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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10774

PROVIDING FOR THE PROTECTION OF THE CIVIL-SERVICE RIGHTS OF FEDERAL PER- SONNEL WHO TRANSFER TO THE INTER- NATIONAL ATOMIC ENERGY AGENCY

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), the Civil Service Act (22 Stat. 403; 5 U. S. C. 632 et seq.), section 301 of title 3 of the United States Code, and section 6 (c) of the International Atomic Energy Agency Participation Act of 1957 (71 Stat. 455), and as President of the United States, it is ordered as follows:

SECTION 1. Subject to the restrictions and conditions set forth herein, the United States Civil Service Commission is designated and empowered to exercise the authority vested in the President by section 6 (c) of the International Atomic Energy Agency Participation Act of 1957 (hereinafter referred to as the Act) to prescribe such regulations as may be necessary to carry out the provisions of section 6 of the Act and to protect the retirement, insurance, and other civil-service rights and privileges of any Federal employee, Presidential appointee, or elected officer who enters the employ of the International Atomic Energy Agency (hereinafter referred to as the Agency) pursuant to the provisions of section 6 of the Act.

SEC. 2. Consistent with the provisions of section 6 of the Act and this order, and to the extent provided in regulations prescribed pursuant to section 1 of this order, a Federal employee, a Presidential appointee, or an elected officer who enters the employ of the Agency pursuant to section 6 of the Act after August 27, 1957, shall be entitled to the protection and benefit of the rights and privileges specified in the Act and of such other civil-service rights and privileges to which he would have been entitled had he continued his employment in his position in the Federal service.

SEC. 3. The regulations prescribed pursuant to section 1 of this order shall provide for the following protections and benefits:

(a) The retention by a Federal employee of coverage and all rights and benefits under the Civil Service Retirement

Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, during the re-employment period in which the employee is properly exercising or could exercise the re-employment right provided by section 6 (a) of the Act. During such re-employment period, the employee shall be considered as on leave without pay for retirement and insurance purposes; *Provided*, that nothing in this subsection shall preclude the vesting of retirement or insurance coverage for a Federal employee, a Presidential appointee, or an elected officer in the event of his death during the first three consecutive years of his employment with the Agency or, in the case of a Federal employee, during the re-employment period referred to in this subsection.

(b) The entitlement of a Federal employee to the rate of basic compensation to which he would have been entitled had he remained in the Federal service when he is re-employed pursuant to section 6 (a) of the Act, and the entitlement of a Presidential appointee or an elected officer to such rate of basic compensation when he is re-employed in the Federal position which he left or one of like seniority, status, and pay within ninety days from the date of his separation from the Agency following a term of employment not extending beyond the first three consecutive years from the date of his entering the employ of the Agency.

(c) The entitlement of a Federal employee upon re-employment as prescribed in subsection (b) of this section, or of a Presidential appointee or an elected officer who is re-employed within ninety days from the date of his separation from the Agency following a term of employment not extending beyond the first three consecutive years from the date of his entering the employ of the Agency, to service credit for all appropriate civil-service purposes for the period commencing with his separation from his Federal position and ending with the termination of his service with the Agency, and, in the case of a Federal employee, for the additional period between the termination of his service with the Agency and his re-employment.

(d) The restoration of the sick-leave account of a Federal employee, a Presidential appointee, or an elected officer

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FEDERAL REGISTER

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(As of January 1, 1958)

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to its status at the time he left the Federal service if he is re-employed as prescribed in subsection (c) of this section.

(e) The right of appeal to the Civil Service Commission by any Federal employee who enters the employ of the Agency pursuant to section 6 (a) of the Act and who is denied re-employment. The decision of the Commission on the appeal shall be final, and the department or agency concerned shall take the action necessary to effectuate the decision of the Commission.

SEC. 4. Regulations prescribed pursuant to section 1 of this order need not be limited in their coverage and application to the protections and benefits set forth herein.

SEC. 5. Prior to the re-employment of a Federal employee pursuant to section 6 (a) of the Act and during the employment of a Presidential appointee or an elected officer pursuant to section 6 (b) of the Act, all computations under section 6 of the Act, this order, or regulations prescribed pursuant to section 1 of this order shall be made in the same manner as they would have been if the rate of basic compensation received by the Federal employee, Presidential appointee, or elected officer concerned on the last day of his Federal service had continued without change.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 25, 1958.

[F. R. Doc. 58-5828; Filed, July 28, 1958;
10:11 a. m.]

EXECUTIVE ORDER 10775

AMENDMENT OF EXECUTIVE ORDER No. 10633, ESTABLISHING AN AIRSPACE RESERVATION OVER THE LAS VEGAS PROJECT, LAS VEGAS, NEVADA

By virtue of the authority vested in me by section 4 of the Air Commerce Act of

1926 (44 Stat. 570), it is ordered as follows:

That part of Executive Order No. 10633 of August 19, 1955, which describes the area of the Las Vegas Project, Las Vegas, Nevada, above which an airspace reservation has been established by the order, is hereby amended to read as follows:

LAS VEGAS PROJECT, LAS VEGAS, NEVADA

Beginning at Lat. 37°17'00", Long. 115°45'00"; thence due south to Lat. 37°12'00", Long. 115°45'00"; thence due west to Lat. 37°12'00", Long. 115°56'00"; thence due south to Lat. 36°41'00", Long. 115°56'00"; thence due west to Lat. 36°41'00", Long. 116°26'30"; thence due north to Lat. 36°51'00", Long. 116°26'30"; thence due west to Lat. 36°51'00", Long. 116°33'30"; thence due north to Lat. 37°16'00", Long. 116°33'30"; thence due east to Lat. 37°16'00", Long. 115°56'00"; thence due north to Lat. 37°17'00", Long. 115°56'00"; thence due east to Lat. 37°17'00", Long. 115°45'00", the point of beginning.

The effect of the amendment made by this order is to enlarge the said airspace reservation by including therein the air space above an area of approximately fifteen by forty miles at the western

boundary of the reservation, so that the reservation will include all the air space above the Atomic Energy Commission's test-site area. The air space above the additional area was formerly a part of the restricted air space over the Las Vegas Bombing and Gunnery Range of the Department of the Air Force.

This order shall become effective thirty days after the date thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 25, 1958.

[F. R. Doc. 58-5829; Filed, July 28, 1958; 10:11 a. m.]

EXECUTIVE ORDER 10776

DELEGATING TO THE SECRETARY OF DEFENSE CERTAIN AUTHORITY OF THE PRESIDENT RELATING TO THE MODIFICATION OF STANDARDS AND REQUIREMENTS WITH RESPECT TO THE INDUCTION OF PERSONS INTO THE ARMED FORCES, AND FOR OTHER PURPOSES

By virtue of the authority vested in me by title 3 of the United States Code, and

as President of the United States and Commander in Chief of the Armed Forces, there is hereby delegated to the Secretary of Defense the authority (relating to the prescribing of rules and regulations modifying the standards and requirements with respect to induction of persons into the armed forces) vested in the President by the last proviso of section 4 (a) of the Universal Military Training and Service Act, added by the act of July 28, 1958. The Secretary of Defense is hereby authorized to re-delegate that authority to any official of the Department of Defense who is required to be appointed by and with the advice and consent of the Senate. No person shall be inducted into the armed forces for training and service who does not meet the standards and requirements specified in the rules and regulations prescribed by the Secretary or his designee pursuant to this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 28, 1958.

[F. R. Doc. 58-5844; Filed, July 28, 1958; 11:38 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Export Programs

[Announcement CN-EX-3 (Revision 1), Amdt. 3]

PART 482—COTTON PRODUCTS EXPORT PROGRAM

DETERMINATION OF BASE EQUALIZATION PAYMENT RATE

In order to also take the rate of payment under the Cotton Export Program—Payment-in-Kind (Announcement CN-EX-6) into consideration in the determination of the base equalization payment rate, § 482.6 of the Cotton Products Export Program dated November 15, 1956 (21 F. R. 9048), as amended April 24, 1957 (22 F. R. 3039), and April 9, 1958 (23 F. R. 2399), is hereby further amended so as to read as follows:

§ 482.6 *Determination of base equalization payment rate.* The base equalization payment rate in connection with sales for export made during each calendar month will be determined and announced by CCC prior to the beginning of such month and will be based on the weighted average export differential (the export payment rate announced under the payment-in-kind cotton export program, and the difference between domestic market prices for cotton and the prices at which Commodity Credit Corporation sells cotton for export), as determined by CCC, under its cotton export programs; *Provided, however,* That if the computation of such differential

for any month indicates a change in the base equalization payment rate of 0.10 cent or less from the preceding month, the base equalization payment rate shall be the same as for the preceding month.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c)

Issued this 23d day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5757; Filed, July 28, 1958; 8:48 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 acreage reserve program, 21 F. R. 10449, as amended and supplemented, are hereby further amended as follows:

1. Section 485.212 (b) is amended by adding subparagraph (6) to read as follows:

(6) The Administrator may, in order to prevent undue hardship, authorize the county committee to accept an agreement after the applicable final date specified above in this paragraph if, because of misinformation or misunderstanding, the producer was under the impression that he had filed an agreement or did not realize that he had to file an agreement by such applicable final date.

2. Section 485.240 is amended by changing the heading to read "Termina-

tion and correction of agreements" and changing paragraph (a) to read as follows:

(a) The Administrator, in order to prevent undue hardship, may, upon recommendation of the State committee, consent to the termination by the producer of any agreement entered into hereunder if, in his judgment, such action is in the best interests of the program.

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

Issued at Washington, D. C., this 23d day of July 1958.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

[F. R. Doc. 58-5758; Filed, July 28, 1958; 8:48 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby revised and re-issued for the operation of a Special Milk Program for Children pursuant to the authority contained in Public Law 85-478, approved July 1, 1958.

- Sec. 502.200 General purpose and scope.
- 502.201 Administration.
- 502.202 Advance of funds to State Agencies.
- 502.203 Accounting for program funds by State Agencies.
- 502.204 Use of funds.
- 502.205 Agreements between CCC and State Agencies.
- 502.206 Agreements between State Agencies and schools and child-care institutions.

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502.207	Agreements between CCC and private schools and child-care institutions.
502.208	Reimbursement.
502.209	Requirements for participation.
502.210	Effective dates for reimbursement.
502.211	Administrative analyses and audits.
502.212	State Agency reports and records.
502.213	Investigations.
502.214	Claims against schools or child-care institutions.
502.215	Definitions.
502.218	Miscellaneous provisions.
502.217	Program information.
502.218	Operations pending issuance of regulations.

AUTHORITY: §§ 502.200 to 502.218 Issued under sec. 4, 62 Stat. 1070, 15 U. S. C. 714b. Interpret or apply 72 Stat. 276.

§ 502.200 *General purpose and scope.* This part announces the policies and prescribes the general regulations with respect to the operation of the Special Milk Program for Children, under Public Law 85-478 and sets forth the general requirements for participation in the Program. The act reads as follows:

For each of the three fiscal years in the period beginning July 1, 1958, and ending June 30, 1961, not to exceed \$75,000,000 of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children (1) in nonprofit schools of high-school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Amounts expended hereunder and under the authority contained in the last sentence of section 201 (c) of the Agricultural Act of 1949, as amended, shall not be considered as amounts expended for the purpose of carrying out the price-support program.

§ 502.201 *Administration.* (a) Within the United States Department of Agriculture, the Agricultural Marketing Service (hereinafter referred to as AMS) shall act for and on behalf of the Commodity Credit Corporation (hereinafter referred to as CCC) in connection with the operation of this Program. Within AMS, and under the general supervision of the Administrator of AMS, the Food Distribution Division (hereinafter referred to as FDD-AMS) shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State Agency, upon request by an appropriate State official, may be approved by FDD-AMS to administer the Program in child-care institutions.

(c) FDD-AMS shall administer the Program in any class of schools (hereinafter referred to as private schools) and in child-care institutions in which the Program is not administered by the State.

§ 502.202 *Advance of funds to State Agencies.* (a) For the Federal fiscal year beginning July 1, 1958 and ending June 30, 1959, FDD-AMS shall reserve for advance to State Agencies entering into agreements with CCC an amount equal to 105 percent of the total amount of reimbursement payments made during

the preceding Federal fiscal year to the classes of schools and institutions in which State Agencies will administer the Program during the Federal fiscal year beginning July 1, 1958. Reimbursement payments in that year shall be determined by FDD-AMS on the basis of the latest information available to FDD-AMS at the time the reserve for each State Agency is established.

(b) The funds reserved for any State Agency shall be made available in not less than nine monthly payments. The first payment shall be scheduled to arrive in the State on or about September 1, and shall include payments for July, August and September. Payments for succeeding months shall be scheduled to arrive on or about the first of each month: *Provided, however,* That the payment for May shall cover operations for May and June.

(c) FDD-AMS reserves the right to request any State Agency to justify its need for the full amount of any scheduled payment prior to its advancement. In the event that a State Agency does not justify the need for the full amount of this payment, FDD-AMS shall withhold from such payment the amount determined to be in excess of Program needs.

(d) In the event that a State Agency justifies the need for funds in excess of the amount of its reserve, additional funds will be provided to such State Agency to the extent funds are available for such purpose.

(e) The State Agency shall return to AMS any Federal funds paid to it under the Program which are unobligated at the end of each fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDD-AMS. The State Agency shall also pay to AMS any interest paid or credited to it with respect to Federal funds paid to it under the Program.

§ 502.203 *Accounting for program funds by State Agencies.* Each State Agency entering into an agreement with CCC shall maintain a separate account of all Federal funds advanced to it under the Program and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

§ 502.204 *Use of funds.* Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.205 *Agreements between CCC and State Agencies.* CCC shall enter into written agreements with State Agencies for the administration of the Program within the States. The agreement shall show the class or classes of schools and child-care institutions for which the State Agency is assuming responsibility.

§ 502.206 *Agreements between State Agencies and schools and child-care institutions.* State Agencies shall enter

into written agreements with schools and child-care institutions setting forth the terms and conditions under which the State Agencies will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children. Such agreements shall contain, as a minimum, the requirements of § 502.209.

§ 502.207 *Agreements between CCC and private schools and child-care institutions.* In those States in which FDD-AMS will administer the Program in private schools and child-care institutions, CCC shall enter into written agreements with such private schools and child-care institutions setting forth the terms and conditions under which AMS will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program.

(b) For schools that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be four cents per half pint for schools that serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be three cents per half pint. Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) Schools or child-care institutions that do not offer milk to children as a separately priced item, shall, at the time they apply for participation, submit for approval the methods and practices under which they plan to increase consumption of milk by children. The rate of reimbursement for such schools and child-care institutions shall be two cents per half pint.

(d) Schools operating the Program in more than one school attendance unit may be regarded by the State Agency or FDD-AMS as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of three cents per half pint unless all units are serving Type A lunches under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted by the State Agency or FDD-AMS in instances where the situation in a school or child-

care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

§ 502.209 *Requirements for participation.* (a) Schools and child-care institutions shall make written application for participation to the State Agency except that, in those States in which FDD-AMS administers the Program in private schools or child-care institutions, application shall be made to FDD-AMS. In approving the application, the State Agency or FDD-AMS shall determine that the applicant is a school or child-care institution as defined in § 502.215 and shall designate the effective date on which the school or child-care institution may begin operations. Schools and child-care institutions whose applications are approved shall execute agreements with the State Agency or CCC.

(b) A child-care institution which operates its food service under a contract with a food service management company may be approved for participation subject to review and approval of the institution's food service contract by FDD-AMS. A school operating under a similar arrangement is not eligible for participation.

(c) Schools and child-care institutions participating in the Program shall meet the following minimum requirements, which requirements shall be included in the agreements entered into between the schools and child-care institutions and State Agencies and between the private schools and child-care institutions and CCC:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of § 502.208;

(3) Submit claims for reimbursement in accordance with procedural requirements established by FDD-AMS; and

(4) Maintain such records and furnish such reports and documents as are prescribed by the State Agency or by FDD-AMS. All invoices, receipts and records pertaining to the Program shall be maintained for a period of three years after the end of each Federal fiscal year's operations. Records shall be made available for review or audit purposes to the State Agency and AMS, or to AMS in the case of a private school or child-care institution which contracts directly with CCC.

§ 502.210 *Effective dates for reimbursement.* A State Agency or AMS may grant written approval to begin operations under this Program prior to the processing of the application from a school or child-care institution. Such approval shall be attached to the subsequently filed application and the agreement executed by the school or child-care institution. Reimbursement shall be made for any milk served in accordance with the requirements of this Part from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That no reimbursement shall be made for milk that was served more than 30

days prior to the receipt of the application by the State Agency or AMS: *Provided, further,* That in no event shall reimbursement be made by any State Agency for milk served prior to the beginning of the effective period stated in the State Agency's agreement with CCC.

§ 502.211 *Administrative analyses and audits.* The State Agency shall provide AMS with full opportunity to conduct administrative analyses and audits of all operations of the State Agency under this Program. The State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any participating school or child-care institution.

§ 502.212 *State Agency reports and records.* Within 30 days after the end of each calendar month, the State Agency shall make a report to FDD-AMS concerning the operation of the Program for that month, on a form provided by FDD-AMS. The State Agency shall maintain for a period of three years after the end of each Federal fiscal year's operations, all records pertaining to the Program.

§ 502.213 *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. AMS shall make investigations at the request of the State Agency or where AMS determines investigations by AMS are appropriate.

§ 502.214 *Claims against schools or child-care institutions.* (a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evi-

dence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to FDD-AMS for determination of the action to be taken.

(d) The State Agency shall retain for AMS audit and review all records pertaining to action taken under this section.

(e) If FDD-AMS does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment, FDD-AMS shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases the State Agency shall have full opportunity to submit to FDD-AMS evidence or information concerning the action taken. If, in the determination of FDD-AMS, the State Agency's action was unwarranted, the State Agency shall promptly pay to AMS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools or child-care institutions shall be available to make reimbursement payments during the fiscal year for which the funds were initially available.

(g) With respect to schools or child-care institutions in which FDD-AMS administers the Program, when FDD-AMS disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 502.215 *Definitions.*—(a) *State.* The 48 States, the District of Columbia, the Territories of Alaska and Hawaii, and such other Territories as may be designated by the Secretary from time to time.

(b) *School.* (1) Any school which is a public school of high school grade and under within the definition of the statutes of the State, and

(2) Any private school of high school grade and under exempt from income tax under the Internal Revenue Code, as amended. The term "school" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under this Program for the school.

(c) *Child-care institution.* Any nonprofit nursery school (other than nursery schools falling within the definition of

school in this section), child-care center, settlement house, summer camp, or similar nonprofit institution, devoted to the care and training of children of high school grade and under, including children of pre-school age.

(d) *Nonprofit food or milk service.* Food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(e) *Milk.* Unflavored milk which meets State and local butterfat and sanitation standards for fluid whole milk, and flavored milk made from fluid whole milk which meets such standards.

(f) *Cost of milk.* The purchase price paid by the school or child-care institution to the milk distributor for milk delivered to the school. This does not include any amount paid to the milk distributor for the rental of or installment purchase of milk service equipment.

(g) *Distribution costs.* Direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

§ 502.216 Miscellaneous provisions—

(a) *Disqualifications and compliance clause.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with CCC or the State Agency. This does not preclude the possibility of other action being taken through other means where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money disbursed by CCC in connection with the Program, by any improper or negligent action is diminished, lost, misapplied, or diverted from the Program by the State Agency, or by any school or child-care institution, FDD-AMS may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds, before a final determination is made in such cases.

(b) *Savings clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by AMS: *Provided, however,* That such action shall not be taken without prior notice to State Agencies having agreements with CCC.

§ 502.217 *Program information.* Schools and child-care institutions desiring information concerning the Program should write to their State Educational Agency or to the appropriate Area Office of FDD-AMS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 501, New York 13, N. Y.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE, Room 252, Atlanta 23, Ga.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture, 431 South Dearborn Street, Room 926, Chicago 5, Ill.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Room 3-127, Dallas 1, Tex.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 344, Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

§ 502.218 *Operations pending issuance of regulations.* In order that programs for the service of milk to children begun under prior legislation and regulations (effective through June 30, 1958) might not be disrupted, approval was given upon enactment of Public Law 85-478, on July 1, 1958, to States, schools and institutions to begin operations under the new legislation pending issuance of new regulations. Accordingly, in instances in which approval was so given, agreements with CCC will have an effective period beginning with July 1, 1958, or the date of approval, whichever is later, and reimbursement shall be made by State Agencies or AMS for any milk served on or after the date on which schools or institutions were approved to begin operations (on or after July 1, 1958), although prior to publication of this part, if the State Agency or AMS determines that the requirements of this part were met.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

JULY 23, 1958.

[P. R. Doc. 58-5755; Filed, July 28, 1958;
8:47 a. m.]

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

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1958-60
MARKETING YEAR

Correction

In F. R. Doc. 58-5362, appearing at page 5334 of the issue for Tuesday, July 15, 1958, the following changes should be made in § 727.1022:

In the fifth sentence, the words "county yield" should read "county check yield" and in the seventh sentence the words "102 percent for" should read "102 percent of".

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

PART 967—MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

ORDER AMENDING ORDER

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AUTHORITY: §§ 967.0 to 967.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 967.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of Order No. 67 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) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof; it is found that:

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

(2) The parity prices of milk, 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 said marketing area, and the minimum prices specified in the order as hereby 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;

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production), and in other source milk either allocated to Class I milk or disposed of within the marketing area as Class I milk on routes, which is not priced under another Federal marketing agreement or order issued pursuant to the act.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 6, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 11, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

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

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

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

§ 967.5 *Market administrator.* "Market administrator" means the person designated pursuant to § 967.20 as the agency for the administration of this part.

§ 967.6 *South Bend-La Porte-Elkhart, Indiana, marketing area.* "South Bend-La Porte-Elkhart, Indiana, marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeter boundaries of La Porte, St. Joseph and Elkhart Counties, including all incorporated and unincorporated cities, towns, and villages, Federal military reservations, facilities and installations, and State institutions lying wholly or partially within such counties; all in the State of Indiana.

§ 967.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop other than a plant (§ 967.8), but excluding any disposition of skim milk or butterfat in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 967.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk

products. This definition shall not include any building, premises, facilities, or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s).

§ 967.9 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

§ 967.10 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraph (a) of this section, or any plant or reload point meeting the conditions of paragraph (b) of this section, but not any plant exempt pursuant to § 967.60, or the plant of a person defined in § 967.16:

(a) A plant in which milk is processed or packaged and from which not less than 10 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipts of milk eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant or reload point from which during any month 50 percent or more of its total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section: *Provided*, That if during each of any five consecutive months during the period August through March, inclusive, a plant meets the delivery requirements set forth in this paragraph, such plant shall be a pool plant for the immediately following months of April, May, June and July, unless the plant is withdrawn from such status upon request of the handler, which withdrawal would become effective on the first day of the month following in which the market administrator is notified of the request for withdrawal. Any plant so withdrawn from pool plant status may not regain status prior to the following August.

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

§ 967.12 *Producer.* "Producer" means any person, except a person as defined in § 967.16, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by handler for his account from a pool plant to a nonpool plant: *Provided*, That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

§ 967.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of

producers which the Secretary determines, after application by the association, to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 967.14 *Producer milk.* Except as provided in § 967.60, "producer milk" or "milk received from producers" means milk produced by one or more dairy farmers who are producers (as defined in § 967.12).

§ 967.15 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s), (b) any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant; or (c) any person in his capacity as the operator of any nonpool plant from which milk is disposed of as Class I milk within the marketing area on a route(s).

§ 967.16 *Producer-handler.* "Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade A milk within the marketing area but receives no milk directly from other dairy farmers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 967.17 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 967.18 *Base, base milk and excess milk.* (a) "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.62.

(b) "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June, and July which is not in excess of such producer's base multiplied by the number of days on which such milk was produced.

(c) "Excess milk" means producer milk received by a handler during each of the months of April, May, June, and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof 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.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 967.22 *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 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such 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 in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(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 § 967.86, 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 part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 and 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(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) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 7th day after the end of such month, the minimum class prices for milk (rounded to the nearest cent) and the butterfat differentials computed pursuant to §§ 967.53, 967.54, 967.55, and 967.57;

(2) On or before the 14th day after the end of such month, the uniform price

computed pursuant to § 967.71 and the butterfat and location differentials computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS AND FACILITIES

§ 967.30 *Monthly reports of receipts and utilization.* (a) On or before the 9th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 967.15 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class III milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for April through July); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Except as provided in § 967.31 (a), each handler who operates a nonpool plant as referred to in § 967.15 (c) shall report to the market administrator, on or before the 9th day after the end of each month, his total receipts, his total utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization for such month as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, (2) the net amount of the payment to each

producer and to each cooperative association, together with the prices, deductions and charges involved, (3) for the months of September through December, the number of days on which milk was received from each producer, and (4) for the months of April through July, the number of days on which milk was received from each producer and the amount of his base and excess milk.

§ 967.32 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

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

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and

butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

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

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such

skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler in the form of any item named in § 967.41 (a) (1), (2), or (3) shall be classified:

(a) As Class I milk if transferred from the pool plant of a handler to the pool plant of another handler (except a producer-handler), unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) On the basis of ratable apportionment to each class according to the use of skim milk and butterfat in the pool plant of the transferee-handler if caused to be delivered to such plant by a cooperative association in the manner described in § 967.15 (b);

(c) As Class I milk if transferred or diverted to the plant of a producer-handler;

(d) As Class I milk if transferred or diverted to a nonpool plant, unless (1) the transferor-handler claims use in another class on the basis of utilization in the nonpool plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such month in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(b) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)), in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraph (a) of this section.

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 967.80 to 967.84, not less than the prices per hundredweight computed pursuant to §§ 967.51 to 967.59 for all milk received during each month from producers and cooperatives associations: *Provided*, That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 967.51 *Basic formula price.* The basic formula price to be used in determining the prices of Class I milk and Class II milk shall be the higher of the prices computed by the market administrator for the month immediately preceding from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The arithmetical average of the basic (or field) prices reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department:

Companies and Locations

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

Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.52 *Supply and demand adjustment.* On or before the 7th working day of each month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the sum of the receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the sum of the pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same preceding months, and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 967.53 *Class I price.* Except as provided in § 967.56, the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price computed pursuant to § 967.51, plus \$1.30 for the months of August through November; plus \$1.10 for December, January, February and July; and plus \$0.90 for all other months: *Provided*, That whenever the current supply-demand ratio varies from that set forth in the table below for the applicable month, the Class I price shall be increased or decreased to a maximum amount of 24 cents at the rate of 2.0 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table for such month, but such price, after adjustment, shall not be less than the minimum price per hundredweight for Class I milk for the same month as computed for the

55-70 mile zone under Order No. 41 for the Chicago, Illinois, marketing area.

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	80	October-November,
February	79	November-December,
March	77	December-January,
April	76	January-February,
May	75	February-March,
June	73	March-April,
July	69	April-May,
August	67	May-June,
September	70	June-July,
October	74	July-August,
November	75	August-September,
December	76	September-October.

§ 967.54 *Class II price.* The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price plus \$0.70 for the months of August through February; and plus \$0.45 for all other months.

§ 967.55 *Class III price.* The price for Class III milk of 3.5 percent butterfat content shall be that computed under § 967.51 (a).

§ 967.56 *Location differential credits to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 967.70, the following location differentials shall be credited with respect to each hundredweight of producer milk received at a pool plant or reload point located more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, and classified as Class I milk: 10 cents for distances at least 55 miles but not more than 60 miles, and an additional 1.6 cents for each 10 miles, or major fraction thereof, in excess of 60 miles, in all instances by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool plant or reload point to the St. Joseph County Courthouse, South Bend, Indiana: *Provided*, That for the purpose of computing the credits applicable pursuant to this section, the amount of milk transferred in bulk form from a pool plant(s) pursuant to § 967.10 (b) to a pool plant(s) pursuant to § 967.10 (a) and classified as Class I milk, shall not exceed the total amount of Class I milk disposed of from the latter plant less the total amount of any producer milk received at such plant from producers' farms and shall be assigned to pool plants under § 967.10 (b) in sequence beginning with the plant having the smallest allowable credit.

§ 967.57 *Class butterfat differentials—(a) Class I milk.* Multiply by 0.13 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest one-tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk.* Multiply by 1.25 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price)

of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(c) *Class III milk.* Multiply by .12 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (92-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent.

§ 967.58 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 967.53, 967.54 and 967.55) less the result of multiplying the applicable class butterfat differential for the month (§ 967.57) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

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

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* (a) Milk received at a plant qualified as a pool plant under § 967.10 (a) shall be exempt from the provisions of this part if the conditions of subparagraphs (1) and (2) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 967.32:

(1) The Secretary determines that a greater quantity of milk is disposed of in fluid form from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on a route(s) or through a plant(s) regulated by such other marketing agreement or order than is disposed of from such plant in the South Bend-La Porte-Elkhart marketing area either on a route(s) or through another pool plant(s); and

(2) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

(b) Milk received at a plant qualified as a pool plant under § 967.10 (b) shall be exempt from the provisions of this

part as producer milk if such milk is subject to class prices at a plant regulated under another marketing agreement or order issued pursuant to the act: *Provided*, That the proviso set forth in paragraph (a) of this section shall apply.

(c) In the case of producer milk received directly from a farm at a pool plant which milk (1) has been diverted (without being physically received therein) from a plant at which farm receipts of milk are subject to the class price provisions of another marketing agreement or order issued pursuant to the act, (2) is reflected on the producer-payroll of the plant from which diverted, and (3) is not specifically exempt from class pricing by the terms of such other marketing agreement or order, the Secretary shall make a determination as to the extent to which the terms of this part shall apply to such milk.

§ 967.61 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.58, 967.70 to 967.72, 967.80 to 967.84 and 967.86 to 967.88 shall not apply to a producer-handler.

§ 967.62 *Computation of base.* Subject to the conditions set forth in § 967.63, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base-milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.63 *Base rules.* Any base computed pursuant to § 967.62 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm on which such base was earned, and the transferor must notify

the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 967.70 *Computation of the value of milk.* (a) For each month the total value of milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices pursuant to § 967.58, adding together the resulting amounts, adding any amounts computed for such handler pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting the total amount of any location differential credits computed pursuant to § 967.56.

(1) Add; with respect to other source milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) received in fluid form as milk, skim milk or cream at each pool plant of such handler in excess of the total volume of his Class II milk and Class III milk at such plant, an amount computed by multiplying the hundredweight of skim milk and butterfat in such other source milk by the difference between the Class I milk and Class III prices for skim milk and butterfat, respectively, pursuant to § 967.58: *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, the payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the applicable location adjustment provided in § 967.56 for the distance such plant is located from the St. Joseph County Courthouse, but not to exceed an amount equal to the difference between the Class I and Class III prices.

(2) Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (d) by the respective applicable class prices.

(b) For each month the total obligation to the producer-settlement fund for each handler who, during such month, disposed of Class I milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) within the marketing area on routes from a nonpool plant shall be a sum of money computed by

the market administrator by multiplying the hundredweight of skim milk and butterfat in other source milk so disposed of by the difference between the Class I and Class III prices for skim milk and butterfat, respectively, adjusted for the location of the plant at the rates applicable for pool plants pursuant to § 967.56: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 967.71 *Computation of uniform price.* For each of the months of August through March the market administrator shall compute a uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who filed reports pursuant to § 967.30 and were not in violation of § 967.83 for the preceding month;

(b) Subtract, if the average butterfat content of milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81 (a), and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 967.81 (b);

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

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 967.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through July the market administrator shall compute separate prices per hundredweight for base milk and excess milk of producers as follows:

(a) Make the same computations as required pursuant to § 967.71 (a), (b), (c), and (d);

(b) Compute the total value, on a 3.5 percent butterfat basis, of that portion of milk, included in the computations pursuant to paragraph (a) of this section, which is excess milk by: multiplying the quantity of such excess milk (but not more than an amount equal to the total quantity of Class III milk included in these computations) by the price for Class III milk of 3.5 percent butterfat content, and multiplying any quantity of such excess milk greater than such Class III milk, in series, by the prices for Class II milk and Class I milk

of 3.5 percent butterfat content, respectively, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent (the result shall be known as the "uniform price for excess milk" of 3.5 percent butterfat content);

(d) Subtract the value computed pursuant to paragraph (b) of this section from the total value of milk included in these computations, and divide the result by the total hundredweight of base milk represented; and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports of payments or delinquencies in payments by handlers. The result shall be known as the "uniform price for base milk" of 3.5 percent butterfat content.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the months of August through March and the uniform prices for base milk and excess milk for the months of April through July, adjusted by the producer butterfat and location differentials pursuant to § 967.81, for all milk received from such producer during such month and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such month each handler

shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such month shall be made on or before the 18th day after the end of such month pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding month is—	The amount of the partial payment shall be—
Under \$1.00	\$0.00
\$1.00 to \$1.99	1.00
\$2.00 to \$2.99	2.00
\$3.00 to \$3.99	3.00
\$4.00 to \$4.99	4.00
\$5.00 to \$5.99	5.00
\$6.00 to \$6.99	6.00
\$7.00 and over	7.00

§ 967.81 Producer butterfat and location differentials. (a) In making payments pursuant to § 967.80 (a) there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the month, as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

(b) In making payments to producers pursuant to § 967.80 for milk received at a pool plant at which a location adjustment is applicable pursuant to § 967.56, the uniform price per hundredweight for the months of August through March, and the uniform price per hundredweight for base milk for the months of April through July, shall be reduced by the zone rate per hundredweight for such plant prior to the proviso in § 967.56.

§ 967.82 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 Payments to the producer-settlement fund. (a) On or before the 16th day after the end of each month, each handler whose obligation is computed pursuant to § 967.70 (a) shall pay to the market administrator the amount by which the value of such handler's milk as determined pursuant to § 967.70 (a), minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to

§ 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81.

(b) On or before the 16th day after the end of each month, each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who, during such month, disposed of milk as described in § 967.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 967.84 Payments out of the producer-settlement fund. On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such month pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86, and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such month, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 Expense of administration. As his pro rata share of the expense incurred pursuant to § 967.22 (d), each handler (except a producer-handler) as defined in § 967.15 (a) or (b) shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production) and in other source milk allocated to Class I milk; and each handler as defined in § 967.15 (c), including a producer-handler, shall make payment at the same rate per hundredweight with respect to other source milk disposed of as Class I milk within the marketing area on routes: *Provided*, That milk which is subject to administrative expense assessment under another marketing agreement or order issued pursuant to the act shall be exempt from payment under this section.

§ 967.86 Marketing services. (a) Except as set forth in paragraph (b) of

this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each month. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer, except a producer for whom payments are collected by a cooperative association pursuant to § 967.80 (b), (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 Adjustments of accounts. (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 967.88 Termination of obligations. The provisions of this section shall apply to any obligation 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 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 month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

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

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

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

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

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, 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.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired 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 liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

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

§ 967.101 *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 23d day of July 1958, to be effective on and after the 1st day of August 1958: It is ordered, That the complete text of the order, as hereby amended, be published in the FEDERAL REGISTER.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

[P. R. Doc. 58-5756; Filed, July 28, 1958; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

RELEASE OF INFORMATION

1. The centerhead immediately following § 1.455 is amended to read "Release

of Information from Veterans Administration Records".

2. Section 1.501 is revised to read as follows:

§ 1.501 *Release of information by Veterans Administration officials and employees.*—(a) *Release of information by the Administrator.* The Administrator of Veterans Affairs or his designee may release information, statistics, or reports to individuals or organizations when in his judgment such release would serve a useful purpose.

(b) *Release of information concerning policy and administration.* Correspondence, reports, records and other papers concerning matters of policy and administration, the disclosure of which may either (1) violate the provisions of personnel procedures on conduct of Veterans Administration employees, (2) adversely reflect upon a special group of veterans, (3) have a detrimental effect upon business or private interest, or (4) involve the Veterans Administration in a controversy, will not be disclosed by any officer or employee of the Veterans Administration to any person or persons outside the Veterans Administration without the consent of the Administrator, Deputy Administrator, a department head, top staff official or Manager having jurisdiction over the particular subject matter. Disclosure of all investigative information or reports may be made only as provided by § 1.454.

3. Section 1.507 is revised to read as follows:

§ 1.507 *Disclosures to Members of Congress.* Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator, Deputy Administrator, Assistant Administrator or department head for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See sec. 1201, Pub. Law 85-56.) Information concerning the beneficiary designation of a United States Government life insurance or National Service life insurance policy is deemed confidential and privileged and during the insured's lifetime shall not be disclosed to anyone other than the insured or his duly appointed fiduciary unless the insured or the fiduciary authorizes the release of such information.

(Sec. 210, 71 Stat. 91; 39 U. S. C. 2210. Interpret or apply secs. 1201, 1202, 71 Stat. 126; 38 U. S. C. 3201, 3202.)

This regulation is effective July 29, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[P. R. Doc. 58-5759; Filed, July 28, 1958; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 16-30]

[Docket No. 12295]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 10, 11, and 16 of the Commission's rules to change the effective date of narrow-band technical standards in the 25-50 and 152-162 Mc bands.

The Commission having under consideration the Report and Order in the above-entitled matter (FCC 58-620) adopted June 26, 1958; and

It appearing that under the terms of the subject Report and Order, Parts 10, 11 and 16 of the Commission's rules were amended as set forth therein, the formal codification of such changes to be accomplished by subsequent orders of the Commission; and

It further appearing that the formal codification of the changes herein ordered in Part 16 of the Commission's rules conforms without any substantive change to the effective date of narrow-band technical standards in the 25-50 and 152-162 Mc bands and the availability of "split-channel" frequencies in these bands already ordered in the text of the Report and Order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the effective date for the amendment ordered herein to Part 16 has already been set by the above-described Report and Order; and

It further appearing that authority for the amendments herein ordered is contained in sections 4 (l) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 23d day of July 1958, that, effective August 1, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: July 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GORDON J. KENT, Acting Secretary.

1. Amend paragraph (f) of § 16.8 by the addition of the following new subparagraph (3):

(3) In the case of stations of radio-communications systems authorized prior to August 1, 1958, for operation on frequencies not currently available for assignment to such stations, the provisions of this paragraph regarding immediate compliance with the technical standards which are generally effective on November 1, 1963, shall not be applicable to the assignment of secondary or

tertiary frequencies to such stations; provided, that in lieu thereof the frequency deviation of all frequency modulated transmitters of such stations shall not exceed ± 5 kc.

2. Amend paragraph (a) of § 16.9 to read as follows:

(a) A statement, including an engineering survey if necessary, which sets forth the technical and other considerations in support of the selection of the particular frequency requested. The Commission expects that the applicant will notify the licensees of all known stations in the same or other services located within the local interference range of the proposed station location and operating on any frequency within 30 kc of the frequency proposed to be used by the applicant, of the applicant's intention to request that frequency.

3. Amend § 16.102 to read as follows:

§ 16.102 *Frequency stability.* (a) Except as provided in paragraphs (b) and (c) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations		All mobile stations	
	Over 3 watts	3 watts or less	Over 3 watts	3 watts or less
Below 25 Mc.....	Percent 0.01	0.01	Percent 0.01	0.02
25 to 50 Mc.....	.002	.002	.002	.005
50 to 1000 Mc.....	.005	.005	.005	.005
Above 1000 Mc.....	(1)	(1)	(1)	(1)

¹ To be specified in the station authorization.

(b) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radiocommunication systems authorized prior to November 1, 1958, may conform to the following tolerances until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
50 to 150.8 Mc.....	Percent .005	.01
162 to 220 Mc.....	.005	.01
230 to 1000 Mc.....	(1)	(1)

¹ To be specified in the station authorization.

(c) In lieu of meeting the requirements of paragraph (a) of this section for the frequency bands shown below, transmitters authorized prior to November 1, 1963, for operation wholly within the limits of one or more of the territories or possessions of the United States, and transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, for operation in other areas, may conform to the following frequency tolerances until not later than October 31, 1963, provided either (1) that the authorized operation be conducted only on

frequencies specifically assigned to stations of the respective systems prior to the foregoing respective dates or (2) that the authorized operation be conducted on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
25 to 50 Mc.....	Percent 0.01	Percent 0.02
152 to 162 Mc.....	.005	.01

(d) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

4. Amend subparagraphs (3) and (4) of § 16.104 (b) to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1963, to utilize type F3 emission for operation wholly within the limits of one or more of the territories or possessions of the United States on frequencies within the ranges 25-50 Mc and 152-162 Mc may be operated on frequencies within those ranges with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

(4) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters which are operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, to utilize type F3 emission and to operate on frequencies within the range 25-50 Mc or 152-162 Mc (i) may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than January 31, 1959, provided that the authorized operation continues only on frequencies authorized stations of the respective systems prior to August 1, 1958, and (ii) may be operated with a maximum frequency deviation of 5 kc until not later than October 31, 1963, provided that the operation takes place either on frequencies authorized stations of the respective systems prior to August 1, 1958, or on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

5. Amend paragraph (d) of § 16.105 to read as follows:

(d) Each transmitter which is operated on a frequency in the range 25 to 50 Mc, or 152 to 162 Mc, and which is

provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) of this section: *Provided*, That this requirement shall not apply until November 1, 1963, to transmitters of stations operated wholly within the limits of one or more of the territories or possessions of the United States; and this requirement shall not apply until November 1, 1963, to transmitters which are operationally integrated with existing radiocommunication systems which were authorized prior to August 1, 1958, in those cases where either (1) the authorized operation is conducted only on frequencies specifically assigned to stations of the respective systems prior to August 1, 1958, or (2) the authorized operation is conducted only on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

6. Amend paragraph (e) of § 16.105 to read as follows:

(e) Each transmitter which is operated on a frequency in the range 150.8 to 152 Mc and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter, in accordance with the provisions of paragraph (g) of this section.

7. Amend § 16.105 by the addition of the following new paragraphs (f) and (g):

(f) Each transmitter which is operated on a frequency in the range 450 to 470 Mc and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter, in accordance with the provisions of paragraph (g) of this section: *Provided*, That this requirement shall not apply until November 1, 1963, to transmitters first authorized or installed prior to November 1, 1958, or to transmitters which are operationally integrated with existing radiocommunications systems which were authorized prior to November 1, 1958.

(g) The audio low-pass filter required by the provisions of the preceding paragraphs of this section shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kc and 15 kc, shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

[F. R. Doc. 58-5762; Filed, July 28, 1958; 8:49 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 115—SOUTHEASTERN ALASKA AREA

FISHING FOR HERRING PERMITTED

JULY 25, 1958.

Basis and purpose. Because of the relative abundance of herring and in order to provide for scientific sampling, it has been determined that a limited catch of herring can be permitted in certain closed areas in Southeastern Alaska.

Section 115.57 is amended in paragraph (a) by changing the period at the end of the text to a colon and adding the following proviso: "*Provided*, That not more than 2,000 short tons may be taken

after July 27, 1958, in the combined areas of Icy Strait, except Port Frederick; Lynn Canal north of 58°34'10" N. lat.; and Chatham Strait between the latitudes of Point Augusta and South Passage Point."

Immediate action on this amendment is necessary if the limited quota provided is to be obtained. Therefore, notice and public procedure are impracticable and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

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

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

[F. R. Doc. 58-5804; Filed, July 25, 1958; 3:04 p. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 132]

[No. 32406]

RULES, STANDARDS AND INSTRUCTIONS FOR INSTALLATION, INSPECTION, MAINTENANCE AND REPAIR OF POWER OR TRAIN BRAKES

NOTICE OF PROPOSED RULE MAKING AND HEARING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of July A. D. 1958.

It appearing that pursuant to the provisions of the Power or Train Brakes Safety Appliance Act of 1958, the Commission, complying with the directive of the Congress of the United States, entered an order on May 1, 1958, effective August 9, 1958, adopting the rules, standards and instructions for the installation, inspection, maintenance and repair of air brake equipment adopted by the Association of American Railroads in 1925, as amended;

It further appearing that a petition has been filed by the Association of American Railroads for modification of § 132.12 of the said rules, standards and instructions, and that petitions for exception from the 500 mile requirement of § 132.12 of said rules, standards and instructions, have been filed by The Atchison, Topeka and Santa Fe Railway Company; the Gulf, Colorado and Santa Fe Railway Company; the Panhandle and Santa Fe Railway Company; and the Great Northern Railway Company;

And it further appearing that in order to determine whether a need exists for modification of § 132.12 to permit the granting of relief from those provisions in instances where compliance therewith is impractical or for other reasons;

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of a proposal to modify

§ 132.12 of 49 CFR Part 132, Power Brakes and Drawbars (Railroad), by adding a note following the introductory paragraph. The note will read as follows:

NOTE. Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier.

It is further ordered, That the said petitions of the Association of American Railroads; The Atchison, Topeka and Santa Fe Railway; the Gulf, Colorado and Santa Fe Railway Company; the Panhandle and Santa Fe Railway Company; and the Great Northern Railway Company, be assigned for hearing at the office of the Interstate Commerce Commission in Washington, D. C., beginning at 10:00 a. m., September 3, 1958, before Commissioner Kenneth H. Tuggle and Examiner Henry J. Vinskey.

And it is further ordered, That notice of this proposal shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

(Sec. 2, 32 Stat. 943, as amended; 45 U. S. C. 9)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5750; Filed, July 28, 1958; 8:46 a. m.]

[49 CFR Part 324]

[Docket No. 32464]

UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

NOTICE OF PROPOSED RULE MAKING

JULY 18, 1958.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commis-

sion has under consideration the matter of modifying the provisions of the Uniform System of Accounts for Carriers by Inland and Coastal Waterways as they relate to the classification of certain assets, liabilities, and income, as shown hereunder and as more particularly explained below.

(1) Provide for inclusion under current assets of the following items:

Spare parts, except major parts used as standby equipment, which are to be included in property account 141, Line Equipment.

Inventory of fuel oil aboard vessels.

Prepayments.

Working advances.

(2) Provide for inclusion under current liabilities of the portion of long-term debt due within one year.

(3) Change the titles of accounts for unearned surplus to read capital surplus; also the titles of accounts for earned surplus to read retained income.

(4) Amend the rules to provide specifically that the proceeds realized from sale of property or from insurance in excess of book cost of property shall be included directly in retained income (surplus).

(5) Provide that Federal income tax consequences, when material in amount, attributable to items of taxable income or deductions from taxable income, recorded directly in retained income accounts, shall be included in accounts 283, Miscellaneous credits, or 285, Miscellaneous debits, as appropriate.

(6) Provide for transferring amortization reserve for defense projects to the depreciation reserve.

(7) Provide that delayed items and adjustments, other than ordinary adjustments of a recurring nature, shall be included directly in retained income (surplus).

(8) Provide that water-line tax accruals (other than income taxes) shall be classified under operating expenses.

(9) Provide for including in insurance accounts in operating expenses the deductible average losses, assumed by carrier, where self-carried insurance reserves are maintained to equalize such losses in connection with hull and disbursement insurance, cargo insurance, and protection and indemnity insurance.

(10) Provide for inclusion in charter rent account rental payable for charter of vessels from all sources and not only from "other carriers."

Any interested person may on or before August 31, 1958, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon. After consideration of responses so received and giving effect to such further changes as may be found necessary because of them, the modifications will be ordered pursuant to provisions of Part III of the Interstate Commerce Act (54 Stat. 933 as amended; 49 U. S. C. 904; to interpret or apply 54 Stat. 944 as amended; 49 U. S. C. 913).

[SEAL]

HAROLD D. McCoy,
Secretary.

1. Current and other assets:

In § 324.1-113 *Material and supplies* change the account number to read

No. 147—3

§ 324.1-115 without changing the title and cancel paragraph (a) of the text, substituting the following provisions in lieu thereof:

(a) This account shall include the cost, less cash and other discounts, of all unissued and unapplied material and supplies, articles in process of manufacture by the carrier fuel, tools, stationery, commissary and other supplies including fuel stores in the inventories on board vessels. This account also shall include the cost of unapplied spare parts, except major parts used as standby equipment. (See account 141, "Line Equipment.")

In § 324.1-114 *Other current assets* change the section number to read § 324.1-116 without change in the title or text.

In § 324.1-157 *Spare parts* cancel the number, title, and text of the account.

In § 324.1-172 *Prepayments* change the section number to read § 324.1-114 without change in title or text.

In § 324.1-173 *Working advances* change the section number to read § 324.1-113 without change in title or text.

In § 324.2-141 *Line equipment* insert the following new provision as the final sentence in the first paragraph of the text: "This account shall include major parts used as standby equipment, such as engines, propellers, pumps, etc., for replacing parts being repaired or overhauled."

2. Long-term debt due within one year:

In § 324.1-207 *Matured long-term obligations* cancel the title and text of this account, substituting the following title and text and retaining the note:

§ 324.1-207 *Current maturity of long-term debt.* This account shall include the total amount of all funded obligations (except amounts due affiliated companies) which are past due or which will mature within one year from the close of the accounting period and for which arrangements have not been entered into for an extension of time as to payment. This includes the portion of long-term debt maturing serially or payable in installments within one year.

In § 324.1-211 *Funded debt unmatured* paragraph (b) (1), *Equipment obligations* eliminate from the text the comma and the clause reading "including those maturing serially or payable in installments."

3. Retained income and capital surplus:

In § 324.1-250 *Unearned surplus* change the title of this account to read, "Capital surplus."

In § 324.1-250-2 *Other unearned surplus* change the title of this subaccount to read, "Other capital surplus."

In § 324.1-260 *Earned surplus; appropriated* change the title of this account to read, "Retained income; appropriated."

In § 324.1-280 *Earned surplus; unappropriated* change the title of this account to read, "Retained income; unappropriated."

4. Sale of property or insurance recovered:

In § 324.3-282 *Credits from transportation property retired* cancel the text of the account and substitute the following in lieu thereof:

§ 324.3-282 *Credits from transportation on property retired.* This account shall include profits realized from sale of carrier property; also insurance recoverable from lost or damaged property. The amount includible in this account is the proceeds realized from the sale of the property or from insurance in excess of the book cost after deducting any expense in connection with sale or disposition of the property.

5. Income taxes attributable to amounts recorded in retained income:

In § 324.3-283 *Miscellaneous credits* add the following new item to the list of items in the text:

10. Federal income tax credit, when material in amount, attributable to items of deductions from taxable income, recorded directly in retained income accounts.

In § 324.3-285 *Miscellaneous debits* add the following new item to the list of items in the text:

12. Federal income taxes, when material in amount, attributable to items of taxable income, recorded directly in retained income accounts.

In § 324.5-532 *Income taxes* cancel the text of the account and substitute the following in lieu thereof:

§ 324.5-532 *Income taxes.* This account shall include accruals for Federal and State income taxes, when not in lieu of a property tax, payable on amounts includible in the carrier's income accounts.

NOTE: Federal income tax charges or credits, when material in amount, attributable to items of taxable income or deductions from taxable income, recorded directly in retained income accounts, shall be included in accounts 285, "Miscellaneous debits," or 283, "Miscellaneous credits," as appropriate.

6. Amortization reserve; defense projects:

In § 324.1-149 *Depreciation reserve; transportation property* add the following new sentence in paragraph (a) of the text: "This account shall be subdivided so as to show separately:

(1) Depreciation reserve—transportation property.

(2) Past provision for amortization of defense projects."

In § 324.1-150 *Amortization reserve; defense projects* cancel the number, title, and text of the account.

7. Delayed items:

In § 324.4 *Delayed items and adjustments* eliminate the second sentence and substitute the following sentence in lieu thereof: "When the amount of a delayed item, which is not an ordinary adjustment of a recurring nature, is relatively so large that its inclusion in income for the current year would seriously distort such income, the amount of the item shall be included in account 283, 'Miscellaneous credits,' or 285, 'Miscellaneous debits,' as appropriate."

In § 324.3-283 *Miscellaneous credits* add the following new item to the list of items in the text:

11. Delayed items and credit adjustments, other than ordinary adjustments of a recurring nature, including material adjustments of Federal income taxes. (See § 324.4 *Delayed items.*)

In § 324.3-285 *Miscellaneous debits* add the following new item to the list of items in the text:

13. Delayed items and debit adjustments, other than ordinary adjustments of a recurring nature, including material adjustments of Federal income taxes. (See § 324.4 *Delayed items.*)

In § 324.4-508 *Delayed income credits* and § 324.5-534 *Delayed income debits* cancel the numbers, titles, texts, and notes of the two accounts.

8. Water-line tax accruals:

In § 324.5-521 *Water-line tax accruals* cancel the number only and retain the section, title, and notes without change,

substituting § 324.7-486 in lieu of § 324.5-521.

9. Insurance and deductible losses:
In § 324.7-471 *Hull and disbursement insurance*, § 324.7-472, *Cargo insurance*, and § 324.7-473 *Protection and indemnity insurance* add the following sentence to the text of each of the three accounts (471, 472 and 473): "This account also shall include provisions for deductible average losses, assumed by the carrier, where self-carried insurance reserves are maintained to equalize such losses. (See account 221, 'Insurance reserves'.)"

10. Charter Rental for Transportation Property:

In § 324.7-481 *Charter rents* cancel the title and text of this account and substitute the following in lieu thereof:

§ 324.7-481 *Charter rents; transportation property.* (a) This account shall include the rent payable by the carrier

under contract for the charter of vessels (when the amount payable as charter rent is not dependent upon the commodities and volume of freight transported), such as bare boat or time charters.

(b) The carrier shall include the rent payable under the contract in this account, and shall include in other appropriate operating expense accounts additional expenses incurred by it in operating vessels chartered from others.

11. Other changes:

Before an order is entered pursuant to this notice of proposed rule making, all references and instructions elsewhere in this system of accounts will be modified or corrected in conformity with the foregoing, and such modifications or corrections will be detailed in the order.

[F. R. Doc. 58-5749; Filed, July 28, 1958; 8:48 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12415; FCC 58M-807]

LION BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permit.

The Hearing Examiner having under consideration a Petition to Schedule Hearing Date filed on behalf of Lion Broadcasting Co., Inc. on July 22, 1958, requesting that the hearing in the above-entitled proceeding be scheduled to commence at 2 p. m. on July 29, 1958; and

It appearing from the petition that counsel for all parties have informally consented to the immediate consideration and granting of the petition, and that such action will conduce to the orderly dispatch of the Commission's business:

Now therefore it is ordered, This 23d day of July 1958, that the aforesaid petition is granted, and the hearing shall be commenced at 2 p. m. on July 29, 1958.

Released: July 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5774; Filed, July 28, 1958; 8:50 a. m.]

[Docket Nos. 12422, 12424; FCC 58M-814]

POMPANO BEACH BROADCASTING CORP. AND LOUIS G. JACOBS

ORDER SCHEDULING HEARING

In re applications of Pompano Beach Broadcasting Corporation, Pompano

Beach, Florida, Docket No. 12422, File No. BP-11297; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; for construction permits.

It is ordered, This 24th day of July 1958, that the hearing in the above-entitled matter presently postponed indefinitely is hereby scheduled to commence at 9:00 a. m., July 29, 1958, in the Commission's offices in Washington, D. C.

Released: July 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5773; Filed, July 28, 1958; 8:50 a. m.]

[Docket Nos. 12528, 12529; FCC 58M-792]

DONALD W. HUFF AND EQUITABLE PUBLISHING CO.

ORDER SCHEDULING HEARING

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP-11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP-11934; for construction permits.

It is ordered, This 17th day of July 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5766; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12530; FCC 58M-793]

MUSICAL HEIGHTS, INC.

ORDER SCHEDULING HEARING

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP-10918; for construction permit.

It is ordered, This 17th day of July 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5767; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12524; FCC 58M-791]

SAMUEL JAMES ROLEY

ORDER SCHEDULING HEARING

In the matter of Samuel James Roley, Beverly Hills, California, Docket No. 12524; suspension of amateur radio operator license (W6VUP).

It is ordered, This 17th day of July 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5765; Filed, July 28, 1958; 8:49 a. m.]

[Docket Nos. 12531, 12532; FCC 58M-794]
ROBERT A. CORLEY AND HARVEY S. HESTER
 ORDER SCHEDULING HEARING

In re applications of Robert A. Corley, College Park, Georgia, Docket No. 12531, File No. BP-11336; Harvey S. Hester, Smyrna, Georgia, Docket No. 12532, File No. BP-11860; for construction permits.

It is ordered, This 17th day of July 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1958, in Washington, D. C.

Released: July 22, 1958.

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

[F. R. Doc. 58-5768; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12533; FCC 58M-795]

PAUL A. BRANDT

ORDER SCHEDULING HEARING

In re application of Paul A. Brandt, Gladwin, Michigan, Docket No. 12533, File No. BP-11361; for construction permit.

It is ordered, This 17th day of July 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1958, in Washington, D. C.

Released: July 22, 1958.

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

[F. R. Doc. 58-5769; Filed, July 28, 1958; 8:40 a. m.]

[Docket No. 12534; FCC 58M-790]

SOUTH KENTUCKY BROADCASTERS (WRUS)
 ORDER SCHEDULING HEARING

In re application of Roth E. Hook and Woodrow Sosh, d/b as South Kentucky Broadcasters (WRUS), Russellville, Kentucky, Docket No. 12534, File No. BMP-7734; for construction permit.

It is ordered, This 17th day of July 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1958, in Washington, D. C.

Released: July 22, 1958.

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

[F. R. Doc. 58-5770; Filed, July 28, 1958; 8:49 a. m.]

[Docket Nos. 12535, 12536; FCC 58M-796]

ARNOLD J. STONE ET AL.

ORDER SCHEDULING HEARING

In re applications of Arnold J. Stone, Alameda, California, Docket No. 12535,

File No. BPH-2414; Patrick Henry and David D. Larsen, A Partnership, Alameda, California, Docket No. 12536, File No. BPH-2437; for construction permits. It is ordered, This 17th day of July 1958, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 13, 1958, in Washington, D. C.

Released: July 22, 1958.

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

[F. R. Doc. 58-5771; Filed, July 28, 1958; 8:49 a. m.]

[Docket Nos. 12539, 12540; FCC 58M-797]

PRESS WIRELESS, INC.

ORDER SCHEDULING HEARING

In the matter of the applications of Press Wireless, Inc., Docket No. 12539, File No. 2579-C4-ML-58; Docket No. 12540, File No. 2580-C4-ML-58; for modification of its Centereach, N. Y., and Belmont, Calif., fixed public press station licenses to permit the handling of traffic specified in proposed Tariff P. C. C. No. 34 (International Telecon Service), and certain other non-press communications.

It is ordered, This 17th day of July 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 13, 1958, in Washington, D. C.

Released: July 22, 1958.

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

[F. R. Doc. 58-5772; Filed, July 28, 1958; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (MANPOWER, PERSONNEL AND RESERVE)

DELEGATION OF AUTHORITY EFFECTING PURPOSES OF FEDERAL VOTING ASSISTANCE ACT OF 1955

JULY 21, 1958.

Authorizing and empowering the Assistant Secretary of Defense (Manpower, Personnel and Reserve) to perform the functions and discharge the responsibilities of the Secretary of Defense in effecting the purposes of the Federal Voting Assistance Act of 1955.

By virtue of the authority vested in me by Executive Order 10646, dated November 22, 1955 (20 F. R. 8681), I hereby designate Charles C. Finucane, in his capacity as Assistant Secretary of Defense (Manpower, Personnel and Reserve), as the Coordinator of the Federal Voting Assistance Program.

As the Coordinator of the Federal Voting Assistance Program, Mr. Finucane is hereby authorized and empowered to perform the functions and discharge the responsibilities of the Secretary of De-

fense to effect the purposes of the Federal Voting Assistance Act of 1955 (69 Stat. 584).

Delegation of authority published at 22 F. R. 3396 is hereby superseded and cancelled.

NEIL McELROY,
Secretary of Defense.

[F. R. Doc. 58-5744; Filed, July 28, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 21, 1958.

The Dept. of Agriculture, U. S. Forest Service has filed an application, Serial No. Idaho 09113, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for Gibbonsville Public Service Site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 26 N., R. 21 E.,
 Gibbonsville Public Service Site—Salmon National Forest—Beginning at corner 7 of Mineral Survey 955a in SW¼ of Section 25, unsurveyed T. 26 N., R. 21 E., B. M., Idaho, which is 3,717.9 feet north 27 degrees 57 minutes east of U. S. Mineral Monument No. 1, thence north 62 degrees 12 minutes west 533.1 feet to set stones which is northwest corner of A. D. & M. placer claim, thence south 20 degrees 18 minutes east 879.7 feet to corner 8 of Mineral Survey 955a, thence north 16 degrees 6 minutes east 600 feet to point of beginning, containing 3.58 acres, more or less. Situated in approximately the SW¼SW¼ Sec. 25 and/or the NW¼NW¼ Sec. 36.

This area includes approximately 3.58 acres near Gibbonsville, Lemhi County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-5746; Filed, July 28, 1958; 8:45 a. m.]

[Classification 49]

NEW MEXICO

SMALL TRACT CLASSIFICATION

JULY 21, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 80 acres in Dona Ana County,

New Mexico, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 1 E.,
Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$.

2. Classification of the above described lands by this order segregates them from all forms of appropriations, including locations under the mining laws, except application under the mineral leasing laws.

3. The lands are located four and one-half miles west of Las Cruces, and lie about one-eighth mile north of U. S. Highway No. 70. The lands are moderately undulating to rough and rolling. The soils are sandy loam in texture and the vegetation consists chiefly of mesquite, cacti, and some grasses. The cli-

mate is mild and semiarid, the average annual temperature being 60° F. and the average annual rainfall is 9". The elevation is 4100'. Utilities may be provided from the City of Las Cruces, or if not, the purchasers will have to provide utilities for themselves. Business, educational, religious and recreational facilities are available in Las Cruces, New Mexico.

4. Each of the tracts, numbered from 1 through 30 for reference purposes only, contain from 2.5 acres to 5 acres. The fair market value of the tracts, the reference number, and legal description are shown below. The tracts will be subject to all existing rights-of-way and rights-of-way 33' in width will be reserved from each tract as described below for roads, utility lines, etc. All minerals will be reserved by the United States.

surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

9. All inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

W. J. ANDERSON,
Acting State Supervisor.

[F. R. Doc. 58-5745; Filed, July 28, 1958;
8:45 a. m.]

Tract No.	R/W location and description of tract	No. acres	Appraised price
1	North & East sides NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	\$375
2	North & West sides NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
3	North & East sides NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
4	North & West sides NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
5	North & East sides NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
6	North & West sides NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
7	North & East sides NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
8	North & West sides NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	5	500
9	South & East sides SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
10	South & West sides SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
11	South & East sides SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
12	South & West sides SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
13	South & East sides SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
14	South & West sides SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
15	South & East sides SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
16	North & East sides NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
17	North & West sides NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
18	North & East sides NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
19	North & West sides NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
20	North & East sides NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
21	North & West sides NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
22	North & East sides NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
23	North, South & West sides W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	5	500
24	South & East sides SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
25	South & West sides SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
26	South & East sides SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
27	South & West sides SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
28	South & East sides SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
29	South & West sides SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375
30	South & East sides SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	375

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tracts will be sold at public auction at a public sale to be held at Las Cruces, New Mexico at 10:30 a. m., October 29, 1958. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office prior to 10:00 a. m. October 27, 1958. No bid will be accepted if it is less than the appraised value of the tract. See paragraph 4 for appraised values.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Classification No. 49, (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 4 of this order, (d) whether the bidder is entitled to veteran's preference in accordance with paragraph 8 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or

cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Classification No. 49, (b) Veteran's Preference, if the bidder is entitled to veteran's preference in accordance with paragraph 8, and (c) the description of the tract for which the bid is made, described in accordance with paragraph 4 of this order.

8. All valid applications filed prior to March 29, 1955 will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract will be awarded to the highest bidder, either written or oral, among persons entitled to veteran's preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract. Persons entitled to veteran's preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b)

ALASKA

RENTALS AND ROYALTIES; OIL AND GAS LEASES

Notice is hereby given that, in accordance with the provisions of Public Law 85-505 enacted on July 3, 1958 (72 Stat. 322), the annual lease rentals for lands in Alaska not within any known geologic structure of a producing oil or gas field and the royalty payments on production shall be identical with those prescribed for such leases covering similar lands in the States of the United States, except that leases which may be issued pursuant to applications or offers to lease filed prior to and which were pending on May 3, 1958, shall require the payment of 25 cents per acre as lease rental for the first year of such lease.

Anyone filing a lease offer from July 3, 1958, to August 4, 1958, inclusive, which was not accompanied by the proper amount of the first year's lease rental, shall be given an opportunity to submit the required rental without loss of priority of his lease offer.

Pending formal promulgation of departmental regulations implementing the provisions of Public Law 85-505, this notice constitutes authority to the Bureau of Land Management, U. S. Department of the Interior, to resume issuance of leases covering lands in Alaska in accordance with the provisions of that act.

FRED A. SEATON,
Secretary of the Interior.

JULY 24, 1958.

[F. R. Doc. 58-5810; Filed, July 25, 1958;
3:26 p. m.]

ALASKA

NOTICE OF AVAILABILITY OF LANDS FOR NON-COMPETITIVE OIL AND GAS LEASING

JULY 24, 1958.

Notice is hereby given that there have been filed in the Land Offices, Bureau of Land Management, Anchorage and Fairbanks, Alaska, and in the Office of the Director, Bureau of Land Manage-

ment, Department of the Interior, Washington 25, D. C., approved maps describing by leasing blocks approximately 4,000,000 acres of land in specified townships within the area described in section 1 of Public Land Order 1621, which are now available for noncompetitive oil and gas leasing. Such maps may be examined at those offices during the regular business hours. A portfolio containing an index map and leasing maps may be purchased from such offices for \$1.50. This portfolio also contains a leasing map of the lands in the Gubik gas field which will be subject to competitive leasing only.

1. Approximately 4,000,000 acres of land will become subject to noncompetitive oil and gas leasing on the date of publication hereof. These lands are designated on said maps as separately numbered leasing blocks, in the specified townships, not exceeding 2,560 acres each.

2. All leasing will be subject to the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437); Public Land Order 1621, dated April 18, 1958; the regulations in 43 CFR, Part 192, and the provisions hereof.

3. All offers to lease must be submitted on Form 4-1158 and in accordance with the regulations 43 CFR 192.42. Each offeror may file only one offer for each separate leasing block.

4. The lands applied for must be described according to the leasing blocks in the specified townships shown on the approved maps, notwithstanding the provisions of 43 CFR 71.2 and 43 CFR 192.42 (d). Each entire leasing block is deemed and declared to be a legal subdivision subject to the restrictions on assignment of a part thereof as provided for in the regulation 43 CFR 192.140.

5. Each offer must be filed in a separately sealed envelope which sealed envelope must contain a \$10 filing fee and the first year's advance rental at the rate of 50 cents per acre in accordance with the provisions of Public Law 85-505 enacted July 3, 1958, and have endorsed on its face the name and address of the offeror, and the description of the land applied for by leasing block number and township. Each offer must include the rental payment for the full acreage of the leasing block including any water area shown on the leasing map. Any offers not so submitted will be rejected and returned to the offeror.

6. All offers must be filed in the Land Office, Bureau of Land Management (P. O. Box 1050), Fairbanks, Alaska. All offers received in the above-noted Land Office from the date of publication hereof and until 10 a. m. of the 60th day thereafter, will be considered as having been simultaneously filed. The priorities of all conflicting offers will be determined in accordance with the procedure outlined in the regulation 43 CFR 295.8 and the sealed envelopes referred to in the preceding paragraph will be returned unopened to the unsuccessful offerors.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 58-5809; Filed, July 25, 1958;
3:26 p. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit the operation of its owned subsidized vessel, SS. "Mormacsun," by the charterer of said vessel, States Marine Lines, to load military cargo on or about August 6, 1958, at Hawaii for discharge on the United States Pacific Coast.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, by the close of business on August 1, 1958, notify the Secretary, Maritime Administration, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions to intervene, filed within the specified time, do not demonstrate sufficient interest to warrant a hearing, the application will be processed without a hearing.

Dated: July 25, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-5827; Filed, July 28, 1958;
9:09 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2230]

CITY OF SITKA

NOTICE OF LAND WITHDRAWAL, ALASKA

JULY 23, 1958.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2230 for which completed amendatory application for license was filed June 30, 1958. Under said section 24 these lands are, from said date of filing, reserved from entry, location or disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

First Judicial Division
Baranof Island
Medvetcha River

All lands lying adjacent to Blue Lake at an altitude of less than 365 feet above sea level as shown on a map designated Exhibit "J" (drawing 5715-01) entitled "City of Sitka, Blue Lake Hydro-Electric Project, General Map, Northeast Sec-

tion," and filed in the office of the Federal Power Commission on January 2, 1958;

All lands embracing the dam site, portal intake, tunnel, penstock, powerhouse and transmission line locations as delimited on map sheets designated "Exhibit K" (drawings 5715-03-1, 5715-05-1, 5806-1kk and 5806-2kk), entitled "Detail Map of Area"; subtitled "Upper Tunnel-Dam Site-Intake," "Powerhouse", "Penstock and Tunnel" and "Tunnel and Conduit" respectively, and filed in the office of the Federal Power Commission on June 30, 1958.

The area of lands of the United States reserved pursuant to the filing of this application is approximately 898.43 acres, of which 867.11 acres have been heretofore reserved in connection with Project No. 408 or in Power Site Classifications Nos. 221 and 427.

Copies of each of the project maps (F. P. C. No. 2230-22 through 25) have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5747; Filed, July 28, 1958;
8:45 a. m.]

[Project No. 408]

CITY OF SITKA, ALASKA

NOTICE OF APPLICATION FOR SURRENDER OF LICENSE

JULY 24, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by City of Sitka, Alaska, licensee for major Project No. 408, for surrender of its license for the project located on Medvetcha River in Sitka Precinct, Territory of Alaska, and affecting lands of the United States within Tongass National Forest. The project consists of a log diversion dam in the Medvetcha River constructed in 1913; a water conduit about 1,490 feet long consisting of 270 feet of tunnel and about 1,220 feet of flume and a 54-inch diameter wood-stave pipe extending from the dam downstream to a powerhouse; two 36-inch wood-stave surge pipes; a powerhouse with two 200-kva generating units and appurtenant equipment; a step-up 2300/11950-volt substation adjacent to the powerhouse; and an 11,950-volt transmission line and telephone line extending from the substation to the east boundary of the Sitka National Monument.

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 day upon which protests or petitions may be filed is August 29, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5805; Filed, July 28, 1958;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3119]

SAN MAURICIO MINING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 23, 1958.

In the matter of San Mauricio Mining Company, Capital Stock; File No. 1-3119. Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company terminated its mining operations in 1956. The Exchange suspended the stock from dealings on July 25, 1957. The Company's financial statements show current liabilities in excess of current and total assets.

Upon receipt of a request, on or before August 8, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5752; Filed, July 28, 1958; 8:47 a. m.]

[File No. 1-3503]

ATOK-BIG WEDGE MINING CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 23, 1958.

In the matter of Atok-Big Wedge Mining Co., Inc., Capital Stock; File No. 1-3503.

Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company discontinued mining operations in 1953. The Exchange suspended the stock from dealings on July 25, 1957. The Company has omitted the filing of annual reports with the Exchange.

Upon receipt of a request, on or before August 8, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5753; Filed, July 28, 1958; 8:47 a. m.]

[File No. 1-3874]

TRABELLA URANIUM MINES, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 22, 1958.

In the matter of Trabella Uranium Mines, Inc., common stock; File No. 1-3874.

San Francisco Mining Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The company has failed to file reports required by the Securities and Exchange Commission and the Exchange, and communications addressed to the company have elicited no response.

Upon receipt of a request, on or before August 6, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing

on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5751; Filed, July 28, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 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. 34831, *Syrup, from, to, and between points in Illinois territory.* Filed by Illinois Freight Association, Agent (No. 18), for interested rail carriers. Rates on syrup, corn or wheat unmixed; syrup, noibn, and molasses, noibn, in bulk in barrels or drums and in tank cars, carloads, between points in Illinois Freight Association territory, and between points in that territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short line distance formula and grouping.

Tariffs: Supplement 12 to Illinois Freight Association tariff I. C. C. 900, and supplement 21 to Illinois Freight Association tariff I. C. C. 899.

FSA No. 34832, *Fertilizers from southwestern points to New Florence, Mo.* Filed by Southwestern Freight Bureau, Agent (No. B-7331), for interested rail carriers. Rates on ammonium nitrate and ammonium sulphate fertilizer, carloads, and superphosphate, carloads, from points in Arkansas, Louisiana, Oklahoma, and Texas to New Florence, Mo.

Grounds for relief: Short line distance formula and grouping.

Tariff: Southwestern Lines tariff I. C. C. 4290.

FSA No. 34833, *Brick between points in western and southern territories.* Filed by Western Trunk Line Committee, Agent (No. A-1992), for interested rail carriers. Rates on common brick and related articles, carloads, between points in western trunk-line territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short line distance formula and market competition with producing points in central and Illinois territories.

Tariff: Supplement 2 to Western Trunk Lines tariff I. C. C. A-4241.

FSA No. 34834, *Commodity rates from and to Geismar, La.* Filed by O. W.

South, Jr., Agent (SFA No. A3702), for interested rail carriers. Rates on all commodities (other than coal and coke), carload and less-than-carload, between Geismar, La., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Establishment of a new station.

FSA No. 34835, *Cast iron pipe and fittings from Swan and Tyler, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7324), for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from Swan and Tyler, Tex., to points in southern and southwestern territories.

Grounds for relief: Short line distance formula.

Tariff: Supplement 38 to Southwestern Lines tariff I. C. C. 4044.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5748; Filed, July 28, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 104]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1)

of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Iron (Tornado, hail and heavy rains occurring on or about July 14 and 15, 1958).

Office: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minn.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1959.

Dated: July 16, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-5754; Filed, July 28, 1958; 8:47 a. m.]

