by the aforementioned order of January 13, 1956, with respect to the fees and expenses to be approved in connection with the plan filed by the Interim Board of IHES and the proceedings incidental thereto and related therewith, be, and hereby is, continued.

By the Commission.

[SEAL]

Orval L. DuBois,
Secretary.

[F. R. Doc. 57-5319; Filed, July 1, 1957; 8:47 a. m.]

UNION-GULF OIL & MINING CORP. ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 26, 1957.

I. Union-Gulf Oil & Mining Corporation (Union-Gulf), a Colorado corporation, 510 Colorado Building, Denver, Colorado, and 2701 South Highway 50, Grand Junction, Colorado, filed with the Commission on September 9, 1955 a notification on Form 1-A and an offering circular and subsequently filed various amendments thereto, relating to an offering of 600,000 shares of its 10-cent par value common stock at 50 cents per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the notification failed to contain the information required by Item 3 with respect to unregistered securities of Union-Gulf sold on behalf of its affiliate within one year prior to the date of the filing of the notification; and

B. The notification contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made not misleading, concerning among other things, the securities of Union-Gulf sold on behalf of affiliates within one year prior to the filing of the notification.

III. It is therefore ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the

matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

Orval L. DuBois,
Secretary.

[F. R. Doc. 57-5320; Filed, July 1, 1957; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION DISMISSAL OF COMPLAINT

JUNE 27, 1957.

The United States Tariff Commission, on the 25th day of June 1957, dismissed the complaint filed under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) by Eitel-McCullough, Inc., San Bruno, California, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign electron tubes and component parts thereof. (Notice of the receipt of this complaint was given on July 22, 1955, 20 F. R. 5378.)


The aforementioned civil action was dismissed on May 21, 1957, I certify that the above action was taken by the Tariff Commission on June 25, 1957.

Issued: June 27, 1957.

[SEAL]

Donn N. Bent,
Secretary.

[F. R. Doc. 57-5337; Filed, July 1, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

Oscar Christian Munch Raeder Bjerve and Ems Wiese

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 conservancy expenses:

Tuesday, July 2, 1957

FEDERAL REGISTER
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

Friedéricke Herkner Goldschmied, Milan, Italy; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States.

Anne Marie Josephine Terfve-Lambrechts, Audenhem-Bruxelles, Belgium; Claim No. 42434; Vesting Order No. 2763; $416.00 in the Treasury of the United States.

Margaretha Paulina Timp, Apeldoorn, The Netherlands; Claim No. 60907; Vesting Order No. 17836; $125.00 in the Treasury of the United States.

For the Attorney General.

[seal] Paul V. Myron, Deputy Director, Office of Alien Property.

[F. R. Doc. 57-5332; Filed, July 1, 1957; 8:49 a.m.]

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

Friedéricke Herkner Goldschmied, Milan, Italy; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States.

Anne Marie Josephine Terfve-Lambrechts, Audenhem-Bruxelles, Belgium; Claim No. 42434; Vesting Order No. 2763; $416.00 in the Treasury of the United States.

Maria H. C. Timp, Apeidoorn, The Netherlands; Claim No. 60907; Vesting Order No. 17836; $125.00 in the Treasury of the United States.

For the Attorney General.

[seal] Paul V. Myron, Deputy Director, Office of Alien Property.

[F. R. Doc. 57-5332; Filed, July 1, 1957; 8:49 a.m.]

NOTICES

Claimant, Claim No., Property, and Location

Oscar Christian Munck Reeder Bjørke, Oslo, Norway; Claim No. 62348; Vesting Order No. 17784; $439.03 in the Treasury of the United States and an undivided one-half interest in and to five 1943 script certificates issued by the Konversionsstiftelsen für Deutsche Auslands­ schulden, Serial Nos. 32301/78-32302/77, inclusive.

Emma Wiese, Bergen, Norway; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States.

17784; 8439.03 in the Treasury of the United States.

Emil Wiese, Bergen, Norway; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States.

Friedéricke Herkner Goldschmied, Milan, Italy; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States.

Emil Wiese, Bergen, Norway; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States.

For the Attorney General.

[seal] Paul V. Myron, Deputy Director, Office of Alien Property.

[F. R. Doc. 57-5332; Filed, July 1, 1957; 8:49 a.m.]

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

Robertina Pennazzi-Ricci 8/18 Roberts Pennazzi-Ricci, Via Bergamo 31, Rome, Italy; Claim No. 42434; Vesting Order No. 2763; $416.00 in the Treasury of the United States.

For the Attorney General.

[seal] Paul V. Myron, Deputy Director, Office of Alien Property.

[F. R. Doc. 57-5332; Filed, July 1, 1957; 8:49 a.m.]

ROBERTINA PENNAZZI-RICCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Maria H. C. Timp, Apeidoorn, The Netherlands; Claim No. 60907; Vesting Order No. 17836; $125.00 in the Treasury of the United States.

Ten shares of ten cents par value common stock of Keta Gas and Oil Corporation registered in the name of the Attorney General, which shares are presently in the custody of the Federal Reserve Bank of New York, New York, N. Y.

Seven shares of $5.00 par value common stock of Swan Finch Oil Corporation, registered in the name of the Attorney General, which shares are presently in the custody of the Federal Reserve Bank of New York, New York, N. Y.
FEDERAL REGISTER

Tuesday, July 2, 1957

Executive at Washington, D. C., on
June 25, 1957.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5334; Filed, July 1, 1957; 8:46 a.m.]

ELMA WICKMAN

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 conservancy expenses:

Claimant, Claim No., Property, and Location

Elma Wickman, Stockholm 50, Sweden; Claim No. 65891; $2,720.46 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5335; Filed, July 1, 1957; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 33934: Petroleum and products—Jacksonville, Fla., to Valdosta, Ga. Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum and petroleum products, tank-car loads from Jacksonville, Fla., and grouped origins to Valdosta, Ga.


FSA No. 33935: Sulphate of alumina—Bastrop, La., to southern points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on alumina sulphate of, dry, carloads, minimum 30,000 pounds, and weights in excess of that minimum, from Bastrop, La., to specified base points in southern territory, and points grouped therewith as taking the same rates.

Grounds for relief: Short-line distance formulas, market competition, and circuitous routes. Tariff: Supplement 42 to Agent Kratzmeir's tariff I. C. C. 4224.

FSA No. 33936: Can ends—East St. Louis, Ill., to Houston, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on can ends, iron or steel or tin, carloads from East St. Louis, Ill., to Houston, Tex.


FSA No. 33937: Styrene—Kobuta, Pa., to Houston, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on styrene, liquid, carloads from Kobuta, Pa., to Houston, Tex.

Grounds for relief: Circuitous routes. Tariff: Supplement 201 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 33938: Crude petroleum—New Orleans, La., group to eastern points. Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on crude petroleum, tank-car loads from New Orleans, La., and group points to specified points in Massachusetts, Michigan, New Jersey, Ohio, and Tennessee.


FSA No. 33939: Ship parts—West Point, Ga., to Blakely and Mobile, Ala. Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ship parts, iron or steel, carloads from West Point, Ga., to Blakely and Mobile, Ala.

Grounds for relief: Circuitous routes. Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1592.

FSA No. 33940: Potash beet residuum—Johnstown, Colo., to southern and south-western points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on potash beet residuum, in bags or in bulk, carloads from Johnstown Colo., to specified points in southern and south-western territories.


FSA No. 33941: Rice and rice products—Texas points to St. Louis, Mo. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rice and rice products, carloads from specified points in Texas to St. Louis, Mo.


FSA No. 33942: Petroleum cresylic acid—Texas points to Joliet, Ill. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads from Atreco, Houston and Texas City, Tex., to Joliet, Ill.

Grounds for relief: Circuitous routes through higher-rated intermediate destination groups. Tariff: Supplement 347 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33943: Dry goods—Pacific coast points to eastern defined points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dry goods, in bales or boxes, carloads from specified Pacific coast ports (applicable on import traffic) to points in western trunk line (including Illinois points), south-western and southern territories.

Grounds for relief: Circuitous routes through higher-rated intermediate destination groups. Tariff: Supplement 44 to Agent Prueter's tariff I. C. C. 1569.

FSA No. 33944: Iron and steel articles—Birmingham, Ala., group to New Orleans, La. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Birmingham, Ala., and group points to New Orleans, La.

Grounds for relief: Short-line distance formula, carrier competition and circuitous routes. Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1592.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-5334; Filed, July 1, 1957; 8:48 a.m.]