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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SYSTEM

PROCEDURAL MODIFICATIONS

Section 21.11 (b) is amended by deleting the word "and" at the end of subparagraph (5), changing the period at the end of subparagraph (6) to a ";" and adding the word "and", and by adding subparagraph (7) as set out below.

§ 21.11 *General provisions.* * * *

(b) *Procedural modifications.* In view of the circumstances and conditions surrounding employment in the following classes of positions the agency concerned will not be required to apply to such positions the appointment procedures of the regulations in this part: *Provided,* That the principles of veteran preference shall be followed as far as administratively feasible and the reasons for his nonselection shall be furnished upon request to any qualified and available preference applicant:

* * * * *

(7) Positions listed in Schedule C (Part 6 of this chapter).

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

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

[F. R. Doc. 58-1020; Filed, Feb. 7, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

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

[Navel Orange Reg. 134]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.434 *Navel Orange Regulation 134*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the com-

(Continued on p. 839)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

mittee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 6, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1958, and ending at 12:01 a. m., P. s. t., February 16, 1958, are hereby fixed as follows:

(i) District 1: 577,500 cartons;
(ii) District 2: 300,300 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 7, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-1089; Filed, Feb. 7, 1958; 11:38 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATE OF ASSESSMENT FOR 1957–58 FISCAL YEAR

On January 15, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 277) regarding the expenses and the fixing of the rate of assessment for the 1957–58 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant maters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.212 *Expenses and rate of assessment for the 1957–58 fiscal year.* The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1958, will amount to $148,800.00; and the rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be one cent per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment is applicable to all lemons shipped during the 1957–58 season; (2) shipments of lemons in volume have been made since the start of the fiscal year on November 1, 1957; and (3) it is essential that the specifications of the assessment rate be issued immediately so that the aforesaid assessment may be collected and thereby enable the Lemon Administrative Committee to perform its duties and functions in accordance with the said amended marketing agreement and order.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: February 5, 1958.

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

[F. R. Doc. 58-1016; Filed, Feb. 7, 1958; 8:52 a. m.]

[Lemon Reg. 725]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.832 *Lemon Regulation 725*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not re-

quire any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 5, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1958, and ending at 12:01 a. m., P. s. t., February 16, 1958, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 167,400 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: February 6, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-1072; Filed, Feb. 7, 1958; 9:04 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 3892]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

[Release No. 5633]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PUBLIC OFFERINGS OF INVESTMENT CONTRACTS PROVIDING FOR THE ACQUISITION, SALE OR SERVICING OF MORTGAGES OR DEEDS OF TRUST

§ 231.3892 *Statement of the Commission regarding public offerings of investment contracts providing for the acquisition, sale or servicing of mortgages or deeds of trust.* Questions are presented to the Securities and Exchange Commission from time to time as to the application of the federal securities laws to offerings of whole or fractional interest in mortgages or deeds of trust under arrangements which provide for a variety of services to the investor. In the opinion of the Commision such an arrangement frequently constitutes an "investment contract", which is a "security" within the meaning of the federal securities laws. The public offering and sale of these investment contracts may invoke the registration provisions of the Securities Act of 1933 and other provisions of the federal securities laws. It should be emphasized, in this connection, that exemptions from registration provided by section 4 (1) of the Securities Act of 1933 and Regulation A–R thereunder, usually relied upon for the underlying mortgage and deed of trust notes, would not be available for a public offering of the investment contracts. Recently the Commission has obtained injunctions against sellers who failed to register such investment contracts offered through nationwide advertising.[1]

Among the more common services and other attributes of the arrangements, offered in relation to the mortgages or deeds of trust, which have come to the attention of the Commission and which in the opinion of the Commission may give rise to the creation of "investment contracts" within the meaning of the securities laws are:

(a) Complete investigation and placing service.

(b) Servicing collection, payments, foreclosure, etc.

(c) Implied or express guarantee against loss at any time or providing a market for the underlying security.

(d) Making advances of funds to protect the security of the investment.

(e) Acceptance of small uniform or continuous investments.

(f) Implied or actual guarantee of specified yield or return.

(g) Continual reinvestment of funds.

(h) Payment of interest prior to actual purchase of the mortgage or trust note.

(i) Providing for fractional interests in mortgages or deeds of trust.

(j) Circumstances which necessitate complete reliance upon the seller, e. g., great distance between mortgaged property and investor.

(k) Seller's selection of the mortgage or deed of trust for the investor.

The wider the range of services offered and the more the investor must rely on the promoter or third party, the clearer it becomes that there is an investment contract. While there may be circumstances under which one or more of these elements are present without constituting an investment contract, it is the position of the Commission that each of them has a bearing on whether the investor is relying "solely on the efforts of the promoter or third party" to use the investor's money and through these efforts to return a profit to the investor—the essential test of an investment contract. S. E. C. v. W. J. Mowey Co., 328 U. S. 293, 299 (1946). There the Supreme Court stated that the term "investment contract" should be construed "so as to afford the investing public a full measure of protection" and cautioned "that form [must be] disregarded for substance and emphasis placed upon economic reality."

Neither the fact that the service arrangements are offered in connection with a mortgage or deed of trust nor that the purchaser looks solely to his own mortgage or deed of trust for income or profits will obviate the requirements for registration. In the Howey case, as appears from the facts stated in the Court of Appeals opinion (151 F. 2d 314), land, bearing orange trees, was sold in connection with a contract by the selling corporation to service and cultivate the land. Specific lots with trees were deeded to the purchasers who were required to pay for replacement of trees or special servicing on their individual lots if required. The purchaser looked for income to the fruitage of his individual grove and the purchaser's income was in no way dependent upon the purchase or development of tracts other than his own. No one was required to accept the service offered by the company and the sales were made to persons who had personally inspected the land. However, even though the contract involved a sale of land and the profits were on an individual basis, the contract was deemed to be a security.

Various other types of land contracts have been held to be securities. S. E. C. v. C. M. Joiner Leasing Corp., 320 U. S. 344 (1943) (individual oil leasehold interests); S. E. C. v. Tung Corp., 32 F. Supp. 371; and S. E. C. v. Bailey, 41 F. Supp. 647 (land bearing tung trees to be developed by seller). See also Prohaska v. Hennermiller Development Co., 256 Ill. App. 331 (farm land to be cultivated by vendor).

In In re National Resources Corporation, 8 S. E. C. 635, 637, the Commission stated that "* * * transactions which in form appear to involve nothing more than the sale of real estate, chattels, or services have been held to be investment contracts where in substance they involve the laying out of money by the investor on the assumption and expectation that the investment will return a profit without any active effort on his part, but rather as the result of the efforts of someone else."

It should also be noted that persons engaged in the business of buying and selling mortgage or trust notes would ordinarily be brokers or dealers, or both, within the meaning of the Securities Exchange Act of 1934, and absent an exemption would be required to be registered as such with the Commission under the provisions of section 15 of the Act. Rule 15a–1 would not provide an exemption for such a broker or dealer who is offering investment contracts of the type referred to above. Moreover, such a broker or dealer usually would be subject to the Commission's Rule 15c3–1 whether or not he is registered. A broker or dealer subject to this rule could not use the mails or federal instrumentalities to effect a transaction in a non-exempt security otherwise than on a national securities exchange if his "aggregate indebtedness" exceeds 20 times his "net capital" as those terms are defined in the rule.

In addition to all of the foregoing, it should be emphasized that the antifraud provisions of the Acts and regulations administered by the Commission (including specifically section 17 (a) of the Securities Act of 1933 and Rules 10b–5 and 15c1–2 under the Securities Exchange Act of 1934) would apply to advertisements, literature, and any other statements and representations made in

[1] See S. E. C. v. Mortgage Clubs, Inc., D. Mass. Civ. Act. No. 57–385–N, Litigation Release No. 1106 and S. E. C. v. Backers Discount and Finance, Inc., D. N. J. C. A. No. 14–58, Litigation Release No. 1200.

connection with the offer or sale of any of the securities referred to herein.

Persons engaging in this type of business should consult with the nearest regional office of the Commission or with the headquarters office in Washington, D.C.

NOTE: The text of § 241.5633 is identical with that appearing in § 231.3892.

This release becomes effective January 31, 1958.

By the Commission.

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

JANUARY 30, 1958.

[F. R. Doc. 58-1010; Filed, Feb. 7, 1958; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. P. L. 18]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

SYNTHETIC DIAMONDS AND DIAMOND POWDER

Section 399.1 *Appendix A—Positive List of Commodities* is amended by adding the following commodities to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
54114	Abrasive materials, manufactured: Synthetic diamond powder	Carat and lb.	FINP	None	RO	A B C G
89000	Synthetic diamonds suitable for industrial uses	Carat	FINP	None	RO	A B C G

This amendment shall become effective February 8, 1958, except that with respect to the provisions of General License GIT (see § 371.9 (c)), the provisions of Dollar Limit (DL) Project Licenses (see § 374.2 (c)), the provisions of Time Limit (TL) Licenses (see § 377.2), it shall become effective as of March 10, 1958; and except that with respect to the provisions for import certificates (see § 373.2 (f)) it shall become effective as of March 25, 1958.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director, Bureau of Foreign Commerce.*

[F. R. Doc. 58-1061; Filed, Feb. 7, 1958; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 512—PRISONERS

CLEMENCY

Paragraphs (b) and (c) of § 512.1 are revised to read as follows:

§ 512.1 *Clemency.* • • •

(b) *Authority to mitigate, remit, and suspend sentences.* (1) Subject to subparagraph (2) of this paragraph, any commanding officer of a sentenced or unsentenced prisoner who has the authority to appoint a court of the kind that imposed the sentence, or any superior military authority, may mitigate, remit, or suspend, in whole or in part, any unexecuted portion of a sentence (including all uncollected forfeitures) adjudged by a court-martial, other than a sentence extending to death or dismissal or affecting a general officer.

(2) The authority to mitigate, remit, or suspend any unexecuted portion of the sentence of a prisoner confined in a United States disciplinary barracks or in an institution under the control of the Attorney General, whether or not the sentence has been ordered executed, may be exercised only by the Secretary of the Army, except that:

(i) The officer who convened the court or the supervisory authority shall not be limited in the exercise of their clemency authority at the time of initial action on the findings and sentence of the court-martial pursuant to the Uniform Code of Military Justice.

(ii) Any commanding officer, as defined in subparagraph (1) of this paragraph, may suspend the execution of a punitive discharge until release from confinement or until completion of appellate review, whichever is the later date.

(iii) After being informed of the decision of the Board of Review in a case referred to it, The Judge Advocate General may, prior to taking the action prescribed in Manual for Courts-Martial, 1951 (16 F. R. 1303), paragraph 100c (1), mitigate, remit, or suspend in whole or in part any unexecuted portion of a sentence other than a sentence extending to death or dismissal or affecting a general officer (including all uncollected forfeitures) adjudged by a court-martial.

(3) As an exception to Article 74 (a), Uniform Code of Military Justice, the President has delegated to the Secretary of the Army the authority as to persons convicted by military tribunals under jurisdiction of the Department of the Army to remit or suspend any part or amount of the unexecuted portion of any sentence extending to death which, as approved by the President, has been commuted to a lesser punishment (Executive Order 10498, November 4, 1953, 18 F. R. 7003).

(4) Under the provisions of Article 74 (b), Uniform Code of Military Justice, only the Secretary of the Army may authorize, for good cause, substitution of an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

(c) *Policy.* So far as may be consistent with the maintenance of military discipline and the preservation of good order, commanders will exercise their authority to mitigate, remit, or suspend unexecuted portion of court-martial sentences when they deem that such action is merited and will result in restoration to duty or otherwise contribute to the rehabilitation of the prisoner. A prisoner's civilian, military, and confinement record will be considered in determining his suitability for clemency. The execution of a punitive discharge will be suspended until release from confinement or until completion of appellate review, whichever is the later date, unless it positively appears that the accused is definitely unfit for restoration.

[AR 633-10, January 22, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

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

[F. R. Doc. 58-975; Filed, Feb. 7, 1958; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

CORALVILLE RESERVOIR AREA, IOWA RIVER, IOWA

The Secretary of the Army having determined that the use of the Coralville Reservoir Area, Iowa River, Iowa, by the general public for boating, swimming, bathing, fishing and other recreational purpose will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 as follows:

1. A new paragraph (mmm) is added to § 311.1:

§ 311.1 *Areas covered.* • • •

(mmm) Coralville Reservoir Area, Iowa River, Iowa.

2. A new subparagraph (42) is added to § 311.4 (a):

§ 311.4 *Houseboats.* (a) • • •

(42) Coralville Reservoir, Iowa River, Iowa.

[Regs., January 27, 1958, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U. S. C. 460d)

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

[F. R. Doc. 58-976; Filed, Feb. 7, 1958; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 7 of the Vocational Rehabilitation Act, as amended, the following changes are prescribed in Part 401, in accordance with the amendment to clause (2) of section 4 (a) of said Act by 71 Stat. 488, and the amendments to section 4 (a) and clause (3) of section 7 (a) of said Act by 71 Stat. 473–474:

1. Section 401.76 is amended by deleting the first sentence and inserting in lieu thereof the following:

§ 401.76 *Expansion grants; general requirements.* Under section 4 (a) (2) of the act, grants may be made to States and public and other nonprofit organizations and agencies for the purpose of planning, preparing for, and initiating a substantial expansion of vocational rehabilitation programs in the States, during the fiscal years ending June 30, 1955, June 30, 1956, and June 30, 1957, and for the purpose of continuing during the fiscal year ending June 30, 1956, projects which are being carried on under this section on June 30, 1957. * * *

2. Section 401.68 is amended by deleting the last sentence in paragraph (a) and inserting in lieu thereof the following: "Federal funds may not be used to provide training to any individual in any one course of study extending for more than two years, except that, in the case of a course of study in physical medicine and rehabilitation, such course of study may not extend for more than three years."

3. Section 401.77 is amended by deleting paragraph (b) and inserting in lieu thereof the following:

(b) No grant may be used to provide training to an individual in any one course of study extending for more than two years, except that, in the case of a course of study in physical medicine and rehabilitation, such course of study may not extend for more than three years.

(Sec. 4, 41 Stat. 736, as amended; 29 U. S. C. 34)

4. Section 401.84 is amended by deleting the portion of the second sentence after the semicolon and inserting in lieu thereof the following: "Provided that no training or instruction shall be provided to any individual for any one course of study (other than a course of study in physical medicine and rehabilitation) for a period longer than two years, or for a course of study in physical medicine and rehabilitation for a period longer than three years."

(Sec. 7, 68 Stat. 658; 29 U. S. C. 37)

The changes prescribed above shall have the following effective dates: Item 1, above—June 30, 1957; Items 2 to 4, above—July 1, 1957.

Dated: December 31, 1957.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 58-980; Filed, Feb. 7, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM E (OTHER THAN CLASS I CARRIERS OF PASSENGERS)

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 1st day of October A. D. 1957.

The matter of annual reports of motor carriers of passengers other than Class I carriers being under consideration and the change to be effected by this order being limited to the designation of report forms, rule making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), being deemed unnecessary:

It is ordered, That § 205.4 of the order dated January 6, 1954, in the matter of Motor Carrier Annual Report Form C (Other Than Class I Carriers of Passengers) be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.4 be, and it is hereby modified and amended to read as follows:

§ 205.4 *Annual reports of carriers of passengers other than Class I carriers.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all motor carriers of passengers other than Class I carriers, as defined in § 181.02–1 of this chapter, viz, carriers having gross operating revenues of less than $200,000 annually from pasenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form E (passenger) which is made a part of this section.[1] Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before April 30 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form E (passenger) shall be served on all motor carriers of passengers (other than Class I carriers of passengers) and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission, division 2.

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

[F. R. Doc. 58-1005; Filed, Feb. 7, 1958; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 50—WILDLIFE

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

PART 33—CENTRAL REGION

SUBPART—VALENTINE NATIONAL WILDLIFE REFUGE, NEBRASKA

FISHING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.12 and 21.24 and by Commissioner's Order 4 (22 F. R. 8126), I have determined that sport or noncommercial fishing and boating for the purpose of fishing may be permitted on certain waters of the Valentine National Wildlife Refuge, Nebraska, without interfering with the primary purpose of the area. Accordingly, a new subpart and center headnote, as set forth above, and §§ 33.341, 33.342, and 33.343, reading as follows, are added:

Sec.
33.341 Sport fishing permitted.
33.342 Winter fishing permitted.
33.343 Use of boats.

AUTHORITY: §§ 33.341 to 33.343 issued under sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715i.

§ 33.341 *Sport fishing permitted.* Subject to the applicable provisions contained in Parts 18 and 21 of this chapter, sport or noncommercial fishing is permitted during the daylight hours in accordance with the laws of the State of Nebraska, during the period March 16 to December 14, inclusive, in the waters of Clear, Dewey, Hackberry, Pelican, Watts, and Willow Lakes within the Valentine National Wildlife Refuge.

§ 33.342 *Winter fishing permitted.* Subject to the applicable provisions contained in Parts 18 and 21 of this chapter, sport or noncommercial fishing through the ice is permitted during the daylight hours of the period from December 15 to March 15, inclusive, in accordance with the laws of the State of Nebraska, in those lakes of the Valentine National Wildlife Refuge designated by suitable posting by the refuge officer in charge: *Provided*, That the use for bait of carp minnows or minnows of trash or rough fish species is prohibited.

§ 33.343 *Use of boats.* Subject to the applicable provisions of Parts 18 and 21 of this chapter, boats, exclusive of motorboats, may be used in accordance with

the laws of the State of Nebraska on the open waters of the refuge. Launching or loading of boats on or from refuge waters is prohibited except from such points as are designated by suitable posting by the refuge officer in charge.

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

Issued at Washington, D. C., and dated February 6, 1958.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 58-1051; Filed, Feb. 7, 1958; 10:21 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WIND RIVER IRRIGATION PROJECT, WYOMING

PROPOSED ORDER FIXING OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404—79th Cong., 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 383; 39 Stat. 142; and 45 Stat. 210; 25, U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of intention to modify § 221.95 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Wind River Indian Irrigation Project to read as follows:

§ 221.95 *Charges.* In compliance with the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387), the operation and maintenance charges for the lands under the Wind River irrigation project, Wyoming, for the calendar year 1958 and subsequent years until further notice, are hereby fixed at $3.10 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to the Area Director, Bureau of Indian Affairs, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

M. A. JOHNSON,
Acting Area Director.

[F. R. Doc. 58-1006; Filed, Feb. 7, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO-103-A16]

HANDLING OF MILK IN NEW ORLEANS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the New Orleans, Louisiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at New Orleans, Louisiana, on November 13 and December 16-18, 1957, pursuant to notice thereof which was issued November 1, 1957 (22 F. R. 8907) and December 2, 1957 (22 F. R. 9728).

The material issues on the record of the hearing relate to:

1. A change in the method of pooling returns for producer milk;

2. Conforming changes in a number of order provisions.

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

1. *Type of pool.* The order should be amended to provide for a marketwide type of pool. The decision issued November 1, 1957, F. R. November 6, 1957, on the record of the January 1957 hearing, concluded that the evidence failed to show that the proposed amendment for a marketwide pool, under prevailing marketing practices and arrangements, would be beneficial to the market as a whole. Two reasons given for this conclusion were that: (1) "Only one-third of the producers are prepared to market their milk in accordance with the requirements of processing plants and thus maximize returns to all producers"; and (2) "While an equalization pool might well contribute to market stability under certain conditions, it is the circumstance of excessive supplies more than anything else that threatens market stability."

But the record of the instant hearing, December 16-18, 1957, shows that marked changes have occurred in market practice by producers and in the market supply situation, since the January 1957 hearing. First, it is very noteworthy indeed, that the associations now proposing marketwide pooling represent a great proportion of the producer milk in the market. Included among their producer members are many who had been cut off by plants that had received their deliveries for long periods. These producers have now found, through the associations, a means of making their production serve as an integral part of the market supply. Other producer members are regular, or more or less regular, suppliers of processing plants.

It thus appears that a large majority of New Orleans producers, through their cooperative associations, are now supplying processing plants in accordance with daily requirements. In order to achieve this on a marketwide basis, the cooperatives have integrated their operations, so as to direct efficiently the daily flow of milk to processing plants and to handle economically the daily and seasonal excess. This entails the operation of supply plants and manufacturing plants, which enable the associations effectively to market for producers that portion of their daily production which is, in effect, the preponderance of the reserve supply essential for the needs of the market.

This character of the supply system of these cooperatives entitles their producer members to an equal share with all other producers in the market returns for milk utilized in fluid milk products. The extensive transformation in producer marketing seems to have been instigated chiefly by the tendency of plants, under handler pool pricing, to reduce average monthly receipts below adequate reserve requirements, and thereby to make the market very uncertain and unstable for many producers. Such producers joined the cooperatives to insure their market. The gravitation of available market supply to the cooperative marketing system,

to the extent presently observed, has made the handler pool pattern of producer pricing obsolete and marketwide equalization of producer prices necessary to market stability.

Opposition testimony to the marketwide pool, as proposed by the cooperative association's, contended that receipts from members at the association plants designated as pool plants, should not be considered as an integral part of the market supply for New Orleans. Consequently, its members are in no position to claim an equal share with other producers in the Class I market. This contention seems to be based on the assumption that this milk is not needed and hardly any of it is ever utilized in the market. There was some ground for such assumption in the 1956 market utilization data. Class I utilization of producer milk was 75 percent in September 1956, 80 percent in October 1956, and 72 percent in November 1956. But, in the same months of 1957, the figures are 86 percent in September, 88 percent in October, and 86 percent in November. As a matter of fact, the designated association plants were able to market in the fall months of 1957 for Class I purposes, as high a percentage of receipts as that for the market as a whole. Market utilization data show that reserve supplies for the market were no more than adequate. Such evidence supports the conclusion that such association milk as would be designated producer milk under proposed amendments is now an integral part of the supply for the area and entitled to share equally with all other producers in the Class I utilization of the market.

A handler, in his own behalf and in behalf of producers of Guernsey milk, testified in opposition to marketwide pooling of returns to producers. It was alleged that such pooling would be inimical to interests of producers and handlers interested in marketing milk under the Golden Guernsey trade-mark. It was contended that such milk should not be included in any general pool; but, that it should be allowed a pool of its own. The evidence presented did not deal sufficiently with the difficult problems of marketing and equity among producers to afford the basis for a consideration of this proposal. However, this general problem is under consideration on the record of a hearing in connection with a proposed marketing agreement and order for the Mississippi Delta marketing area, wherein a great deal more evidence of a specific nature was offered and where it is expected that thorough going consideration can be given to this general problem.

The "associated producer" proposals were abandoned by the proponents and not supported on this record.

2. *Conforming changes in a number of order provisions.* A number of changes should be made in the order to designate what milk and plants would be subject to the regulation and the application of the order provisions to them. This can best be done by providing a number of new provisions and clarification of other provisions.

A handler should be defined as any person who operates:

(1) A pool plant as hereinafter defined,

(2) A plant from which Class I milk is processed, packaged and distributed on routes within the marketing area, and

(3) Any cooperative with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant by delivery directly from producers' farms to a nonpool plant for the account of such cooperative association. The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of distributing plants should be handlers in order that such persons shall report to the market administrator to determine their status at any given time.

The definition of a pool plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of a market-wide uniform price to producers. Some plants have received milk from local dairy farmers and distributed most of such milk as fluid milk products in the proposed marketing area over a period of several years. There are other plants that fall into one of two categories, (a) distributing plants with a primary interest in other fluid markets but distributing milk within the area or (b) plants at which milk is received directly from dairy farmers and delivered in bulk to distributing plants, which are generally known as supply plants. Milk distributors may receive bulk supplies of milk and thus the opportunity to qualify supply plants is provided. Specific requirements for pool plants are therefore needed to define the supply which is generally regarded as an integral part of this fluid market. This can be accomplished by first defining a distributing plant and a supply plant.

A distributing plant should be defined as a plant at which fluid milk products, conforming to the Grade A sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area.

A supply plant should be defined as a plant at which milk produced in conformity with Grade A health regulations for the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant. The market has been supplied milk by fourteen supply plants in recent years. All but two of these supply plants currently meet the qualification of a fluid milk plant under the present order. Handlers operating these twelve supply plants failed to testify with respect to the qualification of such plants under the provisions proposed by the two proponent cooperative associations. One of the remaining two supply plants, while not a fluid milk plant under the present order, did furnish the market with over half its supply during the Fall qualifying months. The other supply plant was a fluid milk plant some of the Fall months and has furnished the market some milk during the short period of supply this and other years. This plant is a reserve supply for the market when the daily receipts of fluid milk are inadequate. Because the facts of record are inadequate with respect to whether these supply plants, normally associated with the market, would qualify as pool supply plants under the proposed provisions, the plants that should be pool plants until August 31, 1958, are specifically identified. It should not be mandatory however, that the designated plants be pool supply plants until August 31, 1958, hence the provision is made for such plant operators, by written notice to the market administrator, to withdraw a plant from the market. Plants, once withdrawn, would then have to meet the pool plant requirements specified in the attached order.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant, a distributing plant should (1) dispose of 20 percent or more of receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area and (2) have a total disposition of fluid milk products on routes of 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants. In order to qualify as a pool plant, a supply plant should move 50 percent or more of receipts from dairy farmers each month to a distributing plant, as herein defined. If a supply plant qualifies on this basis during each of the months of September through December, it should be able to retain pool plant status the following January through August.

The supply area for the New Orleans marketing area overlaps the supply area of other fluid markets and manufacturing milk production areas. Therefore, the previously stated pool plant requirements are necessary to insure (1) that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area, and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Those plants that make sales of fluid milk products in the marketing area that represent less than 20 percent of total receipts from dairy farmers and supply plants cannot be regarded as a part of the New Orleans fluid milk market.

Distributing plants normally have a high proportion of their receipts from dairy farmers used as Class I milk, usually more than 50 percent. A requirement that a distributing plant to have its receipts pooled must have 50 percent or more of its receipts from dairy farmers and supply plants disposed of on routes either in or out of the marketing area, will serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. A proposal that a distributing plant should dispose of 25 percent or more of its receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area was not substantiated. A requirement of 20 percent of such receipts sold on routes in the marketing area plus the 50 percent requirement of receipts from producers and supply plants to be sold as fluid milk products on routes is adequate to identify distributing plants that should be considered primarily associated with the New Orleans marketing area. Route is defined in the order to include deliveries of fluid milk products in packaged form to other milk plants so that the plant at which the milk is processed and packaged will receive credit toward pool plant qualification for any interplant movements in such form, and subsequent provisions of the order make the processing and packaging plant accountable for such milk whether or not it qualifies as a pool plant.

The New Orleans market is currently served by several supply plants. In view of the requirements herein adopted for distributing plants, it is appropriate that the shipping requirements for supply plants should be 50 percent or more of receipts from dairy farmers to such distributing plants. If a supply plant meets the required standards during the short season (September–December) status as a pool plant would then be retained during the balance of the year (January–August). These standards will require such supply plants that qualify to have a primary interest in supplying the New Orleans market, and an opportunity to share in marketwide pooling at all times if it establishes its association with the market during the season of normally low supplies.

Handlers with plants located outside the marketing area but selling small quantities on routes within the marketing area should be exempt from the pricing and payment provisions although they would be subject to the reporting and auditing provisions.

A handler operating a nonpool distributing plant which disposes of less than an average of 200 pounds of Class I milk per day during the month on route(s) in the marketing area should not be subject to the pricing and payment provisions. It is not the intent of this proposal to regulate milk that may be disposed of in the marketing area as incidental sales by handlers not associated with the marketing area. In view of the provisions herein provided for partial regulation of nonpool handlers whose sales may exceed the exemption limit, it is administratively feasible and reasonable to provide exemption of such incidental sales to the extent recommended.

The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of the Class I utilization. A partially regulated handler should have the elective of making a compensatory payment on Class I milk sold in the marketing area, or paying to its dairy farmers as much as if such plant had been a pool plant. If the compensatory payment is elected, the amount of the payment should be the lesser amount computed by multiplying Class I sales in the area by the difference between the Class I price and the Class II price, or by the difference between the plant price such handler would be required to pay producers, if its plant were a pool plant, and the price such handler pays to dairy farmers.

The proponent cooperatives proposed a compensatory payment on all unpriced milk utilized or sold in the marketing area. The rate of payment would be the difference between the Class I and II milk prices for the months, January through August. During the months of September through December the rate of payment would be the difference between the Class I milk price and the uniform price to producers.

Receipts of milk from producers during the September through December period may not be enough to meet the Class I needs of handlers in the marketing area. The purchase of other source milk by handlers is at times necessary. From January through August receipts from producers is sufficient to meet the Class I needs of the market.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production, January through August, when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Market prices would be demoralized, production of milk would be impaired, and the future supply of milk for both markets would be jeopardized. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order.

It is concluded that it is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of priced milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price provided under the New Orleans order. When such products are reconstituted and utilized as Class I milk, the cost to the handler of such product is less than the Class I price by approximately the difference between the Class I price and the Class II price. In order to remove any price advantage a handler might have through the reconstitution of manufactured dairy products into fluid milk products, the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price, adjusted by the applicable butterfat differential. Since the point of origin of such other source milk is not generally known, it is not administratively feasible to adjust these payments by any location differential.

In addition to the other source milk which enters the market in the form of concentrated products, there are at times fluid milk imports from unregulated markets for use as Class I. To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. The Class II price provided by the order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the New Orleans order.

The rate of the compensatory payment should be uniform throughout the year in an amount equal to the difference between the Class I and Class II prices. In order to permit handlers to secure supplementary supplies without making a payment when the market is actually short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales.

In computing the applicable location differential, if a handler has received other source milk in the form of fluid milk products from two or more non-

pool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence according to the smallest location adjustment applicable.

Compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order since its proper classification and price will be determined pursuant to the other order.

In the case of a handler whose plant fails to qualify as a distributing plant, but which has sales of fluid milk products on routes in the marketing area in excess of an average of 200 pounds per day, such handler should be required to make payments to the producer settlement fund. Such payments should be made if the value of milk at class prices exceed payments to dairy farmers who would be considered producers if such a plant were a pool plant. These nonpool handlers must report receipts and utilization of dairy products handled to determine their pool status and obligations. Payments made to dairy farmers likewise can be ascertained. If through choice or competitive conditions payments to dairy farmers equal or are greater than amounts that the order would provide at class prices on the entire utilization of such plants, no additional payments are necessary to remove any sales advantage the partially regulated handler may have in the marketing area. Under the conditions prevailing in the New Orleans area this method will effectively remove any advantage there may be in distributing unpriced milk.

If payments to farmers by a nonpool distributing plant operator are less than the value of milk at class prices, the operator should pay into the producer-settlement fund the lesser of two amounts: (1) an amount computed by multiplying the volume of Class I sold in the marketing area by the difference between the Class I and Class II prices or (2) the amount by which actual payments to dairy farmers are less than the payments computed according to the terms of the order. It is concluded that such a payment is required to insure that the nonpool plant has no procurement advantage as compared with fully regulated handlers and to protect the integrity of the classified price plan of the order. It may be safely assumed that milk acceptable for fluid distribution in the marketing area cannot be procured for less than the Class II (manufacturing milk) price. The payment of the difference between the Class I and II prices will likewise prevent competitive advantage accruing to the nonpool handler.

The provision outlined above would not under conditions disclosed by this record, adversely affect the marketing of milk by regulated handlers in any significant way because of the limited proportion of sales which such a handler may make in the marketing area under this provision. Similar provisions are included in several other Federal milk orders and have proven satisfactory as a means of effectuating the regulation. Such provision therefore, should be adopted.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but receives no milk from other dairy farmers or nonpool plants. Reports to the market administrator at such time and in such manner as may be requested should provide ample means through examination of accounts, records, and facilities to determine the status of producer handlers. A producer-handler under these provisions enjoys the full advantage of his fluid milk sales. It is not necessary on the evidence in this record to require a producer-handler to pay any particular price for milk produced on his own farm provided that any sales on the part of pool plants to such a handler are at Class I and any receipts from a producer-handler at a pool plant are considered other source milk, as hereinafter defined. Such provisions permit the producer-handler to participate in the trade of the marketing area to the full extent of his ability to obtain Class I sales for his own production without sharing in the balance of Class I sales of the market with other producers.

A proposal to revise the definitions of base and excess milk was not supported. There is no need to change these definitions at this time.

Handlers should continue to make payments to each producer at the appropriate uniform price for milk delivered by such producer. Payments due to any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payments, if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. In making such payments for producer milk to a cooperative association, the handler should, at the same time, furnish the cooperative association, with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler made from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to the producer-members for whom it makes collections.

Qualified cooperative associations of dairymen, if they so request, should be permitted to receive payment from handlers for their producer-members as a group. A provision authorizing handlers to make payment directly to such qualified cooperative associations for milk received from producer-members is necessary to enable an association to carry out the functions authorized by the enabling act, i. e., blending the net proceeds of all of its sales in all markets in all use classifications, and making distribution thereof to its producers in accordance with the contract between the association and its producers. A cooperative association, if it is to carry out such functions, must have full authority in the collective bargaining and marketing of members' milk.

Producer-settlement fund: Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay directly to producers or cooperative associations, it is necessary to provide for some method of balancing these amounts. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay producers or cooperative associations should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. To allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler, which an audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the attached order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received during a month by a handler who has not made payments required of him into the producer-settlement fund for the preceding month should not be

considered in the computation of the uniform price for that month.

It was proposed that an amount equal to one-half of one percent of any balance due the market administrator pursuant to payments to the producer settlement, marketing service, and administrative assessment funds should be added to such accounts each month that payment of the balance is overdue. Such a provision is not now in the order. No testimony was offered showing that the market administrator has overdue accounts. The cooperative proponents do not themselves make a similar charge on overdue accounts they may have with handlers. Such a provision should not be included in the order on the basis of this record.

The entire order is redrafted to incorporate several new definitions and make conforming and clarifying changes throughout that are made necessary by the change in the type of pooling.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

DEFINITIONS

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

§ 942.2 *Secretary.* Secretary means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

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

§ 942.4 *Cooperative association.* Cooperative association means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1932, as amended, known as the "Capper-Volstead Act"; and

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

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

§ 942.6 *New Orleans marketing area.* New Orleans marketing area, hereinafter referred to as the marketing area means all territory; including incorporated municipalities within Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne parishes all in the State of Louisiana.

§ 942.7 *Route.* Route means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

§ 942.8 *Distributing plant.* Distributing plant means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 942.9 *Supply plant.* Supply plant means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 942.10 *Pool plant.* Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in §§ 942.61 or 942.63 (a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants; or

(b) A supply plant from which during the month an amount equivalent to 50 percent or more of receipts of milk from dairy farmers is moved to a pool plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through December immediately preceding shall continue to be a pool plant in each of the following months of January through August unless written notice to the contrary is filed by the handler with the market administrator on or before the first day of such month; or

(c) The following plants through August 1958: *Provided, however,* Except as such plant may qualify pursuant to subparagraph (b) of this section, any such designated plant may withdraw from pool status on the first day of any month by notifying the market administrator in writing before the first day of such month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant pursuant to subparagraph (b) of this section: Louisiana-Mississippi Milk Producers Association, Franklinton, Louisiana; Louisiana-Mississippi Milk Producers Association, Poplarville, Mississippi; Magee's Creamery, Franklinton, Louisiana; Gold Seal Creamery, Franklinton, Louisiana; Gold Seal Creamery, Hammond, Louisiana; Hilltop Creamery, Franklinton, Louisiana; The Borden Company, Kentwood, Louisiana; The Borden Company, Tylertown, Mississippi; Sealtest-Southern Dairy Division, Tangipahoa, Louisiana; Sealtest-Southern Dairy Division, Magnolia, Mississippi; Roemer Dairy Processing Company, Inc., Loranger, Louisiana; Hammond Dairy Company, Hammond, Louisiana; Muller's Sanitary Dairy, Hammond, Louisiana; and Hayes Dairy Products Company, Inc., Ponchatoula, Louisiana.

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

§ 942.12 *Handler.* Handler means:

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

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 942.14.

§ 942.13 *Producer-handler.* Producer-handler means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are re-

ceived during the month except his own production or transfers from a pool plant(s).

§ 942.14 *Producer.* Producer means any person, other than a producer-handler, who produces milk eligible for distribution in the marketing area under a Grade A label which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant for the account of such handler, subject to the following conditions:

(1) During January through August a handler may divert the daily production of a producer for any number of days.

(2) During other months a handler may divert the daily production of a producer for not more than 10 days.

(3) Milk delivered for the account of a handler to a nonpool plant for more than ten days during September through December, shall not be considered as producer milk during the whole period of its delivery to a nonpool plant.

(4) The milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 942.15 *Producer milk.* Producer milk means milk received at a pool plant directly from producers, or diverted pursuant to § 942.14.

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

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

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 942.34.

§ 942.17 *Fluid milk product.* Fluid milk product means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts, and sterilized products contained in hermetically sealed containers).

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

§ 942.19 *Base and excess milk.* (a) Base milk means milk received at pool plants from a producer during any of the months of March through August of each year which is not in excess of such producer's daily average base computed pursuant to § 942.92 multiplied by the number of days in such month.

(b) Excess milk means milk received at pool plant(s) from a producer during any of the months of March through August of each year in excess of such producer's base milk.

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds received pursuant to § 942.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses (except those incurred under § 942.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pursuant to §§ 942.82 and 942.85 and 942.86.

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

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

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

(k) On or before the date specified, publicly announce and mail to each handler at his last known address a notice of the following:

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

(2) The 11th day of each month, the applicable uniform price computed pursuant to §§ 942.72 through 942.74 and the butterfat differential computed pursuant to § 942.75 both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 942.30 *Reports of receipts and utilization.* On or before the 5th day of each month each handler who operates a pool plant(s), each handler (other than a producer-handler or the operator of a plant exempt pursuant to §§ 942.61 or 942.63) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler pursuant to § 942.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

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

(1) Producer milk, and for the months of March through August, the total quantity of base and excess milk received, in lieu thereof, the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers qualified to become producers if such plant were a pool plant;

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

(3) Other source milk; and

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

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 942.62 and 942.63, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area;

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

§ 942.31 *Other reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 942.12 (c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base operating months, March through August, the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 942.80 (b) shall report to such cooperative association with respect to each such producer, as follows:

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

(2) On or before the 7th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through August, and the average butterfat test thereof; and

(ii) The amount, rate and nature of any deductions.

(c) Each handler (other than a producer-handler or one described in §§ 942.61 or 942.63) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk received;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 942.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 942.33 *Exempt handler reports.* Each handler exempt pursuant to § 942.61 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 942.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

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

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

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

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

§ 942.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a preceding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notifications from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 942.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 942.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 942.41 through 942.47.

§ 942.41 *Classes of utilization.* Subject to the conditions set forth in §§ 942.42 through 942.47, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraphs (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as dumped skim milk; (4) disposed of as skim milk and used for livestock feed; and (5) in shrinkage not to exceed an amount calculated as follows:

(i) 0.5 percent of milk received from producers and disposed of as whole milk, skim milk or cream in bulk lots;

(ii) 1.5 percent of the skim milk or butterfat received as bulk tank lots of milk and disposed of in a form other than bulk tank lots of milk: *Provided,* That any disposition of milk in bulk tank lots shall be assigned to receipts of milk in such form; and

(iii) 2.0 percent of milk received from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream.

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

§ 942.43 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such Class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant located more than 275 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless claimed and transferred in the form of cream in bulk to such a nonpool plant having only Class II milk pursuant to § 942.41 (b);

(d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 942.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this or another order issued pursuant to the act and such cream is allocated to other than Class I milk (under the applicable order definitions at the transferee plant);

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transfered from such nonpool plant to a second nonpool plant which is in excess

of the items of Class II milk processed in such nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 942.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 942.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at all pool plants of such handler.

§ 942.46 *Allocation of skim milk classified.* The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II utilization the pounds of skim milk shrinkage pursuant to § 942.41 (b);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk except as specified in paragraphs (c) and (d) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from pool plants regulated pursuant to other orders issued pursuant to the act;

(d) Subtract from the pounds of skim milk remaining in Class I the pounds of skim milk in other source milk received in consumer packages from a nonpool distributing plant described in §942.62;

(e) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other pool plants in such class pursuant to § 942.41 and § 942.43 (a);

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

(g) Add to the remaining pounds of skim milk in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producer, subtract such excess from the remaining pounds of skim milk in each class in series, beginning with Class II.

§ 942.47 *Allocation of butterfat classified.* Allocate the pounds of butterfat in each class to producer milk in a manner similar to that prescribed for skim milk in § 942.46.

§ 942.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 942.46 and 942.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 942.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

Present Operator and Location

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

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

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Company, Kosciusko, Miss.
Borden Food Company, Starkville, Miss.
Kraft Foods Company, Newton, Miss.
Wilson and Company, Macon, Miss.

§ 942.51 *Class prices.* Subject to the provisions of §§ 942.52 and 942.53, the class prices per hundredweight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.30 during the months of March through June and $2.50 in all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

(1) Divide the total receipts of producer milk in the two immediately preceding months by the total gross volume at pool plants of Class I milk (less interhandler transfers) for such months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current supply-demand relationship."

(2) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supply-demand index
January	October–November	118
February	November–December	123
March	December–January	128
April	January–February	133
May	February–March	136
June	March–April	138
July	April–May	137
August	May–June	134
September	June–July	131
October	July–August	127
November	August–September	121
December	September–October	113

(3) Determine the amount of the supply-demand adjustment from the following schedule:

Net deviation (percentage points):	Adjustment amount (cents)
−24 or more	+49
−21 or −22	+43
−18 or −19	+37
−15 or −16	+31
−12 or −13	+25
−9 or −10	+19
−6 or −7	+13
−3 or −4	+7
−1, 0, or +1	0
+3 or +4	−7
+6 or +7	−13
+9 or +10	−19
+12 or +13	−25
+15 or +16	−31
+18 or +19	−37
+21 or +22	−43
+24 or more	−49

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 942.50 (c) plus 15 cents during the months February through August and plus 25 cents during all other

months: *Provided*, That in no case shall such price exceed the basic formula price.

§ 942.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 942.51 shall be increased or decreased respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 942.53 *Location differentials to handlers.* (a) For that milk which is received from producers at a pool plant situated other than in the zone located 61–70 miles from the City Hall in New Orleans, the price specified in § 942.51 (a) shall be adjusted at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Zones measured from the City Hall, New Orleans, La. (miles):	Rate per hundredweight (cents)
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
Each additional 10 miles or fraction thereof	−1.5

(b) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the City Hall in New Orleans. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(c) For the purpose of this section, the skim milk and butterfat classified as Class I during each month shall be considered to have been first received from producers at such handler's plant located in the 0–20 miles zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the zone nearest to New Orleans.

§ 942.54 *Rate of compensatory payments.* The rate of a compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total market deliveries by producers are less than 110 percent of market Class I utilization (excluding duplications) in all plants qualified as pool plants:

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rate set forth in § 942.53 for the location of the plant at which the milk was received from dairy farmers.

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

APPLICATION OF PROVISIONS

§ 942.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 942.32, 942.34, and 942.35.

§ 942.61 *Exempt handler.* A handler who operates a nonpool distributing plant located outside the marketing area from which an average of less than 200 pounds of Class I milk per day is disposed of during the month in the marketing area on route(s) shall be exempt from all provisions of this part except §§ 942.33 through 942.35.

§ 942.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 942.80 through 942.85, each handler, other than a producer-handler or one exempt pursuant to §§ 942.61 or 942.63, who operates during the month a nonpool distributing plant, shall pay to the market administrator for deposit in the producer settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 942.30, the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 942.86 with respect to Class I milk disposed of on routes in the marketing area; or

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 942.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 942.31 (c), plus the value of any supplies or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 942.86 had such plant been a pool plant.

§ 942.63 *Plants subject to other Federal orders.* The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 942.30 (b) (1), 942.34 and 942.35.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month on routes in the New Orleans marketing area than in the marketing area defined in such other order;

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

DETERMINATION OF PRICES TO PRODUCERS AT THE 61–70 ZONE

§ 942.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at pool plants shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 942.43, by the applicable respective class prices (adjusted pursuant to §§ 942.52 and 942.53);

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I milk pursuant to § 942.46 (b) and the corresponding step of § 942.47 and pursuant to § 942.46 (f) and the corresponding step of § 942.47 excluding the skim milk and butterfat determined pursuant to paragraph (d) of this section by the rate of compensatory payment as determined pursuant to § 942.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 942.46 (h) and the corresponding step of § 942.47 by the applicable class price;

(d) Add the amount obtained by multiplying by the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 942.46 (f) and the corresponding step of § 942.47; or

(2) The skim milk and butterfat in producer milk classified as Class II milk

(except as shrinkage) for the preceding month.

§ 942.71 *Computation of the 4.0 percent value of all producer milk.* For each month, the market administrator shall compute the 4.0 percent value of all producer milk at the 61–70 mile zone, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 942.70 except those of handlers who failed to make payments required pursuant to § 942.80 through § 942.82 for the preceding month;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 4.0 percent, or subtract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 942.75 multiplied by 10.

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials which are applicable pursuant to § 942.76, and

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund.

§ 942.72 *Uniform price.* For each of the months of September through February, the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Divide the amount computed pursuant to § 942.71 by the hundredweight of milk received from all producers;

(b) Subtract not less than 4 cents nor more than 5 cents. The result shall be known as the uniform price of milk of 4.0 percent butterfat content f. o. b. 61–70 mile zone.

§ 942.73 *Uniform excess milk price.* For each of the months of march through August the price for excess milk containing 4.0 percent butterfat shall be computed as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 942.71 (a) by the price for 4.0 percent Class II milk pursuant to § 942.51 (b);

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 4.0 percent Class I utilization pursuant to § 942.51 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 942.74 *Uniform base milk price.* For each of the months of March through August, the price for base milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) Subtract the total value arrived at in paragraph (a) of this section from the total 4.0 percent value of all producer milk arrived at in § 942.71;

(c) Divide the resultant value by the total hundredweight of base milk; and

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

§ 942.75 *Producer butterfat differential.* In making payments pursuant to § 942.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 942.52 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 942.76 *Location differentials to producers.* In making payments pursuant to § 942.80 a handler shall adjust with respect to base milk during the months of March through August and milk to be paid for at the uniform price during the months of September through February for each producer with respect to all such milk received from such producer at a pool plant by the amount per hundredweight pursuant to § 942.53.

§ 942.77 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 942.30, at his last known address, a statement showing:

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

(b) The amounts and value of his base and excess milk, respectively;

(c) The uniform price(s) computed pursuant to §§ 942.72 to 942.74 and the butterfat differential computed pursuant to § 942.75;

(d) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(e) The totals of the minimum amounts to be paid by such handler pursuant to §§ 942.85 and 942.86.

PAYMENTS

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

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

(2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 942.72 for the months September through February, and from such producer for the months March through August, at not less than the uniform price for base milk computed pursuant to § 942.74 with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 942.73 with respect to excess milk received, subject to the following adjustments: (i) The butterfat differential pursuant to § 942.75 (ii) the location differential pursuant to § 942.76, (iii) less payments made to such producer pursuant to subparagraph (1) of this paragraph, (iv) less marketing services deductions made pursuant to § 942.85, (v) plus or minus adjustments for errors made in previous payments to such producer, (vi) less proper deductions authorized in writing by such producer and (vii) if by such date such handler has not received full payment from the market administrator pursuant to § 942.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

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

(c) Each handler shall furnish the person to whom payment is to be made pursuant to this section with the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer or from each member of the cooperative association during the first 15 days of such month;

(2) On or before the 7th day of the following month to a cooperative association for its individual members, or on or before the 15th day of the following month to producers, (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 942.84.

§ 942.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made

by handlers pursuant to §§ 942.62, 942.82, and 942.84, and out of which he shall make all payments pursuant to §§ 942.83 and 942.84: *Provided*, That, any payments due to any handler shall be offset by any payments due from such handler.

§ 942.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 942.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 942.83 *Payment out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 942.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

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

§ 942.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 942.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

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

§ 942.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may, from time to time, prescribe, to be announced by the market administrator on or before the 11th day after the end of such month, with respect to all skim milk and butterfat received by such handler, during such delivery period from producers, including that received from such handler's own farm production.

§ 942.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

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

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

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 942.90 *Base-operating period.* The base-operating period shall be the months of March through August.

§ 942.91 *Base-forming period.* The base-forming period for each year shall be the months of October through February immediately preceding the base-operating period.

§ 942.92 *Determination of daily base.* The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base-forming period, subject to verification by the market administrator as follows: Divide the total pounds of milk received from such producer during the base-forming period by the number of days in such period.

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

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 942.92 to each person for whose account producer milk was delivered to pool plants during the months of October through February and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base-forming period but which qualifies as a pool plant during any of the months of March through August, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a pool plant during each month of the base-forming period.

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

§ 942.94 *Announcement of established bases.* On or before March 31, of each year, the market administrator shall no-

tify each producer, and the handler receiving milk from such producer, of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

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

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

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

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

MISCELLANEOUS PROVISIONS

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

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

Issued at Washington, D. C., this 6th day of February 1958.

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

[F. R. Doc. 58-1063; Filed, Feb. 7, 1958; 8:54 a. m.]

[7 CFR Parts 1002, 1009]

[Docket No. AO-268-A4]

MILK IN GREATER WHEELING AND CLARKSBURG MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENTS AND TO THE ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Windsor, Main and 12th Street, Wheeling, West Virginia, beginning at 10:00 a. m., on February 14, 1958, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Wheeling and Clarksburg marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairymen's Co-Operative Sales Association:

Proposal No. 1. Consider the adoption of a revised supply-demand formula for Greater Wheeling and Clarksburg Orders, §§ 1002.51 (a) and 1009.51 (a), which will provide that no supply-demand factor shall operate to reduce the price whenever producers supply less than 120 percent of Class I sales, nor shall any addition be made if producers supply more than 145 percent of Class I sales.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 703 Hawley Building, 1025 Main Street, Wheeling, West Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 5th day of February 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-1015; Filed, Feb. 7, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-163]

ELECTRIC UTILITIES AND LICENSEES, CLASSES A AND B

NOTICE OF PROPOSED AMENDMENT OF RULES PRESCRIBING THE FORM AND FILING OF ANNUAL REPORT, FPC FORM NO. 1

FEBRUARY 6, 1958.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend § 141.1 of the Commission's Regulations under the Federal Power Act "Annual Report, Form No. 1, Electric Utilities and Licensees (Classes A and B)" (set forth in Part 141—Statements and Reports, Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations) in the following respects:

To prescribe the accompanying revised schedules as a part of the Annual Report, FPC Form No. 1 (prescribed by order No. 142 dated October 28, 1948, as amended by order Nos. 161, 168, and 176 dated November 12, 1951, January 12, 1954, and December 1, 1954, respectively), for Classes A and B electric utilities and licensees and others in accordance with the changes noted thereon, which schedules are to be made a part of that report to be prepared and filed annually with the Commission, effective with the reporting for the year beginning January 1, 1957, or subsequently during the calendar year 1957 if the established fiscal year is other than a calendar year.

3. The schedules proposed to be revised are as follows:

FPC Form No. 1, schedule heading	*FPC Form No. 1, page No.*
Inside title sheet	-
Officers	6
Security holders and voting powers	8
Important changes during the year	10
Summary of utility plant and reserves (consolidation of pp. 16 and 17)	10a
Dividend appropriations	20
Statement of earned surplus	21
Other physical property	22
Sinking and miscellaneous Special Funds	24
Special deposits	25
Notes receivable	26
Materials and supplies	29
Prepayments	31
Unamortized debt discount and expense and unamortized premium on debt	32
Deferred regulatory commission expenses	35
Customers' advances for construction	44
Capital surplus	49
Income from merchandising, jobbing, and contract work	51
Particulars concerning certain other income accounts	52
Particulars concerning certain income deduction accounts	53
Service contract charges	57
Electric plant in process of reclassification	67
Electric operating revenues	69
Sales of electricity—By communities	70-71
Sales to other electric utilities	72-73
Rent from electric property and interdepartmental rents	75
Franchise requirements	83
Purchased power	84-85
Construction overheads—Electric	87

FPC Form No. 1, schedule heading	FPC Form No. 1, page No.
Generating station statistics	92–94
Transmission line statistics	102–103
Substations	105
Overhead distribution systems	106
Conduit, underground cable, and submarine cable	107
Rural line data	109
Street Lighting and signal systems	110

4. The exact nature of each of the proposed revisions is fully set forth on the respective accompanying schedule forms.[1] Generally, however, they would effect decreases in existing reporting requirements and make clarifications which have been shown to be desirable in the course of the Commission's experience with the existing Annual Report FPC Form No. 1. The changes would be accomplished, principally, through the elimination of certain schedules or parts thereof, and the increasing of the present limits of minimum reporting. In some cases the omission of an existing reporting requirement has made necessary a relatively minor modification or notation in another schedule. In other cases only clarifying language is involved.

5. The revised schedules proposed to be prescribed as a part of FPC Form No. 1 were developed in collaboration with inter alia the Committee on Accounts and Statistics of the National Association of Railroad and Utility Commissioners as were the existing schedules proposed to be superseded. FPC Form No. 1 as presently constituted was prescribed by the Commission's order No. 142, October 28, 1948; order No. 161, November 21, 1951; order No. 168, January 12, 1954, and order No. 176, December 1, 1954.

6. It should be noted that additional proposed revisions to FPC Form No. 1 are now before the Commission in two other proceedings.

In one, a companion proceeding, docket No. R–164, the Commission has under consideration a number of proposed revisions of other Annual Report form schedules which would result, generally, in restatement of the basis of reporting and inclusion of data not heretofore reported; certain minor revisions of the present General Instructions included in FPC Form No. 1; and a restatement of the reporting and filing requirements of Classes A and B utilities, licensees, and others with respect to FPC Form No. 1. Notice of proposed rulemaking in that matter is being given simultaneously herewith through direct service and by publication in the FEDERAL REGISTER.

In the other proceeding, docket No. R–159, the Commission has under consideration "Amendment of Uniform System of Accounts for Public Utilities and Licensees and Annual Report Form No. 1 Respecting Treatment of Deferred Taxes on Income." Notice of proposed rulemaking in that matter was given through direct service and by publication in the FEDERAL REGISTER on February 14, 1957 (22 F. R. 931–3).

7. The amendments to the Commission's Regulations under the Federal Power Act herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3 (13), 4 (a) through (c), 301 (a), 302 (a), (b), 304, 309, and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825a, 825c, 825h, and 825j).

Any person may submit to the Federal Power Commission, Washington 25, D. C., not later than February 28, 1958, data, views, comments, and suggestions in writing concerning the proposed revisions or amendments. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revisions or amendments.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–1052; Filed, Feb. 7, 1958; 8:54 a. m.]

[1] Filed as part of the original document.

[18 CFR Part 260]

[Docket No. R–165]

NATURAL GAS COMPANIES (CLASSES A AND B)

NOTICE OF PROPOSED AMENDMENT OF RULES PRESCRIBING THE FORM AND FILING OF ANNUAL REPORTS, FPC FORM NO. 2

FEBRUARY 6, 1958.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 260.1 of the Commission's Regulations under the Natural Gas Act, "Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B)" (set forth in Part 260—Statements and Reports (Schedules) of Approved Forms, Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations) in the following respects:

To prescribe the accompanying revised schedules to be made a part of the Annual Report, FPC Form No. 2, for natural gas companies (Classes A and B) in accordance with the changes noted thereon, to be prepared and filed annually with the Commission, effective with the reporting for the year beginning January 1, 1957, or subsequently in the calendar year if the established fiscal year is other than a calendar year.

3. The schedules proposed to be revised are as follows:

FPC Form No. 2, schedule heading	FPC Form No. 2, page No.
Officers	6
Security holders and voting powers	8
Important changes during year	10
Summary of utility plant and reserves	16a
Dividend appropriations	20
Statement of earned surplus	21
Other physical property	22
Sinking and miscellaneous special funds	24
Special deposits	25
Notes receivable	26
Materials and supplies	29
Gas stored underground	30A
Prepayments	31
Unamortized debt discount and expense and unamortized premium on debt	32
Deferred regulatory commission expenses	35
Customers' advances for construction	44
Capital surplus	49
Income from merchandising, jobbing, and contract work	51
Particulars concerning certain other income accounts	52
Particulars concerning certain income deduction accounts	53
Charges for outside professional services (in lieu of service contract charges)	57
Gas plant in process of reclassification	68
Gas operating revenues	73
Sales of natural gas by communities	74–75
Main line industrial sales of natural gas	77
Gas purchased	94
Franchise requirements	98
Construction overheads gas	100
Natural gas production statistics	108–109
Field and storage lines	114
Transmission lines	115
Gas account—Natural gas	121

4. The exact nature of each of the proposed revisions is fully set forth on the respective accompanying schedule forms.[1] Generally, however, they would effect decreases in existing reporting requirements and make clarifications which have been shown to be desirable in the course of the Commission's experience with the existing Annual Reports for Classes A and B natural gas companies. The changes would be accomplished, principally, through the elimination of certain schedules or parts thereof and the increasing of the limits of minimum reporting. In a few cases the omission of data heretofore reported has made necessary a minor addition or footnote requirement in another schedule. In some other schedules changes consist only of clarifications.

5. The revised schedules proposed to be prescribed as a part of FPC Form No. 2 were developed in collaboration with, inter alia, the Committee on Accounts and Statistics of the National Association of Railroad and Utility Commissioners, as were the existing schedules proposed to be superseded.

6. It should be noted that additional proposed revisions to FPC Form No. 2 are now before the Commission in two other proceedings.

In one, a companion proceeding, Docket No. R–166, the Commission has under consideration a number of proposed revisions of other Annual Report Schedules, which would result, generally, in the rearrangement of the basis of reporting or inclusion of data not heretofore reported; certain minor revisions to the General Instructions included in FPC Form No. 2; and a restatement of the reporting and filing requirements of Classes A and B natural gas companies with respect to Form FPC No. 2. Notice of proposed rule making in that matter is being given simultaneously herewith through direct service and through publication in the FEDERAL REGISTER.

In the other proceeding, Docket No. R–158, the Commission has under consideration "Amendment of Uniform System of Accounts Respecting Treatment of Deferred Taxes on Income" (18 CFR, Part 201 (entitled "Uniform System of Accounts for Natural Gas Companies")). Notice of proposed rule

making in that matter was given through direct service and by publication in the FEDERAL REGISTER on January 12, 1957 (22 F. R. 267-8).

7. The amendments to the Commission's regulations under the Natural Gas Act herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 9 (b), 10, and 16 of that act (52 Stat. 821, 825, 826, and 830; 15 U. S. C. 717g, 717h (b), 717i, and 717o).

Any person may submit to the Federal Power Commission, Washington 25, D. C., not later than February 28, 1958, data, views, comments, and suggestions in writing concerning the proposed revisions or amendments. An original and nine copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revisions or amendments.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-1053; Filed, Feb. 7, 1958; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

ROARING FORK OF THE COLORADO RIVER AND PRINCIPAL TRIBUTARIES, COLORADO

POWER SITE CANCELLATION NO. 127

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 92, approved April 3, 1925; Power Site Classification No. 245, approved January 4, 1930; Power Site Classification No. 354, approved October 31, 1944; Power Site Classification No. 382, approved July 15, 1947; and Power Site Classification No. 431, approved May 14, 1954; are hereby cancelled insofar as and to the extent that they affect the lands hereinafter described.

This cancellation has the approval of the Federal Power Commission, as indicated in its finding issued January 6, 1958, Docket No. DA-401-Colorado.

SIXTH PRINCIPAL MERIDIAN, COLORADO

POWER SITE CLASSIFICATION NO. 92

T. 8 S., R. 86 W.,
Sec. 21, lot 15;
Sec. 25, lot 14;
Sec. 26, lots 17, 21, 22, 23, 24, 25, and NW¼SW¼;
Sec. 27, lots 18 and 19.
T. 8 S., R. 87 W.,
Sec. 4, lots 16, 17, 19, 20, 21, 23, 23, and 25;
Sec. 12, lots 13, 25, 26, 27, 28, and 29.
T. 7 S., R. 88 W.,
Sec. 7, lot 12;
Sec. 20, lots 3, 20, and 21;
Sec. 21, SW¼SW¼;
Sec. 27, lot 15;
Sec. 28, lots 1, 2, 3, and 21.
T. 6 S., R. 89 W.,
Sec. 8, SW¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 16, W½NW¼ and SW¼;
Sec. 17, NE¼;
Sec. 21, W½ and SW¼SE¼;
Sec. 22, NE¼, E½NW¼, E½SE¼, and NW¼SE¼;
Sec. 35, lot 9.
T. 7 S., R. 89 W.,
Sec. 1, lots 1, 8, 19, 26 and 27;
Sec. 12, lots 13 and 15.

POWER SITE CLASSIFICATION NO. 245

T. 8 S., R. 86 W.,
Sec. 9, lots 1, 2, 4, 5, NE¼SW¼, and NW¼SE¼;
Sec. 11, lot 4;
Sec. 12, lots 1, 2, and 3.

POWER SITE CLASSIFICATION NO. 354

T. 7 S., R. 83 W.,
Sec. 33, W½SE¼;
T. 9 S., R. 82 W.,
Sec. 5, lots 2, 3, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 10, S½SW¼;
Sec. 14, W½SW¼;
Sec. 15, NW¼NE¼, S½NE¼, NE¼NW¼, and E½SE¼;
Sec. 22, E½E½;
Sec. 23, W½NW¼.
T. 8 S., R. 83 W.,
Sec. 4, lot 2, SW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 9, E½NW¼, and NE¼SW¼;
Sec. 21, NE¼SE¼;
Sec. 22, N½SW¼;
Sec. 26, NW¼NE¼ and S½NE¼.
T. 8 S., R. 85 W.,
Sec. 11, lots 5, 6, and 10.
T. 10 S., R. 85 W.,
Sec. 15, SE¼SE¼.

POWER SITE CLASSIFICATION NO. 382

T. 7 S., R. 89 W.,
Sec. 12, lots 6 and 14.

POWER SITE CLASSIFICATION NO. 431

T. 9 S., R. 88 W.,
Sec. 33, lots 4, 5, and 12.
(The above lots were previously withdrawn in Power Site Classification No. 354. Power Site Classification No. 431 is therefore being cancelled as to these lots in order to eliminate duplication of withdrawals.)
T. 10 S., R. 88 W.,
Sec. 4, NW¼SW¼NE¼;
Sec. 9, SW¼NW¼;
Sec. 17, NE¼NE¼;
Sec. 31, SE¼SW¼;
Sec. 32, N½NW¼.
T. 11 S., R. 88 W.,
Sec. 6, lots 2, 3, 6, 7, 9, 10, and 11;
Sec. 21, SW¼SW¼ and SW¼SE¼.

The area aggregates 5,119.24 acres.

Dated: January 31, 1958.

THOMAS B. NOLAN, *Director.*

[F. R. Doc. 58-948; Filed, Feb. 6, 1958; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. Subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting the reference "8 CFR 212.3 (a) (1) and (2)" and inserting in lieu thereof the reference "8 CFR 212.1 (a) (1) and (2)."

2. District No. 32—Anchorage, Alaska, of subpapragraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting the parenthetical expression following Juneau, Alaska, and substituting in lieu thereof "(the port of Juneau includes, among others, the port facilities at Pelican and Sitka, Alaska)".

3. District No. 8—Detroit, Mich., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting "Detroit, Mich., Detroit-Wayne Major Airport" and substituting in lieu thereof "Detroit, Mich., Detroit Metropolitan Wayne County Airport."

4. The list of international airports under District No. 32—Anchorage, Alaska, of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting the following:

Fort Yukon, Alaska, Fort Yukon Airfield.
Skagway, Alaska, Skagway Municipal Airport.

Dated: February 4, 1958.

J. M. SWING, *Commissioner of Immigration and Naturalization.*

[F. R. Doc. 58-1007; Filed, Feb. 7, 1958; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958, Supp. 176]

AMERICAN BONDING COMPANY OF BALTIMORE

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

FEBRUARY 4, 1958.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the American Bonding Company of Baltimore, Baltimore, Maryland, under the provisions of the Act of Congress approved July 30,

1947 (U. S. Code, title 6, secs. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, terminated effective midnight December 31, 1957.

Fidelity and Deposit Company of Maryland, a Maryland corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Articles of Merger, effective midnight December 31, 1957, endorsed by the Superintendent of Insurance of the State of Maryland, November 26, 1957, and approved and received for record by the State Tax Commission of Maryland, December 31, 1957, American Bonding Company of Baltimore merged into Fidelity and Deposit Company of Maryland which is the surviving corporation. Fidelity and Deposit Company of Maryland acquired all of the assets and assumed all of the liabilities of American Bonding Company of Baltimore. A copy of the articles of merger certified by the State Tax Commission of Maryland is on file in the Treasury.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1957, by American Bonding Company of Baltimore pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

The merger of the companies will not affect the underwriting limitation of Fidelity and Deposit Company of Maryland, the surviving corporation, which will remain at $4,131,000.00.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-1008; Filed, Feb. 7, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 20]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, section 21 (b) of the Organization and Functions of the Civil Aeronautics Administration, as published on April 10, 1954 (19 F. R. 2100), is hereby amended to include the following change in address:

Region 4, Airport District Office serving the states of Arizona and New Mexico, from New Terminal Building, Phoenix Sky Harbor Municipal Airport, Phoenix, Arizona, to Sky Harbor Municipal Airport, 2800 Sky Harbor Boulevard, Phoenix, Arizona.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

FEBRUARY 3, 1958.

[F. R. Doc. 58-1009; Filed, Feb. 7, 1958; 8:51 a. m.]

Federal Maritime Board

FARRELL LINES, INC., ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8238–1, between Farrell Lines Incorporated, Moore-McCormack Lines, Inc., and Royal Interocean Lines, modifies interline passenger agreement (No. 8238) to provide that no party shall pay commissions in excess of (a) those permitted to be paid by the conference governing passenger traffic on the route in question to which any party is a member, or (b) if there is no conference or if there is a conference to which any party is not a member, then as may be mutually agreed.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-977; Filed, Feb. 7, 1958; 8:45 a. m.]

PORT OF NEW YORK AUTHORITY AND BRIGANTINE TERMINAL CORP.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8245, between The Port of New York Authority and Brigantine Terminal Corporation, provides for the leasing by the Port Authority to Brigantine of certain premises known as the Brooklyn-Port Authority Piers for the purpose of berthing of vessels of Maersk Line and other sea going vessels, provided that Brigantine requires payment of charges for use of the facilities, by said other vessels, at least equal to the charges set forth in The Port Authority's Schedule of Rates and Charges.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-978; Filed, Feb. 7, 1958; 8:45 a. m.]

BOOTH STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8252, between Booth Steamship Co., Ltd. and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Brazil and Peru to Puerto Rico with transhipment at New York, Baltimore, or Philadelphia.

(2) Agreement No. 8253, between Lamport & Holt Line, Ltd. and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Argentina, Brazil, Peru, and Uruguay to Puerto Rico with transhipment at New York, Baltimore, or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-979; Filed, Feb. 7, 1958; 8:45 a. m.]

WEST COAST AMERICAN-FLAG BERTH OPERATORS

NOTICE OF PETITION FOR DECLARATORY ORDER AND EXTENSION OF TIME FOR REPLY THERETO

On February 5, 1958, the Federal Maritime Board entered the following order:

Whereas, the members of the West Coast American-Flag Berth Operators filed with the Board on January 24, 1958, a petition seeking a declaratory order for guidance insofar as the assessment and collection of terminal charges on government cargoes moving "F. I." or "F. I. O." are concerned, and

Whereas, said petition has been served on some, but not all, terminal operators on the West Coast, and

Whereas, requests have been received for extension of time for reply to said petition, and good cause appearing,

It is ordered, That the time for reply to the aforesaid petition be, and it hereby is, extended to thirty (30) days after

publication in the FEDERAL REGISTER of notice of said petition and this order.

All persons having an interest in the petition described in said order may reply thereto within thirty (30) days.

Dated: February 5, 1958.

By order of the Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-1064; Filed, Feb. 6, 1958; 4:38 p. m.]

Maritime Administration

MOORE-McCORMACK LINES, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, for States Marine Lines to load parcels of general cargo at Tampa and Panama City, Florida, on or about February 13, 1958, on the SS "Mormacguide", a chartered subsidized vessel, for discharge at Los Angeles and/or San Francisco, California, the said vessel having been scheduled to sail from New York on January 31, 1958.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, within five (5) days from the date of publication of this notice in the FEDERAL REGISTER, notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure.

If no request for hearing and petition for leave to intervene is received within the specified time, the requested permission will be granted.

By order of the Maritime Administrator.

Dated: February 7, 1958.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-1095; Filed, Feb. 7, 1958; 12:04 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9033]

PACIFIC WESTERN AIRLINES LTD.

NOTICE OF HEARING

In the matter of the application of Pacific Western Airlines Ltd. for a foreign air carrier permit to perform operations of a casual, occasional or infrequent nature, in common carriage from Canada into the United States and Alaska.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 13, 1958, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 5, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-1017; Filed, Feb. 7, 1958; 8:52 a. m.]

[Docket No. 9193]

KOREAN NATIONAL AIRLINES

NOTICE OF HEARING

In the matter of the application of Korean National Airlines for a foreign air carrier permit to operate between the Republic of Korea and Seattle.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 20, 1958, at 10:00 a. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., February 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-1018; Filed, Feb. 7, 1958; 8:52 a. m.]

[Docket No. 9150]

LINEA AEREA NACIONAL DE CHILE

NOTICE OF HEARING

In the matter of the application of Linea Aerea Nacional de Chile under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign-air-carrier permit.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 801, and 1001 of said act, that a public hearing in the above-entitled proceeding will be held on February 13, 1958, at 10 a. m., e. s. t., in Room 1510, Temporary Building 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues, particular attention will be directed to the matter of whether the proposed service would be in the public interest and whether the applicant is fit, willing, and able to render such proposed service. For more detailed information regarding the issues involved herein, the parties are referred to the application and other pertinent papers on file in the docket.

Notice is further given that any interested person other than the parties of record desiring to be heard regarding the issues involved in this proceeding must file with the Civil Aeronautics Board on or before February 13, 1958, a statement setting forth the matters of fact or law on which he desires to be heard.

Dated at Washington, D. C., February 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-1019; Filed, Feb. 7, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8679, G-13384]

SOUTHERN NATURAL GAS CO. AND PIONEER OIL & GAS COMPANY, INC.

NOTICE OF APPLICATION, AND PETITION TO AMEND ORDER ISSUING CERTIFICATE; AND DATE OF HEARING

FEBRUARY, 4, 1958.

Take notice (1) that Pioneer Oil & Gas Company, Inc. (Pioneer), a Louisiana corporation with a principal office in New Orleans, Louisiana, filed an application on October 8, 1957, in Docket No. G-13384 pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open to public inspection; and (2) that Southern Natural Gas Company (Southern), a Delaware corporation, with its principal place of business in Birmingham, Alabama, filed on December 6, 1957, a petition to amend the certificate order issued by the Commission April 24, 1956, in Docket No. G-8679, so as to delete therefrom certain interests in acreages described in assignments dated December 5, 1955, June 7, 1957, and September 12, 1957, conveying same from Southern to Pioneer.

The application recites that Pioneer has received by assignment from Southern Natural Gas Company certain rights in the Hatten Oil Sand underlying certain leases in the Pistol Ridge Field in Forrest County, Mississippi, namely Lots 13, 14 and 20 of Section 6 and NW/4 of NW/4 of Section 7, all in T-1S, R-13W, Forrest County, Mississippi, and proposes to produce natural gas therefrom, and sell the same in interstate commerce to United for resale subject to the jurisdiction of the Commission.

By order issued April 24, 1956, in Docket No. G-8679, Southern Natural was authorized to sell natural gas to be produced from, among others, the above described acreage to United. Pioneer proposes to sell the natural gas pursuant to the same terms and conditions as contained in the sales contract between Southern and United, dated March 21, 1955.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure,

a hearing will be held on March 4, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application and petition: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Pioneer and Southern to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-981; Filed, Feb. 7, 1958; 8:46 a. m.]

[Docket No. G-13543 etc.]

MAGNOLIA PETROLEUM CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 4, 1958.

In the matters of Magnolia Petroleum Company, Docket No. G-13543; Arkansas Fuel Oil Corporation, Docket No. G-13592; Sohio Petroleum Company, Docket No. G-13602; Texas Illinois Natural Gas Pipeline Company, Docket No. G-13700; James E. Kemp, Agent, et al., Docket No. G-13808.

Take notice that (1) Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation with a principal place of business in Chicago, Illinois, filed an application in Docket No. G-13700 pursuant to section 7 of the Natural Gas Act on November 12, 1957 for a certificate of public convenience and necessity authorizing the construction and operation of a tap connection to be installed, together with a meter station, at a point on its existing 30-inch main transmission pipeline in Rusk County, Texas, for the purpose of enabling it to receive volumes of natural gas produced in the Caledonia Field, Rusk County, Texas, for transportation in interstate commerce for resale, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission and open to public inspection; and (2) the following related independent producer applications:

Docket No.; Applicant; and Date Filed

G-13543; Magnolia Petroleum Company; Oct. 17, 1957.

G-13592; Arkansas Fuel Oil Corporation; Oct. 25, 1957.

G-13602; Sohio Petroleum Company; Oct. 28, 1957.

G-13808; James E. Kemp, Ralph R. Gilster and R. B. Burns; Nov. 25, 1957.

were filed pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce to Texas Illinois for resale subject to the jurisdiction of the Commission, and as more fully set forth in the applications on file with the Commission, and open to public inspection.

Magnolia, Arkansas Fuel, Sohio, and Kemp et al., propose to sell in interstate commerce to Texas Illinois natural gas produced in the Caledonia Field, Rusk County, Texas. Texas Illinois proposes to construct and operate the facilities referred to above to enable it to take volumes of natural gas from the above-named producers. Reserve estimates show that dedicated recoverable gas total 8,777,325 Mcf at 14.73 psia.

Texas Illinois estimates its proposed initial investment in facilities will be $12,900 and the cost thereof will be defrayed from current funds.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 11, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-982; Filed, Feb. 7, 1958; 8:46 a. m.]

[Docket No. G-13661 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 4, 1958.

In the matters of Standard Oil Company of Texas, Docket No. G-13661; E. S. Villines, Operator, et al.,[1] Docket No. G-13689; Olin Hill Gas Company (Holly Nester, Agent), Docket No. G-13691; N. R. Royal III and Eugene Fish, Trustee,[2] Docket No. G-13697; George Jackson, Docket No. G-13749; The Texas Company,[3] Docket No. G-13750; The Texas Company,[4] Docket No. G-13751; Baker & Taylor Drilling Company,[5] Docket No. G-13810.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Location of Field; and Purchaser

G-13661; Wilshire-Ellenburger Field, Upton County, Tex.; El Paso Natural Gas Company and Hunt Oil Company.

G-13689; Hugoton Field, Seward County, Kans.; Panhandle Eastern Pipe Line Company.

G-13691; Washington District, Calhoun County, W. Va.; Hope Natural Gas Company.

G-13697; Ignacio Field, La Plata County, Colo.; Pacific Northwest Pipeline Corporation.

G-13749; New Milton District, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G-13750; South Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

G-13751; Richfield Area, Morton County, Kans.; Panhandle Eastern Pipe Line Company.

G-13810; Douglas Northrup Field, Ochiltree County, Tex.; Northern Natural Gas Company.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before

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See footnotes at end of document.

February 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] E. S. Villines, Operator, is filing for himself and on behalf of the following nonoperators: E. W. Campbell, Catherine Van Doren, A. L. Villines, B. C. Nash and William L. Graham, Marjorie Lois Graham and W. A. Michaelis, Jr., d. b. a. Graham-Michaelis Drilling Company. All are signatory parties to the contract involved.

[2] N. R. Royall III, Executor of the Estate of N. R. Royall, Jr., Deceased, and Eugene Fish, Trustee, are filing jointly for their 3.90625 percent interest in the production from the Bondad 33-9, Well No. 7-13, which is proposed to be sold to Pacific Northwest, which company is also operator of subject well, under gas sales contract dated July 30, 1956. Both Applicants are signatory parties to the contract covering the subject sale.

[3] The Texas Company, Nonoperator, is filing for its 25% interest in production from the Sharp Gas Unit No. 1. Production is limited to horizons down to base of the Basal Mississippian Formation.

[4] The Texas Company, Nonoperator, is filing for its 12.5% interest in the K. U. Gas Unit and its 12.5% interest in the Lemon Gas Unit "C" and is the only signatory seller party to the gas sales contract dated October 3, 1957. Production is limited to depths from sea level to 300 feet below top of the uppermost member of the Mississippi System.

[5] Temporary authority was granted by letter dated December 30, 1957.

[F. R. Doc. 58-984; Filed, Feb. 7, 1958; 8:46 a. m.]

[Docket No. G-13648]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 4, 1958.

Take notice that on November 6, 1957, Gulf Interstate Gas Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed in Docket No. G-13648 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased by United Fuel Gas Company from producers in the general area of Applicant's existing transmission system from time to time during the calendar year 1958, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting new supplies of natural gas to its system, thereby augmenting the ability of United Gas Fuel Company to secure by contract such new supplies of gas. Applicant's operations are confined to the transportation for, and delivery of natural gas through Applicant's transmission facilities to United Fuel Gas Company, which company purchases natural gas in southern Louisiana, where it is received by Applicant and redelivered to United Fuel Gas Company at points in Kentucky.

The total cost of all projects for which authorization is sought, during the calendar year 1958, is not to exceed $2,000,000, which will be financed from available company funds, and the cost of a single project will not exceed $200,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-983; Filed, Feb. 7, 1958; 8:46 a. m.]

[Docket No. G-14372]

MOUND CO.

ORDER INSTITUTING INVESTIGATION

FEBRUARY 4, 1958.

Mound Company (Respondent) is an independent producer of natural gas and a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to American Louisiana Pipe Line Company (American Louisiana). The latter's interstate natural gas pipeline project was authorized by the Commission by order issued October 1, 1954, accompanying Opinion No. 276, In the Matters of American Louisiana Pipe Line Company, et al. A certificate of public convenience and necessity covering the projected sale to American Louisiana was issued to respondent and others by order issued April 8, 1957, in Docket No. G-9833 et al. Respondent's FPC Gas Rate Schedule No. 14 covers its sale to American Louisiana in question, and specifies a price of 19.25 per Mcf. The price is among the highest known to the Commission.

In addition to the sale of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

On the basis of data available to the Commission, it further appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto, may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Respondent for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Respondent, Mound Company, is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Commission at

441 G Street NW., Washington, D. C., concerning the matters specified in paragraphs (A) and (B) above.

(D) 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. 58-987; Filed, Feb. 7, 1958; 8:47 a. m.]

[Docket No. G-14373]

TRICE PRODUCTION CO.

ORDER INSTITUTING INVESTIGATION

FEBRUARY 4, 1958.

Trice Production Company (Respondent) is an independent producer of natural gas and a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to American Louisiana Pipe Line Company (American Louisiana). The latter's interstate natural gas pipeline project was authorized by the Commission by order issued October 1, 1954, accompanying Opinion No. 276, In the Matters of American Louisiana Pipe Line Company, et al. A certificate of public convenience and necessity covering the projected sale to American Louisiana was issued to Respondent by order issued July 19, 1957, in Docket No. G-12069. Respondent's FPC Gas Rate Schedule No. 4 covers its sale to American Louisiana in question, and specifies a price of 19.25 cents per Mcf. The price is among the highest known to the Commission.

In addition to the sale of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

On the basis of data available to the Commission, it further appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto, may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged or collected by Respondent for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders:

(A) An investigation of Respondent, Trice Production Company, is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraphs (A) and (B) above.

(D) 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. 58-986; Filed, Feb. 7, 1958; 8:47 a. m.]

[Docket No. G-14374]

MRS. LOUISE H. HERRINGTON

ORDER INSTITUTING INVESTIGATION

FEBRUARY 4, 1958.

Mrs. Louise H. Herrington (Respondent) is an independent producer of natural gas and a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to American Louisiana Pipe Line Company (American Louisiana). The latter's interstate natural gas pipeline project was authorized by the Commission by order issued October 1, 1954, accompanying Opinion No. 276, In the Matters of American Louisiana Pipe Line Company, et al. A certificate of public convenience and necessity covering the projected sale to American Louisiana was issued to Respondent by order issued August 8, 1957, in Docket No. G-11590 et al. Respondent's FPC Gas Rate Schedule No. 2 covers its sale to American Louisiana in question, and specifies a price of 19.25 cents per Mcf. The price is among the highest known to the Commission.

On the basis of data available to the Commission, it further appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto, may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged or collected by Respondent for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders:

(A) An investigation of Respondent, Mrs. Louise H. Herrington, is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of her rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraphs (A) and (B) above.

(D) 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. 58-988; Filed, Feb. 7, 1958; 8:47 a. m.]

[Project No. 2233]

PORTLAND GENERAL ELECTRIC CO. ET AL.

NOTICE OF APPLICATION FOR LICENSE

FEBRUARY 4, 1958.

In the matter of Portland General Electric Company, Crown Zellerbach Corporation, and Publishers' Paper Co., Project No. 2233.

Public notice is hereby given that Portland General Electric Company, of Portland, Oregon, Crown Zellerbach Corporation, of San Francisco, California, and Publishers' Paper Co., of Oregon City, Oregon, have filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a license or constructed water-power Project No. 2233, located on the Williamette River, navigable waters of the United States, in Clackamas County, Oregon, and covering the complete development at Williamette Falls consisting of generating facilities owned by the three applicants. The Crown Zellerbach Corporation and Publishers' Paper Co. lease lands and water rights from Portland General Electric Company which are occupied and utilized in the manufacture of paper products. The complete project consists of the following facilities owned by the respective applicants: Portland General Electric Company—A low head concrete dam, consisting of several types of construction and comprised of head walls, gate structures and building walls, overflow spillway section and a non-overflow gravity section surmounting the crest of Williamette Falls; penstocks; a powerhouse containing twelve 1,600-horsepower turbines and one 1,200-horsepower turbine connected to twelve 1,200-kilowatt generators and one 1,000-kilowatt generator; a step-up transformer; switchgear; and appurtenant mechanical and electrical facilities; Crown Zellerbach Corporation—Head walls, head gates, penstocks, turbines, generators, step-up transformers, switchgear and miscellaneous facilities, the turbines and generators used directly in the production of hydro power being located in various mill buildings, as follows: No. 2 Grinder Room, eight 1,430-horsepower turbines connected to pulp grinders and five 2,300-horsepower synchronous motors used either as motors or generators connected to the turbine grinder shafts; No. 3 Grinder Room, four 1,800-horsepower turbines connected to pulp grinders and one 2,300-horsepower motor used either as a motor or generator connected to the shaft of one of the turbine grinder shafts; and Generator Room, one 1,430-horsepower, one 972-horsepower, and two 1,445-horsepower turbines connected to one 600-kilowatt and three 1,000-kilowatt generators; and Publishers' Paper Co.—Facilities used directly in the production of hydro power consisting of head walls, head gates, penstocks, turbines, generators, switch-gear, and miscellaneous facilities, the turbines and generators being located in various mill buildings, as follows: Hydroelectric Plant, two 1,100-horsepower turbines connected to two 750-kilowatt generators; Mill A, seven 622-horsepower and three 603-horsepower turbines connected to wood pulp grinders, one 200-horsepower turbine connected to a line shaft, and one 467-horsepower turbine connected to a 450-kva generator; and Mill H, four 928-horsepower and one 736-horsepower turbines connected to wood pulp grinders and two 216-horsepower turbines connected to various items of machinery.

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 of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is March 18, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-985; Filed, Feb. 7, 1958; 8:46 a. m.]

[Docket No. G-14375]

SOHIO PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 4, 1958.

Sohio Petroleum Company (Sohio) on January 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 9, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 35.

Effective date: February 9, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Sohio states that its initial price (14.8456 cents per Mcf) is the price due under its rate schedule on the date of certificate authorization[1] and not the price under the operator's (Hunt Oil Company (Hunt)) rate schedule when deliveries of Sohio's gas to Hunt actually commenced. Consistent therewith, Sohio submits a revised billing statement for filing but requests in the alternative that, should the Commission consider the instant tender as a notice of change from the presently effective 14.6405-cent rate to 14.8456 cents per Mcf and suspend it, the period of suspension end not later than that of Hunt's 14.8456 cents per Mcf rate suspended until April 1, 1958, in Docket No. G-13530.[2]

Sohio has not submitted the information and data applicable to proposed rate increases as required by § 154.94 (f) of the Commission's regulations under the Natural Gas Act.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the requirements of § 154.94 (f) of the Commission's regulations under the Natural Gas Act relating to the submission of pertinent information and data be waived with respect to Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 35.

(2) 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 change, and that Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 35 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The requirements of § 154.94 (f) of the Commission's regulations under the Natural Gas Act are hereby waived with respect to Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 35.

(B) 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 Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 35.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958 (the date of expiration of suspension period of increase to the same rate by the operator, Hunt Oil Company), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) 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 (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-989; Filed, Feb. 7, 1958; 8:47 a. m.]

[1] Certificate authorization was granted to Sohio by Commission's order issued December 17, 1957, in Docket No. G-11668.

[2] The proposed rate increase of 14.6405 cents per Mcf filed by Hunt was suspended by Commission's order issued October 31, 1956, in Docket No. G-11360, and is presently in effect subject to refund.

[Docket No. G-13139]

ROBERT F. ROBERTS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 3, 1958.

Take notice that Robert F. Roberts individually and on behalf of A. P. Roberts (Applicants) with an office at 412 West Locust Street, Tyler, Texas, filed an application pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas produced from the 56 percent interest of applicants in the George Holt Unit located in the Waskom Cotton Valley Field of Panola County, Texas, in interstate commerce to United Gas Pipe Line Company for resale subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open for public inspection.

The application recites that by assignment dated November 1, 1956, Robert F. Roberts acquired his interest in the George Holt Unit from George L. Robertson and in turn assigned one-half of such interest to A. P. Roberts. George L. Robertson had previously acquired his interest from Natural Gas Distributing Corporation pursuant to an assignment dated January 17, 1956, subject to a sales contract dated September 11, 1953 of Natural Gas Distributing Corporation with United Gas Pipe Line Company.

By order issued June 9, 1955, In the Matters of Gulf Refining Company et al., Natural Gas Distribution Company was authorized in Docket No. G-7394 to render the service to United Gas Pipe Line Company pursuant to the aforesaid sales contract dated September 11, 1953. Natural Gas Distributing Company filed a petition on November 21, 1957, to amend the aforesaid order issued June 9, 1955, to delete therefrom the acreage assigned to George L. Robertson.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before February 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-990; Filed, Feb. 7, 1958; 8:47 a. m.]

[Docket Nos. G-13281, G-13767]

MONLA GAS CO., INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 3, 1958.

In the matters of Monla Gas Company, Inc., et al., Docket No. G-13281; Southern Natural Gas Company, Docket No. G-13767.

Take notice that Southern Natural Gas Company (Southern) and Monla Gas Company, Inc., Operator, et al., (Monla) filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On November 20, 1957, Southern filed in Docket No. G-13767 an application for a certificate authorizing the construction and operation of a meter station to be installed at a point on its existing 14-inch O. D. Logansport pipeline in Union Parish, Louisiana, in order to purchase and receive natural gas produced from a unit in the Carlton Field area in Ouachita Parish, Louisiana, by Sunray Mid-Continent Oil Company (Sunray)[1] a nonoperator, and Monla. The estimated initial cost of Southern's proposed facilities is $3,075, which cost will be defrayed from cash on hand.

On September 16, 1957, Monla in Docket No. G-13281 filed its application for authority to sell natural gas in interstate commerce to Southern for resale from production in the Carlton Field area in Ouachita Parish, Louisiana.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-991; Filed, Feb. 7, 1958; 8:48 a. m.]

[1] Sunray filed an application covering its interest in the subject gas on August 18, 1957, in Docket No. G-13163 which is the subject of another proceeding.

[Docket No. G-13545]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 3, 1958.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed an application on October 18, 1957, as supplemented on November 29, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The application recites that Applicant proposes to construct and operate a proposed tap, together with metering and regulating appurtenances on its main 20-inch line in northwest Harper County, Kansas, in order to sell and deliver gas to the City of Norwich, Kingman County, Kansas. Volumetric requirements annually and on a peak day for the first 3 years of service are estimated to be as follows:

Year of service	1	2	3
Peak day (Mcf)	342	408	425
Annual (Mcf)	30,145	36,133	37,640

The estimated cost of construction is $5,160 which will be defrayed by Applicant with reimbursement in aid of construction being made by the City of Norwich.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and proce-

dure, a hearing will be held on March 12, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-992; Filed, Feb. 7, 1958; 8:48 a. m.]

[Docket No. G-13646]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 3, 1958.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed on November 4, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of 3.54 miles of 20-inch pipeline with appurtenances, beginning at Applicant's existing 18-inch Jackson-to-Mobile line and extending southwesterly roughly paralleling its present 12-inch line to Jackson City Gate No. 4 and terminating at the Rex Brown Power Plant of the Mississippi Power and Light Company for the purpose of supplying increased volumes of natural gas to the power plant, referred to, above the 50,000 Mcf per day authorized by the Commission on November 26, 1956, in Docket No. G-10812, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated capital cost of the proposed facilities to Applicant is $388,374, and will be defrayed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-993; Filed, Feb. 7, 1958; 8:48 a. m.]

[Docket Nos. G-13822, G-13861]

EL PASO NATURAL GAS CO. AND STANDARD OIL CO. OF TEXAS

NOTICE OF APPLICATIONS CONSOLIDATING PROCEEDINGS AND DATE OF HEARING

FEBRUARY 3, 1958.

Take notice that (1) El Paso Natural Gas Company (El Paso), a Delaware corporation, having its principal place of business in El Paso, Texas, filed an application in Docket No. G-13822 on November 29, 1957, pursuant to section (7) (c) of the Natural Gas Act, authorizing the construction and operation of certain facilities in Pecos and Crane Counties, Texas, in order to purchase, receive and transport in interstate commerce approximately 50,000 Mcf daily of natural gas produced in the Puckett Field, Pecos County, by Standard Oil Company of Texas as more fully described in the application on file with the Commission and (2) Standard Oil Company of Texas (Standard, a Delaware corporation, with its principal place of business in Houston, Texas, filed an application in Docket No. G-13861 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, as more fully described in the application which is on file with the Commission and open to public inspection.

The following facilities are proposed to be constructed by El Paso:

(1) A natural gas dehydration plant to be known as the Puckett Dehydration Plant and to be located in the Puckett Field, with an installed capacity of 50,000 Mcf.

(2) Approximately 59.1 miles of 20-inch O. D. pipeline to extend southwesterly from a point of connection with El Paso's existing 24-inch O. D. Upton County pipeline in Crane County to the aforesaid dehydration plant in (1) above.

(3) Approximately 9.1 miles of field lines varying in diameter from 4½-inch O. D. through 12¾ inch O. D. which, together with related facilities, will be installed in the Puckett Field.

(4) Necessary metering and communication facilities to be used in connection with the above proposed facilities.

The total estimated cost of the above described facilities is $4,098,000.

Standard, in its application, requests a certificate of public convenience and necessity covering the above proposed sale of gas to El Paso from the Puckett Field to be made pursuant to a gas sales contract dated September 26, 1957, executed by and between El Paso and Standard. Proposed deliveries will be made at wellheads or at the separators at the wells and will commence upon receipt of authorization and completion of the facilities proposed herein by El Paso.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 5, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-994; Filed, Feb. 7, 1958; 8:48 a. m.]

[Docket No. G-14110]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 3, 1958.

Take notice that on December 20, 1957, Transcontinental Gas Pipe Line Corporation (Applicant), filed in Docket No. G-14110 an application, pursuant to

section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of metering facilities in Gloucester County, New Jersey, at a point on its 12-inch lateral pipeline to supply an additional 5,000 Mcf of natural gas daily to South Jersey Gas Company (South Jersey), an existing customer, subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open to public inspection.

The application recites that the proposed facilities will be utilized in providing additional volumes of natural gas to South Jersey, which will be resold to E. I. duPont de Nemours and Company (duPont) for the manufacture of anhydrous ammonia.

Estimated capital cost of the proposed facilities is $70,000, and will be defrayed from Applicant's funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-995; Filed, Feb. 7, 1958; 8:48 a. m.]

[Docket No. IT-6097]

MARIAS RIVER ELECTRIC COOPERATIVE, INC.

NOTICE OF APPLICATION

FEBRUARY 3, 1958.

Take notice that on January 17, 1958, Marias River Electric Cooperative, Inc. (Marias), incorporated under the laws of the State of Montana, with its principal place of business at Shelby, Montana, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, to increase the amount and rate of electric energy which it may transmit from the United States to Canada.

Marias seeks authority to export from a point in Sweet Grass, Montana, to a point immediately north of the International Boundary Line in Coutts, Alberta, up to 1,000,000 kwh of electric energy annually at a maximum rate of transmission of 250 kw; the authorization to supersede that heretofore granted by order of the Commission issued September 30, 1948, in the above docket. The energy to be transmitted will be purchased from the United States Bureau of Reclamation and sold to Southern Utilities, Limited.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1958, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-996; Filed, Feb. 7, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3672]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF DEBENTURES

FEBRUARY 4, 1958.

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

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of __ percent Debentures, Series J, Due 1983 ("New Debentures"). The interest rate to be borne by the New Debentures (a multiple of ⅛ percent) and the price to be paid to Columbia (not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The New Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, dated as of June 1, 1950, as heretofore supplemented and as to be further supplemented by a Ninth Supplemental Indenture, to be dated as of March 1, 1958.

The proceeds of the New Debentures, together with other funds now available or to become available from 1958 operations and from additional financing during the year, will be applied toward financing the 1958 construction program of Columbia's subsidiaries, which program, it is estimated, will require cash expenditures of not in excess of $89,000,000. Columbia plans to obtain up to $65,000,000 of such maximum amount from new financing, involving the raising of up to $35,000,000 in addition to the proceeds from the New Debentures. It is presently contemplated that Columbia will sell additional debentures and possibly common stock, dependent upon market conditions, earnings, and other factors.

A statement of the fees and expenses paid or to be paid in connection with the proposed transaction will be filed by amendment.

It is stated that no other regulatory commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 26, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 58-1012; Filed, Feb. 7, 1958; 8:51 a. m.]

[File No. 70-3664]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF REQUEST FOR AUTHORIZATION TO AMEND CERTIFICATE OF INCORPORATION IN RESPECT OF PREEMPTIVE RIGHTS AND SALE OF SHARES OF COMMON STOCK

FEBRUARY 3, 1958.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a New York corporation which is a registered holding company, has filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a), 7, 12 (c) and 12 (e) thereof and Rules U-42, U-60, U-62, and U-65 thereunder as applicable to the proposed transactions which are summarized as follows:

GPU, with the consent of its shareholders, proposes to amend its Certificate of Incorporation, as amended, in certain respects so as:

(a) To confer discretionary authority upon the Board of Directors of GPU, in connection with any offering of shares of its common stock to stockholders pursuant to their preemptive right, to eliminate the granting of rights to purchase

less than five shares of such stock, provided that GPU shall make an adequate equivalent available to such stockholders who would otherwise be entitled to receive such rights. Under this proposal, any stockholder who would otherwise have a preemptive right to purchase one or more whole shares will be assured the privilege, if he so elects, of purchasing all or any part of that number of whole shares from GPU. This privilege will permit the stockholder to purchase such whole shares at the subscription price, upon waiver of the equivalent, or if no such waiver is required he may purchase such shares at the approximate current market price at the time of purchase without brokerage costs. The shares to satisfy this privilege would consist of shares which had been offered to other stockholders and which had not been subscribed for or purchased and other shares released from preemptive rights by granting stockholders an equivalent of their subscription rights.

The adoption of this proposal requires the favorable vote of two-thirds of the outstanding shares of GPU's common stock. Stockholders who do not favor the proposal may object to its adoption and demand payment for their shares by filing such objection and demand with GPU. If the holders of more than 25,000 shares of GPU's common stock record a timely objection and demand for payment, the proposed amendment will not be adopted. If the requisite vote is obtained and the proposal adopted, objecting stockholders or GPU will have the right to have the stock of such holders appraised and paid for, as provided in section 21 of the New York Stock Corporation Law. In this connection, however, GPU proposes to notify each objecting stockholder, within ten days after the adoption of the proposal of the date of such vote, and may make a written offer to purchase the shares of each objecting stockholder at a price deemed by GPU to be the value thereof. Accordingly, GPU seeks authority to acquire such number of shares of its common stock, not exceeding 25,000 shares, as it may acquire by reason of demands and objections made in respect of the proposed amendment. Prior to the making of the offer to purchase, GPU proposes to file a post-effective amendment to the present declaration setting forth further details as to the proposed purchase and the amount per share deemed to be the value thereof.

(b) To authorize the Board of Directors of GPU, within one year after the granting of rights to stockholders, to issue or sell, to such persons (including stockholders) at such prices and at such times, as the Board may determine, any residue shares of common stock of GPU that have not been subscribed for or purchased provided such shares are disposed of at a price which, before compensation to dealers or underwriters, is not less than the subscription price at which shares were obtainable upon the exercise of rights granted in connection with the initial offering.

GPU also proposes to obtain the consent of stockholders to a plan which would authorize its Board of Directors, in connection with any offering of common stock to stockholders, to offer to regular full-time employees (including officers) of GPU and its subsidiaries a non-transferable privilege of purchasing shares for cash, at a price or prices not less than the subscription price. Such shares would be provided out of unsubscribed shares or other shares released from preemptive rights as the result of granting to stockholders an equivalent of their subscription rights. However, the number of shares which could be so purchased could not exceed five percent (5 percent) of the total number of shares covered by rights granted to stockholders in connection with the related offer to them. The Board of Directors would have discretion as to the basis on which any such offering would be allocated among employees. This proposal will be placed in operation only if the consent of the holders of a majority of the outstanding shares entitled to vote at the meeting is obtained.

GPU further proposes to solicit proxies in favor of the adoption of the proposed charter amendments and the plan by transmitting solicitation material to holders of record of common stock of GPU at the close of business on February 28, 1958. Solicitations will be conducted by mail, in person or by telephone or telegraph, by directors, officers or regular employees of GPU. Such persons will not receive any bonuses or special compensation therefor except for possible overtime compensation to employees who customarily receive compensation for overtime services. GPU also expects to request persons who hold stock for others to forward copies of the solicitation material to them and to request authority for execution of proxies and may reimburse such persons for their clerical and out-of-pocket expenses incurred in connection therewith.

The estimated fees and expenses incurred or to be incurred in connection with the proposals are to be supplied by amendment.

It is represented that no State Commission, or Federal Commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 17, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as amended, as it may be further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Comission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-1013; Filed, Feb. 7, 1958; 8:52 a. m.]

[File No. 24B-992]

EAGLE OIL & SUPPLY CO., INC.

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

FEBRUARY 4, 1958.

The Commission by order dated January 23, 1958, having ordered that a hearing in the above-entitled matter, pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 261 thereunder, commence on March 3, 1958, at 10:00 a. m. at the Boston Regional Office of the Commission, U. S. Post Office and Courthouse, Post Office Square, Boston, Massachusetts, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto;

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the order dated January 23, 1958, scheduling a hearing for March 3, 1958, be and it hereby is rescinded.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-1011; Filed, Feb. 7, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1958.

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. 34459: *Canned goods between Baltimore, Md., and points in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3600), for interested rail carriers. Rates on canned goods and related articles, carloads between Baltimore, Md., on the one hand, and points in southern territory, also Helena, Ark., on the other, over water-rail routes in connection with the Baltimore Steam Packet Company.

Grounds for relief: Modified short-line distance formulas, grouping, relief line arbitraries, and competition with all-rail carriers.

Tariffs: Supplement 21 to Agent Spaninger's tariff I. C. C. 1563.

FSA No. 34460: *Vermiculite and combinations between Illinois and zone C points.* Filed by W. J. Prueter, Agent,

(WTL No. A-1960), for interested rail carriers. Rates on vermiculite, also vermiculite, asbestos, and clay combined, carloads between points in Illinois territory; between points in Illinois territory, on the one hand, and points in extended zone "C" territory, as described in the application.

Grounds for relief: Short-line distance formulas, grouping, and market competition.

Tariff: Supplement 14 to Agent Prueter's tariff I. C. C. A-4206.

FSA No. 34461: *Concrete pressure pipe from South Beloit, Ill., and Colwich, Kans.* Filed by W. J. Prueter, Agent (No. A-1961), for interested rail carriers. Rates on reinforced concrete pressure pipe and fittings, carloads from South Beloit, Ill., and Colwich, Kans., to points in southeastern Kansas and southwestern Missouri, described in the application.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 14 to Agent Prueter's tariff I. C. C. A-4206.

FSA No. 34462: *Petroleum and Products—Baton Rouge and New Orleans, La., groups to western points.* Filed by J. H. Marque, Alternate Agent (No. A-59), for interested rail carriers. Rates on petroleum, petroleum products, and related articles, carloads from Baton Rouge, New Orleans, La., and other points in the Baton Rouge-New Orleans groups, as described in the application to destinations in Illinois and western trunk line territories and adjacent points as described in the application.

Grounds for relief: Restoration of origin group rate relationships disrupted since June 30, 1946, resulting from general increases, and market competition.

Tariff: Supplement 22 to Alternate Agent J. H. Marque's tariff I. C. C. 446.

FSA No. 34463: *Grain and products—Memphis, Tenn., and Vicksburg, Miss.* Filed by O. W. South, Jr., Agent (SFA No. A-3602), for interested rail carriers. Rates on grain and grain products and related articles, carloads, feed, animal or poultry, carloads, and grain, grain products or soybeans, carloads, also same commodities, less than carloads, moving on proportional rates from Memphis, Tenn., and traffic originating in Kansas and Texas as described in the application, and Vicksburg, Miss., on traffic originating in Texas as described in the application to points in North Carolina, South Carolina, and Tennessee named in exhibit A of the application.

Grounds for relief: Maintenance of rates prescribed by the Commission.

Tariff: Supplement 20 to Agent Spaninger's tariff I. C. C. 1625.

FSA No. 34464: *Bottles and carboys—Illinois and West Virginia to Owensboro, Ky.* Filed by O. W. South, Jr., Agent (SFA No. A-3598), from interested rail carriers. Rates on glassware, other than cut, namely, bottles, carboys, etc., carloads from Alton, Streator, and Hillsboro, Ill., Charleston, W. Va., and other points in West Virginia in the Charleston area to Owensboro, Ky.

Grounds for relief: Truck competition.

Tariffs: Supplement 55 to Agent R. G. Raasch's tariff I. C. C. 855. Supplement 78 to Agent H. R. Hinsch's tariff I. C. C. 4664.

By the Commission.

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

[F. R. Doc. 58-1004; Filed, Feb. 7, 1958; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V-1, Amdt. 2]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-V-1, dated September 16, 1957 (22 F. R. 7570, 8197), is hereby amended by deleting subsection I. B. 2 in its entirety and substituting the following in lieu thereof:

2. To approve disaster loans in an amount not exceeding $50,000.

Dated: January 20, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 58-997; Filed, Feb. 7, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-V-5, Amdt. 1]

BRANCH MANAGER, BIRMINGHAM, ALABAMA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-5, dated September 26, 1957 (22 F. R. 8009), is hereby amended by deleting subsections I. B. 1 and 2 in their entirety and substituting the following in lieu thereof:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

3. Where there is substantial concurrence in the recommendation of the processing Loan Examiner or Financial Specialist and by a Financial Specialist who shall have reviewed the report and indicated his comments thereon:

a. To approve but not decline direct business loans in an amount not exceeding $10,000;

b. To approve but not decline participation loans in an amount not exceeding $50,000.

Dated: January 20, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 58-998; Filed, Feb. 7, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-V-6, Amdt 1]

BRANCH MANAGER, MIAMI, FLORIDA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-6, dated September 26, 1957 (22 F. R. 8009), is hereby amended by deleting subsections I. B. 1 and 2 in their entirety and substituting the following in lieu thereof.

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

3. Where there is substantial concurrence in the recommendation of the processing Loan Examiner or Financial Specialist and by a Financial Specialist who shall have reviewed the report and indicated his comments thereon:

a. To approve but not decline direct business loans in an amount not exceeding $10,000;

b. To approve but not decline participation loans in an amount not exceeding $50,000.

Dated: January 20, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 58-999; Filed, Feb. 7, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-V-7, Amdt. 1]

BRANCH MANAGER, MEMPHIS, TENNESSEE

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-7, dated September 26, 1957 (22 F. R. 8009) is hereby amended by deleting subsections I. B. 1 and 2 in their entirety and substituting the following in lieu thereof:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

3. Where there is substantial concurrence in the recommendation of the processing Loan Examiner or Financial Specialist and by a Financial Specialist who shall have reviewed the report and indicated his comments thereon:

a. To approve but not decline direct business loans in an amount not exceeding $10,000;

b. To approve but not decline participation loans in an amount not exceeding $50,000.

Dated: January 20, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 58-1000; Filed, Feb. 7, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-IX-5 (Revision 1)]

BRANCH MANAGER, OMAHA, NEBRASKA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, (22 F. R. 7244), there is hereby delegated to the Branch Manager, Omaha Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.00; and

b. Participation loans in an amount not exceeding $100,000.00, pursuant to participation requirements contained in section 305.01A of SBA-500, Financial Assistance Manual.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $50,000.00. Declination of a disaster loan is extended only to an original application and not to reconsideration of such application.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Omaha, Nebraska is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: January 10, 1958.

C. I. MOYER,
Regional Director,
Kansas City Regional Office.

[F. R. Doc. 58-1001; Filed, Feb. 7, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-IX-7 (Revision 1)]

BRANCH MANAGER, WICHITA, KANSAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957 (22 F. R. 7246), there is hereby delegated to the Branch Manager, Wichita Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.00; and

b. Participation loans in an amount not exceeding $100,000.00, pursuant to particiption requirements contained in section 305.01A of SBA-500, Financial Assistance Manual.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $50,000. Declination of a disaster loan is extended only to an original application and not to reconsideration of such application.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitation of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Wichita, Kansas is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: January 10, 1958.

C. I. MOYER,
Regional Director,
Kansas City Regional Office.

[F. R. Doc. 58-1002; Filed, Feb. 7, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-XII-1, Amdt. 3]

BRANCH MANAGER, HONOLULU BRANCH OFFICE

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-XII-1 (22 F. R. 3430) is hereby amended by:

1. Deleting section I. B. 19 in its entirety and renumbering items I. B. 20 through 26 as I. B. 19 through 25.

2. Deleting section I. C. in its entirety and substituting the following in lieu thereof:

C. To sign all non-policy forming correspondence, except Congressional correspondence, relating to the functions of the Branch Office.

Dated: September 30, 1957.

EDWARD L. TURKINGTON,
Regional Director,
San Francisco Regional Office.

[F. R. Doc. 58-1003; Filed, Feb. 7, 1958; 8:50 a. m.]