THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 24 NUMBER 30

Washington, Thursday, February 12, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (f) of § 6.313 is redesignated to read "Bureau of Apprenticeship and Training" and paragraphs (b) (1) and (f) (2) are revoked.

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

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

[F.R. Doc. 59-1280; Filed, Feb. 11, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraphs (e) and (p) of § 6.328 are revoked, and paragraphs (u) and (v) are added as set out below.

§ 6.328 **Small Business Administration.**

(u) Director, Office of Loan Processing.

(v) Director, Office of Loan Administration.

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

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

[F.R. Doc. 59-1281; Filed, Feb. 11, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Kentucky

On February 4, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

KENTUCKY

County	Average value	County	Average value
Adair	$27,000	Cumberland	$27,000
Allen	27,000	Daviess	30,000
Anderson	29,000	Edmonson	25,000
Ballard	28,000	Elliott	25,000
Barren	29,000	Estill	25,000
Bath	30,000	Fayette	40,000
Bell	25,000	Fleming	35,000
Boone	35,000	Floyd	25,000
Bourbon	40,000	Franklin	35,000
Boyd	25,000	Fulton	35,000
Boyle	35,000	Gallatin	25,000
Bracken	25,000	Garrard	32,000
Breathitt	25,000	Grant	25,000
Breckinridge	25,000	Graves	28,000
Bullitt	30,000	Grayson	25,000
Butler	25,000	Green	27,000
Caldwell	28,000	Greenup	25,000
Calloway	28,000	Hancock	28,000
Campbell	35,000	Hardin	28,000
Carlisle	28,000	Harlan	25,000
Carroll	25,000	Harrison	35,000
Carter	25,000	Hart	29,000
Casey	27,000	Henderson	30,000
Christian	35,000	Henry	30,000
Clark	40,000	Hickman	28,000
Clay	25,000	Hopkins	25,000
Clinton	27,000	Jackson	25,000
Crittenden	25,000	Jefferson	32,000

(Continued on next page)

CONTENTS

	Page
Agricultural Marketing Service	
Notices:	
Bentonville Sale Co. et al.; posted stockyards	1111
Proposed rule making:	
Milk in Wichita, Kans., marketing area	1097
Rules and regulations:	
Okra, frozen; U.S. standards for grades	1087
Agricultural Research Service	
Rules and regulations:	
Purebred animals, recognition of breeds and books of record	1090
Agriculture Department	
See Agricultural Marketing Service; Agricultural Research Service; Farmers Home Administration; Rural Electrification Administration.	
Army Department	
Notices:	
Besse, Ralph M.; statement of changes in financial interests	1110
Atomic Energy Commission	
Rules and regulations:	
Byproduct material; general licensing of devices	1089
Civil Aeronautics Board	
Notices:	
TACA International Airlines, S.A.; postponement of hearing	1113
Civil and Defense Mobilization Office	
Notices:	
Appointees' statement of business interests:	
Carson, Gordon B	1118
Hedlund, Charles J	1118
Henle, Peter	1118
Lutes, LeRoy	1118
McCarthy, Russell C	1118
Warren, John E	1118
Webster, William	1118
Wellford, R. Carter	1118
Civil Service Commission	
Rules and regulations:	
Competitive service, exceptions:	
Labor Department	1077
Small Business Administration	1077

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

Commerce Department Page
Notices:
Winston, Arthur W.; statement of changes in financial interests 1113

Defense Department
See Army Department.

Farmers Home Administration
Rules and regulations:
Kentucky; average values of farms 1077

Federal Aviation Agency
Rules and regulations:
Continental control area, control areas, control zones, reporting points, and positive control route segments; alterations 1079

CONTENTS—Continued

Federal Aviation Agency—Con. Page
Rules and regulations—Continued
Restricted areas; alterations 1079
Standard instrument approach procedures 1079
Washington National Airport; parking 1079

Federal Communications Commission
Notices:
Canadian broadcast stations; list of changes, proposed changes and corrections in assignments 1113
Hearings, etc.:
Consolidated Amusement Co., Ltd., and Hialand Development Corp. (2 documents) 1112
May Broadcasting Co 1112

Federal Power Commission
Notices:
Hearings, etc.:
Alabama-Tennessee Natural Gas Co 1114
Crescent Production Co., Inc., and Crescent Drilling Co., Inc 1117
La Gloria Oil and Gas Co. et al 1116
Moore, J. Hiram 1114
Slick Oil Corp. et al 1115
Stearns, Glenn M., and Ruth E 1113
Sun Oil Co. et al 1114

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Friedman, Felix 1093
Jantzen, Inc 1094
K & K Quilting and Batting Corp. et al 1094

Food and Drug Administration
Rules and regulations:
Certification of antibiotic and antibiotic-containing drugs; animal feed containing penicillin 1096
Food additives permitted in animal feed or animal-feed supplements and in food for human consumption 1095

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

Interior Department
See Land Management Bureau.

Land Management Bureau
Notices:
Proposed withdrawals and reservations of lands:
Alaska 1110
Nevada 1111
Small tract classification order; Arizona 1110
Rules and regulations:
Public land order; Colorado 1097

National Labor Relations Board
Rules and regulations:
Statements of procedure, Series 7; miscellaneous amendments 1096

CONTENTS—Continued

Rural Electrification Administration Page
Notices:
Chiefs, Telephone and Electric Engineering Divisions; delegations of authority 1112

Small Business Administration
Notices:
Disaster areas, amendments to declarations:
Indiana 1119
Ohio (3 documents) 1118, 1119
Pennsylvania (2 documents) 1119

CODIFICATION GUIDE

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

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

Page
5 CFR
6 (2 documents) 1077
6 CFR
331 1077
7 CFR
52 1087
Proposed rules:
968 1097
9 CFR
151 1090
10 CFR
30 1089
14 CFR
570 1079
601 1079
608 1079
609 1079
16 CFR
13 (3 documents) 1093, 1094
21 CFR
121 1095
146 1096
29 CFR
101 1096
43 CFR
Public land orders:
918 (see PLO 1788) 1097
1422 (revoked by PLO 1788) 1097
1788 1097

KENTUCKY—Continued

County	Average value	County	Average value
Jessamine	$35,000	McCracken	$28,000
Johnson	25,000	McCreary	25,000
Kenton	35,000	McLean	25,000
Knott	25,000	Madison	35,000
Knox	25,000	Magoffin	25,000
Larue	29,000	Marion	29,000
Laurel	27,000	Marshall	27,000
Lawrence	25,000	Martin	25,000
Lee	25,000	Mason	35,000
Leslie	25,000	Meade	28,000
Letcher	25,000	Menifee	25,000
Lewis	25,000	Mercer	35,000
Lincoln	32,000	Metcalfe	27,000
Livingston	25,000	Monroe	27,000
Logan	35,000	Montgomery	35,000
Lyon	27,000	Morgan	25,000

KENTUCKY—Continued

County	Average value	County	Average value
Muhlenberg	$25,000	Scott	$35,000
Nelson	35,000	Shelby	35,000
Nicholas	30,000	Simpson	35,000
Ohio	25,000	Spencer	29,000
Oldham	30,000	Taylor	29,000
Owen	30,000	Todd	35,000
Owsley	25,000	Trigg	28,000
Pendleton	25,000	Trimble	25,000
Perry	25,000	Union	30,000
Pike	25,000	Warren	35,000
Powell	25,000	Washington	31,000
Pulaski	30,000	Wayne	30,000
Robertson	25,000	Webster	25,000
Rockcastle	27,000	Whitley	25,000
Rowan	25,000	Wolfe	25,000
Russell	27,000	Woodford	40,000

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015)

Dated: February 6, 1959.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 59-1290; Filed, Feb. 11, 1959; 8:50 a.m.]

Title 14—CIVIL AVIATION

Chapter II—Federal Aviation Agency

[Amdt. 8]

PART 570—WASHINGTON NATIONAL AIRPORT

Parking

In the interest of maintaining proper control over motor vehicles authorized to park in restricted or reserved areas at the Airport it has been determined that § 570.27(e) should be amended to require that parking permits issued by the Airport Director be displayed in conformity with the instructions issued by the Airport Director. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Section 570.27(e) is amended to read:

(e) No person shall park a motor vehicle in any restricted or reserved area so marked unless a parking permit issued by the Airport Director for the particular area is displayed in accordance with instructions issued by the Airport Director.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2 of the Act of June 29, 1940, 54 Stat. 688, as amended by Sec. 1402(f) of the Act of August 23, 1958 (72 Stat. 807).)

Issued in Washington, D.C., on February 5, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1252; Filed, Feb. 11, 1959; 8:46 a.m.]

[Amdt. 4]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Alterations

This action designates a control zone within a 5-mile radius and a control area extension within a 50-mile radius of the Cold Bay Airport, Cold Bay, Alaska. The action is being taken concurrently with the establishing of an air traffic control tower facility at the Cold Bay Airport and is necessary in order to provide controlled airspace for use in the separation of en route and local air traffic using the airport.

Due to the fact that this action has been coordinated with various civilian aviation organizations, the Army, the Navy, and the Air Force through the processes of the Air Coordinating Committee, it is unnecessary to comply with the notice and procedure requirements of Section 4 of the Administrative Procedure Act. Furthermore, in order that this action might coincide with the time of the air traffic control facility at Cold Bay becoming operational, it would not be in the public interest to comply with the effective date requirement of Section 4. Consequently, this action is being made effective on February 15, 1959.

Part 601 is amended as follows:

1. Section 601.1414 is added to read:

§ 601.1414 Control area extension (Cold Bay, Alaska).

The airspace within a 50-mile radius of the Cold Bay, Alaska, RR. This control area extension shall be in effect 12 hours each day from 1900Z to 0700Z (8:00 a.m. to 8:00 p.m. Bering Standard Time).

2. Section 601.2444 is added to read:

§ 601.2444 Cold Bay, Alaska, control zone.

The airspace within a 5-mile radius of the Cold Bay Airport centered on the centerline intersection of Runway 14/32 with Runway 8/26, and within 2 miles either side of the north course of the Cold Bay RR extending from the radio range station to a point 12 miles north. This control zone shall be in effect 12 hours each day from 1900Z to 0700Z (8:00 a.m. to 8:00 p.m. Bering Standard Time).

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750).

This amendment shall become effective 0001 e.s.t. February 15, 1959.

Issued in Washington, D.C., on February 5, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1251; Filed, Feb. 11, 1959; 8:45 a.m.]

[Amdt. 6]

PART 608—RESTRICTED AREAS

Alterations

This amendment makes several minor alterations in a previously designated restricted area (R-502) and rescinds the designation of another area (R-265). This action is believed to impose no additional burden on any person and has been coordinated with civil aviation organizations, the Army, the Navy and the Air Force through the processes of the Air Coordinating Committee. For these reasons, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

Part 608 published as a "Revision of the Part" on November 4, 1958 in F.R. 8575 is amended as follows:

1. In § 608.14, the Camp Beale, California, area (R-265) is rescinded. This amendment shall become effective on March 12, 1959.

2. In § 608.30, the Sturgeon Bay, Michigan, area (R-502) is amended by changing the "Time of Designation" to read: "0800-1800C, Monday-Friday" and the "Controlling Agency" to read: "Commander 327th Fighter Group (AD), Truax Field, Madison, Wisconsin". This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a) of the Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 752, (Pub. Law 85-726). Interpret or apply sec. 307(a) and 307(c); 72 Stat. 749, 750 (Pub. Law 85-726)).

Issued in Washington, D.C., on February 5, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1253; Filed, Feb. 11, 1959; 8:46 a.m.]

[Amdt. 104]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbia VOR	CBI LFR	Direct	2200	T-dn	300–1		
Int S crs CBI-LFR and R-203 CBI-VOR	CBI LFR	Direct	2200	C-d	500–1		
				C-n	500–1½		
				S-10-d	400–1		
				S-10-n	400–1½		
				A-dn	800–2		

Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 087°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi, climb to 2600′ on E crs within 5 miles then make left turn and return to CBI-LFR.

City, Columbia; State, Mo.; Airport Name, Columbia; Elev., 778′; Fac. Class, SBRAZ; Ident., CBI; Procedure No. 1, Amdt. 8; Eff. Date, 12 Apr. 58; Sup. Amdt. No. 7; Dated, 12 Apr. 58

Alaska FM	GRR LFR (Final)	Direct	1500	T-dn	300–1	300–1	*300–1
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 123° Outbnd, 303° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 306°—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing GRR LFR, climb to 1900′ on NW crs of GRR within 20 miles.
CAUTION: 1180′ tower 5 mi. South. 907′ stack 0.5 mi WSW, 1820′ tower 10 mi NNE of airport.
AIR CARRIER NOTE: *200–½ authorized on 18L and 36R only.

City, Grand Rapids; State, Mich.; Airport Name, Kent County; Elev., 692′; Fac. Class, SBMRLZ; Ident., GRR; Procedure No. 1, Amdt. 9; Eff. Date, 21 Feb. 59; Sup. Amdt No. 8; Dated, 29 Oct. 55

PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 12, 1959, DUE TO DECOMMISSIONING OF FACILITY.

City, La Junta; State, Colo.; Airport Name, Municipal; Elev., 4238′; Fac. Class, SBMRLZ; Ident., LHX; Procedure No. 1, Amdt. 5; Eff. Date, 15 May 54; Sup. Amdt. No. 4 Dated, 1 Dec. 51

LAN VOR	LAN LFR	Direct	2400	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side E crs, 101° Outbnd, 281° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs 2400′.
Crs and distance, facility to airport, 280—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 2200′ on W crs within 20 miles or when directed by ATC, make right turn climb to 2000′ on NW crs within 20 miles.
CAUTION: 1889′ tower 9 miles SE and 1923′ tower 11.5 mi SE of airport.
MAJOR CHANGES: Airport elevation revised. Straight-in minimums deleted. Note deleted regarding 200–½ takeoff min.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class, SBMRAZ; Ident., LAN; Procedure No. 1, Amdt. 10; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 9; Dated, 3 Dec. 55

Surf Int	SAN LFR	Direct	2500	T-dn	300–1	300–1	#200–½
Jamul RBN	SAN LFR	Direct	3900	C-dn	800–2	800–2	800–2
Coronado FM-RBN	SAN LFR	Direct	1500	A-dn	800–2	800–2	800–2
La Jolla FM and Int	SAN LFR (Final)	Direct	1200				
Lemon Grove Int	SAN LFR	Direct	2500				

#300–1 required for take-off on all runways except 27.
Procedure turn W side N crs, 325° Outbnd, 145° Inbnd, 2500′ within 10 miles*.
*After procedure turn maintain 2500′ until past La Jolla FM/Int inbnd. If FM/Int not received, request clearance to descend to 1500′ at completion of procedure turn to cross LFR at a minimum of 1500′.
Minimum altitude over facility on final approach crs, 1200*.
Crs and distance, facility to airport, 135°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 3000′ on SE crs within 15 miles of SAN LFR (Mexican Border).

City, San Diego; State, Calif.; Airport Name, Lindbergh Fld.; Elev., 15′; Fac. Class, SBRAZ; Ident., SAN; Procedure No. 1, Amdt. 13; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 12; Dated, 10 Jan. 59

PROCEDURE CANCELLED, EFFECTIVE JANUARY 12, 1958, DUE TO SHUTDOWN, RELOCATION AND CONVERSION TO BH FACILITY.

City, Terre Haute; State, Ind.; Airport Name, Hullman Field; Elev., 585′; Fac. Class, BMRLZ; Ident., HUF; Procedure No. 1, Amdt. 10; Eff. Date, 1 May 58; Sup. Amdt. No. 9; Dated, 26 Jan. 57

				T-dn	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs 139° Outbnd, 319° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 319°—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 mi, climb to 2500′ on NW crs within 20 mi.
CAUTION: Tower 5 mi NW of airport 1538′ MSL.

City, Traverse City; State, Mich.; Airport Name, Traverse City; Elev., 623′; Fac. Class, SBMRAZ; Ident., TVC; Procedure No. 1, Amdt. 6; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 5; Dated, 3 Dec. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 22 DECEMBER 1958. FACILITY DECOMMISSIONED FOR RELOCATION.							
City, Amarillo; State, Tex.; Airport Name, Air Terminal; Elev., 3604'; Fac. Class, MHW; Ident., TDW; Procedure No. 1, Amdt. 1; Eff. Date, 12 May 58; Sup. Amdt. No. Orig.; Dated, 15 Jan. 58							
BTR LFR	LOM	Direct	1200	T-dn	300–1	300–1	200–½
BTR VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Morganza Int	LOM	Direct	1200	S-dn-13	400–1	400–1	400–1
Woodville Int	LOM	Direct	1400	A-dn	800–2	800–2	800–2
Procedure turn W side of NW crs, 306° Outbnd, 126° Inbnd, 1300' within 10 miles. Beyond 10 Miles NA. Minimum altitude over facility on final approach crs, 700'. Crs and distance, facility to airport, 126°—3.8 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1500' on crs of 126° within 20 miles, or when directed by ATC, turn left, climb to 1500' on NE crs BTR LFR within 20 miles. NOTE: Approach lights not installed.							
City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70'; Fac. Class, LOM; Ident, BT; Procedure No. 1, Amdt. 6; Eff. Date, 21 Feb 59; Sup. Amdt. No. 5 (ADF portion of Comb. ILS-ADF); Dated, 19 May 58							
API VOR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Elgin Int	LOM	Direct	2500	C-d	*500–1	500–1	500–1½
Lake Shore Int	LOM	Direct	2500	C-n	*500–1½	500–1½	500–1½
MDW LFR	LOM	Direct	2300	S-dn-13R and L	*500–1	500–1	500–1
CGT VOR	LOM	Direct	2300	A-dn	800–2	800–2	800–2
Surf Int	LOM	Direct	2500				
Gary Int	LOM	Direct	2300				
Big Run Int	LOM	Direct	2300				
Downers Grove Int	LOM	Direct	2300				
EDZ RBn	LOM	Direct	2300				
Hobart Int	EDZ RBn	Via R-108 API to Gary Int.	2000				
*400' minimums authorized provided descent below 1100' msl not made until past ADF bearing 020/200 MDW LFR. Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MDW LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure. Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 2500' within 10 miles. Minimum altitude over facility on final approach crs, 1800'. Crs and distance, facility to airport, 132°—5.1 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles of LOM, climb to 2000' and proceed via SE crs MDW LFR to Lansing Int or, when directed by ATC, climb to 2000' and proceed to Joliet LFR on crs 235°.							
City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618'; Fac. Class, LOM; Ident., MD; Procedure No. 1, Amdt. 15; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 14 (ADF portion of Comb. ILS-ADF); Dated, 25 May 57							
Joliet VOR	EDZ RBn	Direct	2000	T-dn	300–1	300–1	200–½
Big Run Int	EDZ RBn	Direct	2000	C-d	400–1	500–1	500–1½
API VOR	EDZ RBn	Direct	2300	C-n	400–1½	500–1½	500–1½
Downers Grove Int	EDZ RBn	Direct	2300	S-dn-31L, R	400–1	400–1	400–1
MDW LFR	EDZ RBn	Direct	2000	A-dn	800–2	800–2	800–2
Lake Shore Int (LF)	EDZ RBn	Direct	2500				
Crib Int (LF)	EDZ RBn	Direct	2000				
CGT VOR	EDZ RBn	Direct	2000				
CGT VOR	EDZ RBn (Final)	Direct	1500				
Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from EDZ LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure. Procedure turn, E side of crs, 132° Outbnd, 312° Inbnd, 2000' within 10 miles. Minimum altitude over facility on final approach crs, 1500'. Crs and distance, facility to airport, 312°—3.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, make immediate left turn and climb to 2100', proceed to Joliet LFR on crs 235° or, as directed by ATC, make immediate left turn, climbing to 2300', proceed to Peotone VOR inbound on R-355.							
City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618'; Fac. Class, LOM; Ident., EDZ; Procedure No. 2, Amdt. 10; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 9; Dated, 6 Jun. 57							
EUG LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
EUG VOR	LOM	Direct	2000	C-dn	500–1	500–1½	600–1½
Cottage Grove FM	LOM	Direct	3100	S-dn-16	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Procedure turn E side N crs, 338° Outbnd, 158° Inbnd, 2000' within 10 mi. Minimum altitude over facility on final approach crs, 1500'. Crs and distance, facility to airport, 158°—3.7 mi. NOTE: All turns to be made on the East side of the course; high terrain to West. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn right and climb to 2000' on N crs EUG LFR within 10 mi or, when directed by ATC, turn right and climb to 2000' on R-356 EUG VOR within 10 miles.							
City, Eugene; State, Oreg.; Airport Name, Mahlon Sweet; Elev., 365'; Fac. Class, LOM; Ident., EU; Procedure No. 1, Amdt. 12; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 11 (ADF portion of Comb. ILS-ADF); Dated, 30 Mar. 57							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LAN VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
LAN LFR	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
*Eagle Int	LOM	Direct	2400	S-dn-27	400–1	400–1	400–1
Williams Int	Shaftsburg Int	Direct	2100	A-dn	800–2	800–2	800–2
**Shaftsburg Int	LOM (Final)	Direct	1500				

*R-321 LAN-VOR and 093° brng to LOM.
**Int SVM R-310 and 273° Brng to LOM.
Procedure turn North side of crs, 093° Outbnd, 273° Inbnd, 2100′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1500′.
Crs and distance, LOM to Rny-27, 273°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM, climb to 2200′ on crs of 273° from LOM within 20 miles or, when directed by ATC, make right turn, climb to 2000′ on NW crs LAN LFR within 20 mi.
CAUTION: 1889′ tower 9 miles SE and 1923′ tower 11.5 mi SE of airport.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class, LOM; Ident., LA; Procedure No. 1, Amdt. 6; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 5; Dated, 7 Dec. 58

MIA VOR	MIA RBn	Direct	1100	T-dn	300–1	300–1	200–½
Perrine LFR	MIA RBn	Direct	1300	C-d	800–1	800–1	800–1½
				C-n	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 1100′ within 10 mi.
Procedure turn nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 149°—10.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 1400′ on 149° crs from MIA RBn within 20 miles or, when directed by ATC, climb to 1400′ on crs of 086° from the Miami LOM within 20 miles.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, BH; Ident., MIA; Procedure No. 2, Amdt. Orig.; Eff. Date, 21 Feb. 59; Sup. Amdt. No. None

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Daggett LFR	DAG VOR	Direct	6000	T-dn*	2000–4	2000–4	2000–4
				C-dn	2000–4	2000–4	2000–4
				A-dn	2000–4	2000–4	2000–4

*500–1 authorized for takeoff on Runways 3 and 7.
Procedure turn N side crs, 042° Outbnd, 222° Inbnd, 6000′ within 10 mi.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 222°—11.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi, turn right, climb to 6000′ on R-230 to Daggett VOR.

City, Daggett; State, Calif.; Airport Name, Daggett; Elev., 1927′; Fac. Class, BVOR; Ident., DAG; Procedure No. 1, Amdt. 1; Eff. Date, 21 Feb. 59; Sup. Amdt. No. Orig.; Dated, 11 Oct. 58

EPT-VOR	LAF VOR	Direct	2000	T-dn	300–1	300–1
EPT				C-d#	900–1	900–1
				S-n#	900–1½	900–1½
				S-d#–13	900–1	900–1
				S-n#–13	900–1½	900–1½
				A-dn#	900–1½	900–1½
				#Following minimums apply after passing R-012 EPT-VOR:		
				S-d–13	600–1	600–1
				S-n–13	600–1½	600–1½
				C-d	600–1	600–1
				C-n	600–1½	600–1½
				A-dn	800–2	800–2

#Dual omni receivers required for lower minimums.
Procedure turn West side of crs, 322° Outbnd, 142° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, Facility to airport, 142°—10.4 mi
Minimum altitude after passing EPT-VOR R-012 on final approach crs, 1200′.
Crs and distance after passing EPT-VOR R-012 to airport, 142°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi of LAF-VOR or 4.9 miles of EPT R-012, climb to 2300′ on R-142 within 20 miles.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mi.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607′; Fac. Class, VOR; Ident., LAF; Procedure No. 1, Amdt. 1; Eff. Date, 7 Feb. 59; Sup. Amdt. No. Orig.; Dated, 7 Feb. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LAF-VOR	EPT VOR	Direct	2000	T-dn	300-1	300-1	
				C-d#	700-1	700-1	
				C-n#	700-1½	700-1½	
				S-d#-5	700-1	700-1	
				S-n#-5	700-1½	700-1½	
				A-dn	800-2	800-2	
				Following minimums apply after passing R-162 LAF-VOR:#			
				C-d	600-1	600-1	
				C-n	600-1½	600-1½	
				S-d-5	600-1	600-1	
				S-n-5	600-1	600-1½	
				A-dn	800-2	800-2	

#Dual omni receivers required for lower minimums.
Procedure turn South side of crs, 216° Outbnd, 036° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 036°—9.6 mi.
Minimum altitude after passing LAF-VOR R-162 on final approach crs, 1200′.
Crs and distance after passing LAF-VOR R-162 to airport, 036°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles of EPT-VOR or 4.4 miles of LAF R-162, climb to 2300′ on R-036 within 20 mi.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mile.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev. 607′; Fac. Class, VOR; Ident., EPT; Procedure No. 2, Amdt. 1; Eff. Date, 7 Feb. 59; Sup. Amdt. No. Orig.; Dated, 7 Feb. 59

Lansing LFR	LAN VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 054°—5.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, climb to 2000′ on R-054 within 20 miles, or when directed by ATC: (1) make right turn, climbing to 2900′, proceed to LAN LFR.
MAJOR CHANGES: Airport elevation revised. Note deleted regarding 200-½ takeoff minimums.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class, BVOR; Ident., LAN; Procedure No. 1, Amdt. 6; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 5; Dated, 5 May 57

Miami RBn	Miami VOR	Direct	1100	T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn E* side crs, 343° Outbnd, 163° Inbnd, 1100′ within 10 mi.
*Nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 137°—13.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 1400′ on R-137 within 20 miles or, when directed by ATC, turn left on the E crs of the MIA ILS localizer (086°), climb to 1400′ within 20 mi.

City, Miami; State, Fla.; Airport Name, International; Elev. 9′; Fac. Class, VORTAC; Ident., MIA; Procedure No. 1, Amdt 9; Eff. Date, 7 Feb. 59; Sup Amdt. No. 8; Dated, 7 Feb. 59.

Surf Int	SDA VOR	Direct	2500	T-dn	300-1	300-1	#200-½
Jamul RBN	SDA VOR	Direct	3600	C-dn	800-2	800-2	800-2
Coronado FM-RBN	SDA VOR	Direct	1500	A-dn	800-2	800-2	800-2
La Jolla FM and Int	SDA VOR (Final)	Direct	1200				
Lemon Grove Int	SDA VOR	Direct	2500				

#300-1 required for take-off on all runways except 27.
Procedure turn W side crs, 325° Outbnd, 145° Inbnd, 2500′ within 10 miles*.
Minimum altitude over facility on final approach crs, 1200′*.
*After procedure turn maintain 2500′ until past La Jolla FM/Int inbnd. If FM/Int not received, request clearance to descend to 1500′ at completion of procedure turn to cross SDA VOR at a minimum of 1500′.
Crs and distance, facility to airport, 127°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, climb to 3000′ on R-138 within 15 miles of SDA VOR (Mexican Border).

City, San Diego; State, Calif.; Airport Name, Lindbergh Fld.; Elev., 15′; Fac. Class, BVOR; Ident., SDA; Procedure No. 1, Amdt. 4; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 3; Dated, 10 Jan. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BTL LFR	AZO VOR	Direct	2200	T-dn	300-1	300-1	300-1
BTL VOR	AZO VOR	Direct	2200	C-dn	600-1	600-1	600-1½
GRR LOM	AZO VOR	Direct	3000	S-dn-14	600-1	600-1	600-1
PMM VOR	AZO VOR	Direct	2200	A-dn	800-2	800-2	800-2
ELX VOR	AZO VOR	Direct	2200				
Kalamazoo Int	AZO VOR	Direct	2200				
Leroy Int	AZO VOR	Direct	2500				
SBN VOR	AZO VOR	Direct	2500				
PMM VOR	Alamo Int*	Direct	2200				
Alamo Int*	Oshtemo Int** (Final)	Direct	1500				
ELX VOR	Alamo Int*	Direct	2200				

*Int R-310 AZO and R-054 ELX.
** Int R-310 AZO and R-067 ELX.
Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2200′ within 10 miles.
Crs and distance, Oshtemo Int** to airport, 130°—5.0 mi.
Crs and distance, breakoff point to Rnwy 14, 138°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing AZO VOR, climb to 2500′ on R-130 AZO VOR within 20 miles.
NOTES: This procedure not authorized unless aircraft is equipped with functioning dual omni receivers. All approaches controlled by Battle Creek CS/T.
CAUTION: Obstruction 1954′, 12 miles north.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874′; Fac. Class, BVOR; Ident., AZO; Procedure No., TerVOR-14, Amdt. 2; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 1; Dated, 8 Nov. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Baton Rouge LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Baton Rouge VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Morganza Int	LOM	Direct	1200	S-dn-13	*300-¾	*300-¾	*300-¾
River Int#	LOM (Final)	Direct	1300	A-dn	600-2	600-2	600-2
Woodville Int	River Int#	Direct	1400				

*400-¾ required when glide slope not utilized. Approach lights not installed.
#NW crs BTR ILS and R-350 BTR VOR.
Procedure turn W side of NW crs, 306° Outbnd, 126° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1300′.
Altitude of G.S. and distance to approach end of rny at OM 1300—3.8, at MM 240—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on SE crs ILS within 20 miles or, when directed by ATC, (1) turn left, climb to 1400′ on R-080 BTR VOR within 10 mi of Creole Int or (2) turn left, climb to 1500′ on R-040 BTR VOR within 20 mi.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class ILS; Ident., I-BTR; Procedure No. ILS-13, Amdt 6; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 5 (ILS portion of Comb. ILS-ADF); Dated, 19 May 58

Boston LFR	LOM	Direct	1800	T-dn%	300-1	300-1	200-½
East Boston Int	LOM	Direct	1500	C-dn	*500-1	600-1	600-1½
Franklin Int	ILS SW crs**	085-12.4	1800	S-dn-4R	#200-½	#200-½	#200-½
Bedford RBn	LOM	Direct	2300	A-dn	600-2	600-2	600-2
Radar terminal area transitions	Radar Site	Within 25 mi	@1800				

%Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Rny 27 make left or right turn as soon as practicable, and departures from Rnys 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WBZ-TV tower.
*600-1 required when circling W of airport.
**Final authorized after interception of final approach course inbound.
#400-3/4 required with glide slope inoperative.
@Except 2300′ when more than 6 miles from airport between SW and NW crs of BOS LFR.
Procedure turn E side S crs, 215° Outbnd, 035° Inbnd, 1800′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to appr end of rny at OM, 1775′—5.6 mi; at MM, 270′—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1300′ on NE crs ILS within 15 mi or, when directed by ATC, make a climbing right turn to 1500′ on East crs of Boston LFR.
CAUTION: ILS point of touchdown approx. 3500′ in from approach end of runway pavement to allow clearance of ship channel. 1349′ TV tower 10.5 mi W of airport. Circling minimums do not provide standard clearance over 370′ stack SW of airport.
NOTE: All fixes may be determined and supplemented by surveillance radar.

City, Boston; State, Mass.; Airport Name, Logan; Elev., 19′; Fac. Class, ILS; Ident., BOS; Procedure No. ILS-4R, Amdt. 10; Eff. Date, 7 Feb. 59; Sup. Amdt. No. 9; Dated, 7 Feb. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
API VOR	NW crs ILS	Via R-050	2300	T-dn	300–1	300–1	200–½
API VOR	LOM	Direct	2300	C-d	*400–1	500–1	500–1½
Elgin Int	LOM	Direct	2500	C-n	*400–1½	500–1½	500–1½
Lake Shore Int	LOM	Direct	2500	S-dn-13R*	300–¾	300–¾	300–¾
MDW LFR	LOM	Direct	2300	A-dn	600–2	600–2	600–2
CGT VOR	LOM	Direct	2300				
Surf Int	LOM	Direct	2500				
Gary Int	LOM	Direct	2300				
Hobart Int	EDZ RBn	Via R-108 API to Gary Int.	2000				
Big Run Int	LOM	Direct	2300				
Downers Grove Int	LOM	Direct	2300				
EDZ RBn	LOM	Direct	2300				

*With Glide Slope inoperative, descent below 1100′ msl not authorized until passing 020/200 ADF bearing of MDW LFR.
Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MDW LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure.
Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 2500′ within 10 miles.
Minimum altitude to G.S. int inbnd, 2500′.
Altitude of G.S. and distance to approach end of Rny at LOM, 2255′—5.1 mi; at LMM 868′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn, climb to 2300′ and proceed to EON VOR via R-001 or, when directed by ATC, climb to 2000′ and proceed via SE crs MDW LFR to Lansing Int.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class, ILS; Ident., I-MDW; Procedure No. ILS-13R, Amdt. 15; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 14 (ILS portion of Comb. ILS-ADF); Dated, 25 May 57

EUG-LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
EUG-VOR	LOM	Direct	2000	C-dn	500–1	500–1½	600–1½
Cottage Grove FM	LOM	Direct	3100	S-dn-16	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn E side of N crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of G.S. and distance to appr end of rny at LOM, 1480′—3.7 mi; at LMM, 570′—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn right and climb to 2000′ on N crs of Eugene LFR within 10 miles or, when directed by ATC, turn right and climb to 2000′ on R-356 EUG VOR within 10 miles.
NOTES: All turns to be made on the East side of the course; high terrain to West. No approach lights.

City, Eugene; State, Oreg.; Airport Name, Mahlon Sweet; Elev., 365′; Fac. Class, ILS; Ident., I-EUG; Procedure No. ILS-16, Amdt. 12; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 11 (ILS portion of Comb. ILS-ADF); Dated, 30 Mar. 57

Fort Smith VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Int E crs ILS and 288 brng to Fort Smith RBn.	LOM	Direct	1600	C-d	600–1	600–1	600–1½
Int E crs ILS and R 090 FSM VOR	LOM	Direct	1600	C-n	600–2	600–2	600–2
Int E crs ILS and 343° brng to Fort Smith RBn.	LOM	Direct	1600	S-dn-25#	300–¾	300–¾	300–¾
Int E crs ILS and R-110 FSM	LOM (final)	Direct	1600	A-dn##	600–2	600–2	600–2
Fort Smith RBn	LOM	Direct	2200				

#500–¾ when G.S. not utilized.
##All installed components of the ILS must be operating otherwise alternate minima of 800–2 apply.
Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1600′.
Altitude of G.S. and distance to appr end of rny at OM 1530—3.2, at MM 702—6.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800′ on localizer crs (253°) within 15 miles or, when directed by ATC, climb to 1800′ on FSM-VOR R-235 within 15 miles or climb to 2200′ direct to FSM RBn.
NOTE: No approach lights.
AIR CARRIER NOTE: 300–1 required for T.O. runways 1–19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in take-off or landing minima authorized for cargo and ferry flights.
CAUTION: Water tower 611′ one mile West of West end of Runway 7. Touchdown point approximately 1500′ from new end of Runway 25.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468′; Fac. Class, ILS; Ident., I-FSM; Procedure No. ILS-25, Amdt. Orig.; Eff. Date, 21 Feb. 59

Houston VOR	LOM	Direct	1200	T-dn	300–1	300–1	200–½
Houston LFR	LOM	Direct	1200	C-dn	400–1	500–1	500–1½
Houston Fm	LOM	Direct	1500	S-dn-3	200–½	200–½	200–½
Arcola Int	LOM	Direct	2100	A-dn	600–2	600–2	600–2
Monument RBn	LOM	Direct	1600				
Fairbanks Int	LOM	Direct	1800				
Radar Vectoring Position	LOM (Final)	Direct	1300				

Radar Terminal Transition altitude 2200′ within 25 miles. Radar may be used to position aircraft for a final approach, within 5 miles of LOM, with the elimination of a procedure turn.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1300′.
Altitude of G.S. and distance to appr end of rny at OM 1260—4.2, at MM 250—0.6.
CAUTION: 1236′ msl TV tower approximately 9 mi SE of LOM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on NE crs ILS within 20 mi or, when directed by ATC, (1) turn left, climb to 1800′ on R-315 HOU VOR, or (2) turn left, climb to 2000′ on R-282 HOU VOR, or (3) turn right, climb to 1500′ on R-105 HOU VOR, or (4) turn right, climb to 2200′ on R-171 HOU VOR all within 20 mi HOU VOR.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class, ILS; Ident., I-HOU; Procedure No. ILS-3, Amdt. 18; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 17 (ILS portion of Comb. ILS-ADF); Dated, 26 Oct. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boothwyn FM	LOM (Final)	Direct	1300	T-dn	300–1	300–1	200–½
Philadelphia LFR	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
Radar Terminal Area Transition Altitudes:				S-dn-9	*200–½	*200–½	*200–½
N Quadrant of Philadelphia LFR	Radar Site	Within 20 mi	2400	A-dn	600–2	600–2	600–2
N Quadrant of Philadelphia LFR	Radar Site	Within 10 mi	#1800				
NW Quadrant of Philadelphia LFR	Radar Site	Within 20 mi	2000				
NW Quadrant of Philadelphia LFR	Radar Site	Within 10 mi	1500				
SW and SE Quadrants	Radar Site	Within 20 mi	#1500				

*500–1 required with glide slope inoperative.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of towers 1369′ MSL 9 miles North and 1049′ MSL 10 miles SE of airport.
Procedure turn S side W crs, 265° Outbnd, 085° Inbnd, 1800′ within 10 miles of LOM. NA beyond 10 mi.
Minimum altitude at G.S. int inbnd, 1400′.
Altitude at G.S. and distance to app end of rnwy at OM, 1400′—4.2 mi; 235′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1600′ on West Chester VOR R-104 to Echelon Int.
CAUTION: Stack 197° MSL 1.4 mi West of app end of rnwy 9.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 10′; Fac. Class, ILS; Ident., PHL; Procedure No. ILS-9, Amdt. 12; Eff. Date, 24 Jan. 59; Sup. Amdt. No. 11 Dated, 24 Jan. 59

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All bearings are from radar site with sector azimuths progressing clockwise.				Precision approach			
120	310	Within 10 mi	1800	S-dn 13R	300–¾	300–¾	300–¾
185	060	Within 20 mi	2500	A-dn	600–2	600–2	600–2
060	185	Within 20 mi	2000	Surveillance approach			
				T-dn-All	300–1	300–1	200–½
				C or S-d#	600–1	600–1	600–1½
				C or S-n#	600–1½	600–1½	600–1½
				A-dn#	800–2	800–2	800–2
				C or S-d##	400–1	500–1	500–1½
				C or S-n##	400–1½	500–1½	500–1½
				A-dn##	800–2	800–2	800–2

#Runway 22R and L.
##Runways 4R and L, 9R and L, 13R and L, 18, 27R and L, 31R and L, 36.
NOTE: Approaches to Runway 4 will cross MDW LOM and proceed on a crs of 195° from MDW LOM to *Harlem Int. Minimum altitude MDW LOM to Harlem Int, 1800′. Radar vectors will be transmitted on localizer frequency.
*Harlem Int: 195° brng MDW LOM and R-090 Naperville VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 2300′ and proceed to Peotone VOR inbound on R-001.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class, Midway; Ident., Radar; Procedure No. 1, Amdt. 6; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 5; Dated, 6 June 57

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
All directions		Within 20 mi	2500	Surveillance approach			
320°	150°	Within 10 mi	2000	T-dn-All	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn-All	800–2	800–2	800–2

All bearings are from radar site with sector azimuths progressing clockwise.
*Runways 14 L and R, 32 L and R, 27, 18 and 22#.
#Do not descend below 1200′ until radar advises passing 926′ tower 4.2 miles from end of runway 22.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate right or left turn, climb to 3500′, proceed to OBK VOR via R-075 ORD and R-135 OBK, or when directed by ATC, (1) make immediate right or left turn, climb to 2500′, proceed to OBK VOR via R-030 ORD and R-135 OBK; (2) make immediate right or left turn, climb to 2500′, proceed to OBK VOR via R-075 ORD and R-135 OBK.
NOTE: Right or left turn as appropriate for the direction of the approach.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class, O'Hare; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 1; Dated 27 Apr. 57

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
													65 knots or less	More than 65 knots	
All bearings are from the radar sector azimuths progressing clockwise.												Surveillance Approach			
0	360	5	2500									T-dn*	300-1	300-1	200-½
091	179			10	4000							C-d#	500-1	500-1	500-1½
180	090			10	2500							C-n#	500-1½	500-1½	500-1½
158	205					17	5000					A-dn#	800-2	800-2	800-2
355	070					17	3000			25	3100				
205	270							24	2500						

*All runways.
#Runways 18, 4L, 22R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for runways 18 and 22R proceed to LOM climbing to 2300'.
For runway 4L proceed to LFR or VOR climbing to 3000' or when directed by ATC climb to 4000 on NE (063) ers LFR or VOR R-347 within 20 miles.
CAUTION: Prohibited area NW and high terrain SE.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class, Knoxville; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 21 Feb. 59; Sup. Amdt. No. Orig.; Dated, 8 Oct. 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 313(a) of the Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

Issued in Washington, D.C., February 5, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1254; Filed, Feb. 11, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Okra [1]

On May 16, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F.R. 3334) regarding a proposed revision of the United States Standards for Grades of Frozen Okra. These standards are the second issue by the Department of grade standards for this product.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Okra are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1511 Product description.
52.1512 Styles of frozen okra.
52.1513 Color of frozen okra.
52.1514 Size of frozen okra.
52.1515 Grades of frozen okra.

FACTORS OF QUALITY

52.1516 Ascertaining the grade.
52.1517 Ascertaining the rating of the factors which are scored.
52.1518 Color.
52.1519 Defects.
52.1520 Character.

LOT INSPECTION AND CERTIFICATION

52.1521 Ascertaining the grade of a lot.

SCORE SHEET

52.1522 Score sheet for frozen okra.

AUTHORITY: §§ 52.1511 to 52.1522 issued under sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1511 Product description.

Frozen okra is the product prepared from the clean, sound, and succulent fresh pods of the okra plant (Hibiscus esculentus) of either the green or white varieties, by proper washing, sorting, trimming, and blanching, which is then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1512 Styles of frozen okra.

(a) "Whole okra" means frozen okra consisting of trimmed whole pods which may possess a portion of the cap.

(b) "Cut okra" means frozen okra consisting of trimmed whole pods, which may possess a portion of cap, and which have been cut transversely into pieces.

(c) "Unit" means an individual pod or portion of a pod in frozen okra.

§ 52.1513 Color of frozen okra.

(a) Green.
(b) White.

§ 52.1514 Size of frozen okra.

(a) The size of the unit is not a factor of quality for the purpose of these grades.

(b) The size of a whole pod is determined by measuring the unit from the stem end to the tip end of the pod.

(c) The size of cut okra is determined by measuring the longitudinal axis of the unit.

§ 52.1515 Grades of frozen okra.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen okra that possesses similar varietal characteristics; that possesses a good flavor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen okra may possess a reasonably good color, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen okra that possesses similar varietal characteristics; that possesses a reasonably good flavor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen okra that fails to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.1516 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum num-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ber of points that may be given for each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total Score	100

(b) *Evaluation of quality.* The rating for the factors of color, defects, and character (with respect to development of pods and seeds) and the evaluation of similar varietal characteristics are determined immediately after thawing to the extent that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is cooked to ascertain the tenderness of the units and freedom from fiber before final evaluation of the score for character. The flavor is also ascertained on the cooked product.

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means that the product, after cooking, has a good, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1517 Ascertaining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1518 Color.

(a) (*A*) *classification.* Frozen okra that possess a good color may be given a score of 17 to 20 points. "Good color" means that the color of the frozen okra is bright, practically uniform, and typical of young tender okra.

(b) (*B*) *classification.* Frozen okra that possesses a reasonably good color may be given a score of 14 to 16 points. "Reasonably good color" means that the frozen okra possesses a color that is typical of reasonably young and reasonably tender okra which may be dull in appearance but is not off color.

(c) (*SStd.*) *classification.* Frozen okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1519 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from sand, grit, or silt, extraneous vegetable material, poorly trimmed units, small pieces, units damaged by mechanical injury, misshapen units, and units blemished or seriously blemished by scars, blemished or discolored by other means, pathological injury, insect injury, or

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any harmless extraneous vegetable material such as leaves, stems, and other similar vegetable material.

(3) "Poorly trimmed" means attached portions of caps and capstems in excess of ¼ inch in length measured from the capscar, very ragged edges, or units that have lost their normal shape due to excessive trimming.

(4) "Small pieces" means pieces of pod in cut okra ¼ inch in length or less.

(5) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or edibility of the unit is seriously affected.

(6) "Misshapen" means any whole pod that is badly crooked, or is seriously affected by malformation.

(7) "Blemished unit" means any unit blemished to the extent that the aggregate blemished area materially affects the appearance of the product. Slight, insignificant discoloration which may occur on the ribs and blossom end of the unit shall not be considered as blemished.

(8) "Seriously blemished" means blemished to such an extent that the appearance or edibility of the unit is seriously affected.

(b) (*A*) *classification.* Frozen okra that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen okra:

(1) *"Whole."* (i) "Practically free from defects" means that the product contains no sand, grit, or silt that affects the appearance or edibility of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 10 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 1 piece of extraneous vegetable material;

(*b*) Not more than 2 small pieces of pod;

(*c*) Not more than 4 poorly trimmed units or 4 units damaged by mechanical injury or any combination of not more than 4 poorly trimmed units and units damaged by mechanical injury;

(*d*) Not more than 10 percent, by count, of misshapen units; and

(*e*) Not more than 6 percent, by count, of blemished units, and of such 6 percent, not more than one-third thereof, or 2 percent, by count, of all the units may be seriously blemished.

(2) *"Cut" or "cuts."* (i) "Practically free from defects" means that the product contains no sand, grit, or silt that affects the appearance or edibility of the frozen okra and that the combined weight of all other defects and defective units does not exceed 8 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 1 piece of extraneous vegetable material;

(*b*) Not more than 20 small pieces of pod;

(*c*) Not more than 8 poorly trimmed units or 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury; and

(*d*) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof or 2 percent, by count, of all the units may be seriously blemished.

(c) (*B*) *classification.* Frozen okra that is reasonably free from defects may by given a score of 28 to 33 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen okra:

(1) *"Whole."* (i) "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the appearance or edibility of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 15 percent, by weight, of all the units and that for each 10 ounces of units there may be present:

(*a*) Not more than 2 pieces of extraneous vegetable material;

(*b*) Not more than 4 small pieces of pod;

(*c*) Not more than 8 poorly trimmed units or 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury;

(*d*) Not more than 15 percent, by count, of misshapen units; and

(*e*) Not more than 12 percent, by count, of blemished units, and of such 12 percent, not more than one-third thereof, or 4 percent, by count, of all the units may be seriously blemished.

(2) *"Cut" or "cuts."* (i) "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the appearance or edibility of the frozen okra, and that the combined weight of all other defects or defective units does not exceed 12 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 2 pieces of extraneous vegetable material;

(*b*) Not more than 30 small pieces of pod;

(*c*) Not more than 12 poorly trimmed units or 12 units damaged by mechanical injury or any combination of not more than 12 poorly trimmed units and units damaged by mechanical injury; and

(*d*) Not more than 8 percent, by count, of blemished units, and of such 8 percent, not more than one-half thereof, or 4 percent, by count, of all the units may be seriously blemished.

(d) (*SStd.*) *classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1520 Character.

(a) *General.* The factor of character refers to the development of the pods and seeds and to the degree of freedom from fiber.

(b) (*A*) *classification.* Frozen okra that possesses a good character may be given a score of 34 to 40 points. "Good

character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 3 percent, by count, of the units possess tough fibers.

(c) (*B*) *classification.* If the frozen okra possesses a reasonably good character, a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost to a considerable extent their fleshy texture, that the units are reasonably tender, that the seeds may have passed the early stages of maturity, and that not more than 6 percent, by count, of the units possess tough fibers.

(d) (*SStd.*) *classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.1521 **Ascertaining the grade of a lot.**

The grade of a lot of frozen okra covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87; 22 F.R. 3535).

SCORE SHEET

§ 52.1522 **Score sheet for frozen okra.**

Size and kind of container	----
Container marks or identification	----
Label	----
Net weight (ounces)	----
Style (whole; cut)	----
Variety (green; white)	----

Factors		Score Points
Color	20	(A) 17–20 (B) 14–16 (SStd.) [1] 0–13
Defects	40	(A) 34–40 (B) [1] 28–33 (SStd.) [1] 0–27
Character	40	(A) 34–40 (B) [1] 28–33 (SStd.) [1] 0–27
Total score	100	

Flavor	----
Grade	----

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Okra (which is the Second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: February 9, 1959.

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

[F.R. Doc. 59-1289; Filed, Feb. 11, 1959; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

General Licensing of Devices

On January 10, 1959, the Commission issued for public comment a proposed amendment to Part 30 providing for a general license authorizing the possession and use under specified conditions of certain types of measuring, gauging or controlling devices containing byproduct material. Experience has indicated a need for a simplified procedure to allow users of such devices to possess and use byproduct material, when contained in such devices, without obtaining a specific license. The Commission will continue to exercise control over the manufacture and distribution of the devices through its specific licensing procedures. The general license will be applicable only to devices that are manufactured, tested, and labeled in accordance with specifications contained in a specific license authorizing supply of such devices to generally licensed persons.

Each applicant for a specific license to supply to general licensees devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere will be required to furnish sufficient information to assure that, among other things, the device can be safely operated by persons not having any training in radiological protection and that under normal conditions of use no person would be likely to receive more than a limited specified radiation exposure. Furthermore, the specifically licensed supplier will be required to apply quality control procedures to assure that the device meets the required specifications. In most cases, testing of a prototype of the device will also be required prior to the issuance of a license authorizing distribution to general licensees. Specific licensees will be obliged to report to the Commission on all transfers of the devices to generally licensed persons; thereby enabling the Commission to make appropriate inspections of the use of the devices.

Under the amendment the general licensees will be required to comply with certain restrictions which, in general will require that testing and servicing of the devices be accomplished by the manufacturer or other persons holding specific licenses. To assure that the general licensee is informed of the obligations imposed on him, the specifically licensed supplier will be required to furnish a copy of the general license provisions as contained in Title 10, Code of Federal Regulations, Chapter I, Part 30, "Licensing of Byproduct Material" to each generally licensed person to whom he transfers a device containing byproduct material.

Because this amendment establishes additional procedures for authorizing the distribution of devices containing byproduct material, and immediate effectiveness will not adversely affect any person, the Commission has found that good cause exists why this amendment should be made effective without the customary period of prior notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, Title 10, Code of Federal Regulations, Chapter I, Part 30, "Licensing of Byproduct Material," is amended as follows, effective upon filing with the Federal Register Division:

1. Add a new paragraph (c) to § 30.21 to read as follows:

(c) (1) A general license is hereby issued to own, receive, acquire, possess and use byproduct material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition or for producing light or an ionized atmosphere, when such devices are manufactured in accordance with the specifications contained in a specific license issued to the supplier pursuant to § 30.24(f): *Provided,* That:

(i) The general license contained in this paragraph shall apply only to devices distributed under and in accordance with a specific license which states that such devices when manufactured pursuant to the terms of the specific license may be distributed by the licensee pursuant to this paragraph;

(ii) That such devices are labeled in accordance with the provisions of the specific license which authorizes the distribution of the devices; and

(iii) That the device bear a label containing the following statement:

> This device, generally licensed pursuant to § 30.21(c) of 10 CFR, Part 30, has been manufactured and distributed pursuant to AEC license No. _____ by _____
> (Name of supplier)

(2) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in subparagraph (1) of this paragraph:

(i) Shall not transfer, abandon or dispose of the device, except by transfer to a person specifically licensed by the Commission to receive such device;

(ii) Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "Removal of this label is prohibited by regulations of the Atomic Energy Commission," are maintained thereon and shall comply with all instructions contained in such labels;

(iii) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals; provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(iv) Shall have the tests required by subdivision (iii) of this subparagraph

and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person holding a specific license to manufacture, install or service such devices;

(v) Shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the specific licensees conducting the tests;

(vi) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radioactive material or the on-off mechanism or indicator, shall immediately suspend operation of the device until it has been repaired by the supplier or other person holding a specific license to manufacture, install or service such devices, or disposed of by transfer to a person specifically licensed to receive the byproduct material contained in the device; and

(vii) Shall be exempt from the requirements of Part 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403.

(3) The general license provided in this paragraph is subject to the provisions of §§ 30.32 to 30.72, inclusive: *Provided*, That persons who possess byproduct material pursuant to this general license shall not export such byproduct material without a specific license from the Commission authorizing such export.

2. Add a new paragraph (f) in § 30.24 to read as follows:

(f) *Distribution of devices to persons generally licensed under § 30.21(c).* An application for a specific license to distribute certain devices of the types enumerated in § 30.21(c) to persons generally licensed under § 30.21(c) will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.23; and

(2) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labelling, proposed uses and potential hazards of the device to provide reasonable assurance that:

(i) The byproduct material contained in the device will not be lost;

(ii) That no person would receive a radiation exposure to a major portion of his body in excess of 0.5 rem in a year under ordinary circumstances of use;

(iii) The device can be safely operated by persons not having training in radiological protection; and

(iv) The byproduct material within the device would not be accessible to unauthorized persons.

(3) In describing the label or labels and contents thereon to be affixed to the device, the applicant should separately indicate those instructions and precautions which are necessary to assure safe operation of the device. Such instructions and precautions must be contained on labels bearing the statement, "Removal of this label prohibited by regulations of the Atomic Energy Commission."

3. Add a new paragraph (e) in § 30.32 to read as follows:

(e) Each licensee authorized under § 30.24(f) to distribute certain devices to generally licensed persons:

(1) Shall report to the Director, Division of Licensing and Regulation all transfers of such devices to persons generally licensed under § 30.21(c). Such report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a device is transferred to generally licensed persons; and

(2) Shall furnish to each general licensee to whom he transfers such device a copy of the general license contained in § 30.21(c).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 9th day of February 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-1309; Filed, Feb. 10, 1959; 2:18 p.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Recognized Breeds and Books of Record

Pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), the lists of breeds of animals and books of record contained in 9 CFR 151.9 (a) and (b)(1), as amended, are hereby amended to read as follows:

§ 151.9 Recognized breeds and books of record.

* * * * *

(a) *Breeds and books of record in countries other than Canada.* * * *

CATTLE

Name of breed	Book of record	By whom published
Aberdeen-Angus	Aberdeen-Angus Herd Book	Aberdeen-Angus Cattle Society, Hugh R. Nellson, secretary, Pedigree House, 17 Bon-Accord Square, Aberdeen, Scotland.
Africander	Africander Cattle Herd Book	The Africander Cattle Breeders' Society, under the supervision and authority of the South African Stud Book Association, E. L. Household, secretary, 40 Henry St., Bloemfontein, Union of South Africa.
Alderney	Herd Book of the Bailiwick of Guernsey (Alderney Branch).	Royal Alderney Agricultural Society (The Alderney Branch of the Royal Guernsey A. and H. Society), P. D. Sumner, secretary, The Bungalow, Butes, Alderney, Channel Isles.
Ayrshire	Ayrshire Herd Book	Ayrshire Cattle Herd Book Society of Great Britain and Ireland, John Graham, secretary, 1 Racecourse Rd., Ayr, Scotland.
Devon	Davy's Devon Herd Book	Devon Cattle Breeders' Society, Cyril Ernest Berry, secretary, Court House, The Square, Wiveliscombe, Somerset, England.
Dexter	Dexter Herd Book	Dexter Cattle Society, T. S. Pick, secretary, Manor Farm, Stubbs Lane, Lower Kingswood, Tadworth, Surrey, England.
Belted Galloway	Belted Galloway Herd Book	Belted Galloway Cattle Society, J. Campbell Laing, secretary, Galloway Estate Office, Newton Stewart, Wigtownshire, Scotland.
Galloway	Galloway Herd Book	Galloway Cattle Society of Great Britain and Ireland, Donald M. McQueen, secretary, Roughhills, Dalbeattie, Scotland.
Guernsey	English Guernsey Herd Book	English Guernsey Cattle Society, Col. T. M. Ker, secretary, 7 Cleveland Row, London, S. W. 1, England.
Do	Herd Book of the Bailiwick of Guernsey (Guernsey Branch).	Royal Guernsey Agricultural and Horticultural Society, H. C. Le Page, secretary, States Arcade Balcony, St. Peter Port, Guernsey, Channel Isles.
Hereford	Herd Book of Hereford Cattle	Hereford Herd Book Society, R. J. Bentley, secretary, 3 Offa St., Hereford, England.
Highland	Highland Herd Book	Highland Cattle Society of Scotland, Donald G. Noble, secretary, 17 York Pl., Perth, Scotland.
Holstein-Friesian	Friesch Rundvee-Stamboek	Vereeniging: "Het Friesch Rundvee-Stamboek," Dr. J. M. Dijkstra, secretary, Zuiderplein 2-6, Leeuwarden, The Netherlands.
Do	Nederlandsch Rundvee-Stamboek.	Vereeniging: "Het Nederlandsche Rundvee-Stamboek," H. W. J. Dekker, Chief Administrator, Stadhoudersplantsoen 24, 's Gravenhage, The Netherlands.
Jersey	Jersey Herd Book	Royal Jersey Agricultural and Horticultural Society, H. G. Shepard, secretary, 3 Mulcaster St., St. Helier, Jersey, Channel Isles.
Do	Jersey Herd Book of United Kingdom.	Jersey Cattle Society of the United Kingdom, Edward Ashby, secretary, 19 Bloomsbury Square, London, W.C. 1, England.
Kerry	British Kerry Cattle Herd Book	British Kerry Cattle Society, R. O. Hubl, secretary, The Milestone, Stanmore Hill, Stanmore, Middlesex, England.
Do	Kerry Cattle Herd Book	Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland.
Lincoln Red Shorthorn	Lincoln Red Shorthorn Herd Book.	Lincoln Red Shorthorn Society, W. Dunnaway, secretary, Agriculture House, Park St., Lincoln, England.
Red Danish	Stambog over Køer af Rød Dansk Malkerace. Stambog over Tyre af Rød Dansk Malkerace. Register-Stambog over Kvaeg af Rød Dansk Malkerace.	De Samvirkende Danske Landboforeninger, A. Wulff Pedersen, secretary, Vindegade 72, Odense, Denmark.
Red Poll	Red Poll Herd Book	Red Poll Cattle Society of Great Britain and Ireland, Inc., A. C. Burton, secretary, 32 Princes St., Ipswich, Suffolk, England.

CATTLE—Continued

Name of breed	Book of record	By whom published
Shorthorn	Coates's Herd Book	Shorthorn Society of Great Britain and Ireland, Arthur Furneaux, secretary, Victoria House, Southampton Row, London, W.C. 1, England.
South Devon	Herd Book of South Devon Cattle.	South Devon Herd Book Society, W. G. Turpitt, secretary, 16 Sherborne Rd., Newton Abbot, Devon, England.
Sussex	Sussex Herd Book	Sussex Herd Book Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Welsh	Welsh Black Cattle Herd Book	Welsh Black Cattle Society, G. Williams Edwards, secretary, 27 Market St., Caernarvon, No. Wales.

HORSES

Arabian	Arab Horse Stud Book	The Arab Horse Society, Col. R. C. de V. Askin, secretary, Beechmead, Rowledge, Farnham, Surrey, England.
Do	Polska Ksiega Stadna Koni, Arabskich Czystej Krwi.	Towarzystwo Hodowli Konia Arabskiego, Maria Brykczyńska, secretary, Kraków, Sarego 2, Poland.
Do	General Stud Book	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.
Do	Registro-Matricula de Caballos de Pura Sangre.	Jefatura de Cría Caballar y Remonta, Don Manuel Diaz Calderon, Secretario Stud-book, Ministerio del Ejército, Madrid, Spain.
Do	Stud Book Argentino	Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Ricardo A. Maestri, Chief, Av. Libertador General San Martin 4101, Capital Federal, República Argentina.
Do	Stud Book Français Registre des Chevaux de Pur Sang.	Commission du Studbook Français de Pur Sang, M. Maze-Sencier, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Varenne (7), Paris, France.
Do	The Arabian Stud Book. (Recognition of this book will be restricted to Arabian horses which originate for importation in Saudi Arabia, or trace to pure Arabian stock of that country.)	The Arabian Horse Club Registry of America, Inc., Frank Watt, secretary, 111 W. Monroe St., Chicago 3, Ill.
Belgian	Stud-Book des Chevaux de Trait Belges.	Société Royale "Le Cheval de Trait Belge," Edgard Bedoret, general secretary, 45a rue de l'Ecuyer Brussels, Belgium.
Cleveland Bay	Cleveland Bay Stud Book	Cleveland Bay Horse Society, Oswald Welford, secretary, The Angelus, Roxby, Staithes, Saltburn, Yorkshire, England
Clydesdale	Clydesdale Stud-Book	Clydesdale Horse Society of Great Britain and Ireland, Robert Jarvis, secretary, 93 Hope St., Glasgow, C. 2, Scotland.
Criolla	"Registre Definitive Soccion" de Registro Genealogico para la Raza Criolla.	Sociedad Rural Argentina, E. F. Garay, Technical Manager, Florida 460, Buenos Aires, Argentina.
Fjordhest (formerly known as Westland).	Stambok over Fjordhest	Statens Stambokkontor, W. W. Christie, Stat Stud-Book Registrar, Munkedamsveien 35 VI, Oslo, Norway.
Hackney	Hackney Stud Book	Hackney Horse Society, Robert F. Ling, secretary, 38 Langham St., London, W. 1, England.
Holstein	Holsteinisches Gestütbuch	Verband der Zuchter des Holsteiner Pferdes e. V., Herr H. Horstmann, secretary, Klostersande 93, Elmshorn, Germany.
Percheron	British Percheron Stud Book	British Percheron Horse Society, A. E. Vyse, Secretary, Owen Webb House, Gresham Road, Cambridge, England.
Do	Stud-Book Percheron de France	Societé Hippique Percheronne de France, E. Lemarié, secretary, 7 rue Villette-Gaté, Nogent-le-Rotrou (E-&-L), France.
Shetland Pony	Shetland Pony Stud-Book	Shetland Pony Stud-Book Society, Thomas H. F. Myles, secretary, 61 George St., Perth, Scotland.
Shire	Shire Horse Stud Book	Shire Horse Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Suffolk	Suffolk Stud-Book	Suffolk Horse Society, Raymond Keer, secretary, 6 Church St., Woodbridge, Suffolk, England.

HORSES—Continued

Name of breed	Book of record	By whom published
Thoroughbred	Australian Stud Book	Australian Jockey Club and Victoria Racing Club, W. J. McFadden, Keeper of the Stud Book, 6 Bligh St., Sydney, N.S.W., Australia.
Do	General Stud Book	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.
Do	Jamaica Stud-Book	The Jockey Club of Jamaica, Miss L. Pike, secretary, 10 Duke St., Kingston, Jamaica, B.W.I.
Do	Stud Book de Chile	Club Hipico de Santiago, Alejandro Obolensky Dadian, secretary, Casilla 3674, Santiago, Chile.
Do	New Zealand Stud Book	New Zealand Racing Conference, A. M. McBeath, secretary, P. O. Box 1430, Wellington, C. 1, New Zealand.
Do	Registro-Matricula de Caballos de Pura Sangre.	Jefatura de Cría Caballar y Remonta, Don Manuel Diaz Calderon, Secretario Stud-book, Ministerio del Ejército, Madrid, Spain.
Do	Stud Book Français Registre des Chevaux de Pur Sang.	Commission du Studbook Français de Pur Sang, M. Maze-Sencier, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Varenne (7), Paris, France.
Do	Libro Genealogico dei Cavalli di Puro Sangue.	Jockey Club Italiano, Gen. Federico Garofoli, secretary, Corso Vittorio Emanuele 87, Rome, Italy.
Do	Registre des Chevaux de Pur Sang.	Jockey-Club de Belgique, Lt. Col. Baron Jacques van Zuylen van Nyevelt, secretary, 16 Ave. de l'Armée, Brussels, Belgium.
Do	Stud Book Brasileiro	Jockey Club Brasileiro, Ricardo Xavier da Silveira, director, Av. Rio Branco 197, Rio de Janeiro, Brazil.
Do	Stud Book Peruano	Jockey Club del Perú, Dr. Gonzalo de la Puente, secretary, Unión 1066, Lima, Perú.
Do	American Stud Book. (Recognition of this book will be restricted to Thoroughbreds imported as follows: (a) Horses bred or born in the United States, shipped to a foreign country and returned to this country; (b) horses bred or born in Great Britain, Northern Ireland, Eire, or France, whose pedigrees trace wholly, or in part, to horses bred or born in the United States; (c) horses from countries where a book of purebred registration for Thoroughbreds does not exist; or (d) horses previously certified for entry under the act and for which Certificates of Foreign Registration were issued by The Jockey Club of New York, and which were subsequently exported to any country and returned to the United States with such certificates.)	The Jockey Club, Mrs. L. Brennan, registrar, 300 Park Ave., New York 22, N.Y.
Do	Stud Book Argentine	Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Ricardo A. Maestri, Chief, Av. Libertador General San Martin 4101, Capital Federal, Republica Argentina.
Welsh Pony and Cob	Welsh Stud Book	Welsh Pony & Cob Society, J. A. George, secretary, Offices of the Royal Welsh Agricultural Society, Queen's Rd., Aberystwyth, Cardiganshire, Wales.

ASSES

Poitou	Jack and Jennet Section of Stud-Book ou Livre Genealogique des Animaux Mulassiers du Poitou.	Societe Centrale d'Agriculture des Deux-Sevres, R. Martinet, secretary, Cite Administrative, rue Dugueselin, Niort (Deux-Sevres), France.

Sheep

Name of breed	Book of record	By whom published
Border Leicester	Border Leicester Flock Book	Society of Border Leicester Sheep Breeders, Robert Jarvis, secretary, Room 273, 93 Hope St., Glasgow, C. 2, Scotland.
Cheviot	Cheviot Sheep Flock Book	Cheviot Sheep Society, Guy H. Armstrong, secretary, Commercial Bank Buildings, Hawick, Scotland.
Corriedale	Flock Book for Corriedale Sheep in Australia.	The Australian Corriedale Association, H. T. C. Woodfull, secretary, Royal Showgrounds, Epsom Road, Ascot Vale, W. 2, Victoria, Australia.
Do	Corriedale Flock Book (New Zealand).	The Corriedale Sheep Society, Inc., C. H. Lawrence, secretary, 154 Hereford St., Christchurch, New Zealand.
Dorset Horn	Dorset Horn Flock Book	Dorset Horn Sheep Breeders' Association, E. F. B. Lucas, secretary, Bank Chambers, Dorchester, Dorset, England.
Hampshire Down	Hampshire Down Flock Book	Hampshire Down Sheep Breeders' Association, Miss Doris M. Stanbury, secretary, 38 Endless St., Salisbury, Wilts., England.
Kent or Romney Marsh	Kent or Romney Marsh Flock Book.	Kent or Romney Marsh Sheep-Breeders' Association, G. W. Tuffrey, secretary, Station Road, Ashford, Kent, England.
Kerry Hill	Kerry Hill Flock Book	Kerry Hill (Wales) Flock Society, Ralph P. Evans, secretary, c/o The Radnorshire Co., Ltd., Knighton, Radnorshire, Wales.
Leicester	Leicester Flock Book	Leicester Sheep Breeders' Association, P. S. Atkinson, secretary, The Exchange, Exchange St., Driffield, E. Yorks., England.
Lincoln	Flock Book of Lincoln Longwool Sheep.	Lincoln Longwool Sheep Breeders' Association, Brian Shelley, secretary, Westminster Bank Chambers, 8 Guildhall St., Lincoln, England.
Oxford Down	Flock Book Oxford Down Sheep	Oxford Down Sheep Breeders' Association, L. E. Deacon, secretary, 18 Fir Tree Walk Weston Favell, Northampton, England.
Romney Marsh	New Zealand Romney Marsh Flock Book.	New Zealand Romney Marsh Sheep Breedres' Association, Inc., R. J. J. Campbell, secretary, 117 Kimbolton Rd., Feilding, New Zealand.
Ryeland	Ryeland Flock Book	Ryeland Flock Book Society, Ltd., P. J. Hoskins, secretary, 20 King St., Hereford, England.
Shropshire	Shropshire Flock Book	Shropshire Sheep Breeders' Association and Flock Book Society, Ivor Guy Mansell, secretary, College Hill, Shrewsbury, Shropshire, England.
Southdown	Southdown Flock Book	Southdown Sheep Society, Inc., R. G. Noakes, secretary, Westways, Barming Woods, Maidstone, Kent, England.
Suffolk	Suffolk Flock Book	Suffolk Sheep Society, Harry A. Byford, secretary, 30 Museum St., Ipswich, Suffolk, England.
Wensleydale	Wensleydale Longwool Sheep Flock Book.	The Wensleydale Longwool Sheep Breeders' Association, W. Dickinson, sceretary, "Cartmel," Church Walk, Ulverston, Lancashire, England.
Various recognized breeds	New Zealand Flock Book	New Zealand Sheep Breeders' Association, H. M. Studholme, secretary, P.O. Box 9002, Addington, Christchurch, New Zealand.
Do	Flock Book for British Breeds of Sheep in Australia.	Australian Society of Breeders of British Sheep, H. T. C. Woodfull, secretary, Royal Show Grounds, Epsom Road, Ascot Vale, W. 2, Victoria, Australia.

Goats

Saanen and Toggenburg	British Goat Society Herd Book (Saanen and Toggenburg Sections).	British Goat Society, Miss M. F. Rigg, secretary, Diss, Norfolk, England.

Hogs

Irish Large White	Herd Book of Irish Large White Pigs.	Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland.
Berkshire, Gloucestershire Old Spots, Large Black, Large White, Middle White, Tamworth, Wessex Saddleback	Herd Book of the National Pig Breeders' Association.	National Pig Breeders' Association, E. G. Wake, secretary, 69 Clarendon Road, Watford, Herts., England.

Dogs

Name of breed	Book of record	By whom published
Boxer	Boxer-Zuchtbuch	Boxer-Klub e. V. Sitz München, Bernhard Schmitz, president, 38 Otkerstrasse, München 9, Germany.
Dachshund	Teckel-Stammbuch	Deutscher Teckelklub e. V., Josef Chateau, studbook keeper, Vallendar/Rhein, Haus Rheinnieder, Germany.
Foxhound	Foxhound Kennel Stud Book	Masters of Foxhounds Association, Lt. Col. J. E. S. Chamberlayne, Hon. secretary, 51 Victoria St., London, S. W. 1, England.
Do	Welsh Hound Stud Book	Welsh Hound Association, Islwyn E. E. Davies, Hon. secretary, Berthddu, Llandinam, Montgomeryshire, East Wales.
German Shepherd	Zuchtbuch für deutsche Schäferhunde (SZ).	Verein für deutsche Schäferhunde (SV), Hans Kremhelmer, director, Beim Schnarrbrunnen 4, Augsburg 5, Germany.
Great Dane	Zuchtbuch für Deutsche Doggen	Deutscher Doggen-Club, Richard Staadt, president, Ellerstrasse 25, Solingen-Ohligs, Germany.
Greyhound	Australian Greyhound Stud Book	The Australian and New Zealand Greyhound Association, Robert John Maidment, secretary, 349 Collins St., Melbourne, C. 1, Australia.
Do	Greyhound Stud Book	National Coursing Club, Sydney H. Dalton, secretary, 11 Haymarket, London, S. W. 1, England.
Do	Irish Greyhound Stud Book	Irish Coursing Club, Miss K. Butler, secretary, Davis Road, Clonmel, Co. Tipperary, Ireland.
Harrier and Beagle	Harrier and Beagle Stud Book	Association of Masters of Harriers and Beagles, J. J. Kirkpatrick, Hon. secretary, East Wing, Kirtlington Park, Oxford, England.
Rottweiler	Zucht- und Körbuch	Allgemeiner Deutscher Rottweiler-Klub, Mrs. Josephine Rieble, secretary, Vorsteigstrasse 5, Stuttgart-West, Germany.
St. Bernard	Bernhardiner-Zuchtbuch	St. Bernhardsklub e. V., Franz Hrachowina, studbook keeper, Bergmannstrasse 35, München 12, Germany.
Various recognized breeds	Irish Kennel Club Stud Book	Irish Kennel Club, Miss Maud C. Fox, secretary, 23 Eden Quay, Dublin, C. 8, Ireland.
Do	Kennel Club Stud Book	English Kennel Club, E. Holland Buckley, secretary, 1–4 Clarges St., Piccadilly, London, W. 1, England.
Do	Livre des Origines Français	Société Centrale Canine pour l'Amelioration des Races de Chiens en France, Col. Raoul Nicole, administrative director, 3 Rue de Choiseul, Paris 2, France.
Do	Livre des Origines de la Société Royale Saint-Hubert.	Société Royale Saint-Hubert, R. Willocq, secretary, 391 Chaussée Saint-Pierre, Brussels 4, Belgium.
Do	Norsk Kennelklubs Stambok	Norsk Kennel Klub, Olaf A. Roig, secretary, Drammensveien 4, Oslo, Norway.
Do	Zuchtbuch des Klub für Terrier e. V.	Klub für Terrier e. V., Wilhelm Vahle, secretary, 16 Kelsterbach, bei Frankfurt a. M., Germany.
Do	Schweizerisches Hunde-Stammbuch.	Schweizerische Kynologischen Gesellschaft, Carl Wittwer, secretary, Seestrasse 64, Kilchberg/Zurich, Switzerland.
Do	Svenska Kennelklubbens Register	Svenska Kennelklubben, Ivan Swedrup, secretary, Linnégatan 25, Stockholm Ö, Sweden.

Cats

Long-haired and short-haired.	The Governing Council of the Cat Fancy Stud Book.	The Governing Council of the Cat Fancy, W. A. Hazeldine, secretary, 1 Roundwood Way, Banstead, Surrey, England.

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* * * *

Cattle	Sheep	Horses	Hogs	Goats
Aberdeen-Angus. Ayrshire. Brown Swiss. Canadian. Galloway. Guernsey. Hereford. Highland. Jersey. Red Poll. Shorthorn. Shorthorn (Lincolnshire Red).	Blackface. Cheviot. Corrisdale. Cotswold. Dorset Horn. Hampshire. Karakul. Kerry Hill. Leicester. Lincoln. Merino. Oxford Down. Rambouillet. Ryeland. Shropshire. Southdown. Suffolk.	American Saddle Horse. Arabian. Belgian Draft. Canadian. Clydesdale. Hackney. Percheron. Shetland Pony. Shire. Standardbred. Suffolk. Thoroughbred. Welsh Pony and Cob.	Berkshire. Chester White. Duroc-Jersey. Hampshire. Large Black. Poland China. Tamworth. Wessex Saddleback. Yorkshire.	Alpine. Angora. Nubian. Saanen. Toggenburg.

The amendment incorporates changes in the custodianship and addresses of the associations sponsoring or publishing books of record. In this respect it is merely a formal amendment. The amendment also recognizes the Wessex Saddleback breed of hogs and the records thereof contained in the Canadian National Live Stock Records for Swine. The amendment further provides for the issuance of certificates of pure breeding for Thoroughbreds previously certified for entry into the United States under paragraph 1606 of section 201 of the Tariff Act of 1930, as amended, for which certificates of foreign registration were issued by The Jockey Club of New York, so as to facilitate the entry of such horses when they are returned to the United States after exportation therefrom. In these respects the amendment relieves restrictions. In order to be of maximum benefit to affected persons it should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public rule-making procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 201, 46 Stat. 672, as amended; 19 U.S.C. 1201)

Done at Washington, D.C. this 6th day of February 1959.

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

[F.R. Doc. 59-1239; Filed, Feb. 11, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7250]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Felix Friedman

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary:* § 13.1810 *Fictitious marketing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Felix Friedman trading as Felix Friedman, Cincinnati, Ohio, Docket No. 7250, January 14, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Cincinnati, Ohio, with violating the Fur Products Labeling Act by labeling fur products with fictitious prices represented as the usual retail selling prices; by failing to label and invoice certain products as required by the Act; and by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products or that products were artificially colored, or failed in other respects to comply with requirements of the Act.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Felix Friedman, an individual trading as Felix Friedman, or under any other name, and his representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Representing on labels affixed to the fur products or in any other manner, that certain amounts are the regular and usual prices when such amounts are in excess of the prices at which respondent has usually and customarily sold such products in the recent regular course of business.

(b) Failing to affix labels to fur products showing:

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

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

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

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

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

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

(7) The item number or mark assigned to a fur product.

(c) Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

(d) Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

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

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

(3) That the fur product contains or is composed of bleached, dyed or other-

wise artificially colored fur, when such is the fact;

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

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

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

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

(a) Fails to disclose:

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

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

(b) Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

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

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

Issued: January 14, 1959.

By the Commission.

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

[F.R. Doc. 59-1262; Filed, Feb. 11, 1959; 8:47 a.m.]

[Docket 7256]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

K & K Quilting and Batting Corp. et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, K & K Quilting and Batting Corp. et al., New York, N.Y., Docket 7256, January 14, 1959]

In the Matter of K & K Quilting and Batting Corp., a Corporation, and Jacob Krumholz, Benjamin Krumholz, and Meyer Krumholz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City with violating the Wool Products Labeling Act by tagging as "100% Reprocessed Wool", interlinings which contained a substantial quantity of fibers other than wool; and by failing to stamp or label certain wool products as required by the Act.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents K & K Quilting & Batting Corp., a corporation, and its officers, and Jacob Krumholz, Benjamin Krumholz, and Meyer Krumholz, individually, and as officers of the corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen interlinings or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

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

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

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

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

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

Issued: January 14, 1959.

By the Commission.

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

[F.R. Doc. 59-1263; Filed, Feb. 11, 1959; 8:47 a.m.]

[Docket 7247]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Jantzen, Inc.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Jantzen, Inc., Portland, Oreg., Docket 7247, January 16, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of clothing in Portland, Oreg., with annual sales in 1957 in excess of $44,000,000, to cease discriminating in price by paying advertising allowances to certain favored customers—such as 50 percent of newspaper advertising costs for its summer wear and sweater lines, to the limit of 5 percent of purchases where the initial order for a season amounted to $5,000 or more—without making such payments available to their competitors on proportionally equal terms.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Jantzen, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the sale of clothing in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation, or in consideration, for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of any of respondent's products,

unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

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

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

Issued: January 16, 1959.

By the Commission.

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

[F.R. Doc. 59-1264; Filed, Feb. 11, 1959; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

1,2-DIHYDRO-6-ETHOXY-2,2,4-TRIMETHYLQUINOLINE; PERMITTED ADDITION TO CERTAIN DEHYDRATED FORAGE CROPS AND ANIMAL-FEED SUPPLEMENTS MANUFACTURED THEREFROM

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Monsanto Chemical Company, Lindbergh and Olive Street Road, St. Louis, Missouri, and other relevant material, has concluded that the addition of the food additive 1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline to certain dehydrated forage crops and poultry feeds will present no hazard to the health of animals and poultry when such additive is incorporated in such dehydrated forage crops and poultry feeds in the amount, for the purposes, and under the conditions set forth in the following regulations promulgated pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (22 F.R. 1045; 23 F.R. 9500):

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

§ 121.201 1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline in certain dehydrated forage crops.

1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline may be safely used in the dehydrated forage crops listed in paragraph (a) of this section, when incorporated therein in accordance with the conditions prescribed in this section:

(a) It may be added to dehydrated forage prepared from:

Alfalfa	Medicago sativa.
Barley	Hordeum vulgare.
Clovers:	
Alsike clover	Trifolium hybridum.
Crimson clover	Trifolium incarnatum.
Red clover	Trifolium pratense.
White clover (including Ladino).	Trifolium repens.
White sweetclover	Melilotus alba.
Yellow sweetclover	Melilotus officinalis.
Coastal Bermudagrass.	Cynodon dactylon.
Fescue	Festuca sp.
Oats	Avena sativa.
Orchardgrass	Dactylis glomerata.
Reed canarygrass	Phalaris arundinacea.
Ryegrass (annual and perennial).	Elymus sp. and Lolium perenne.
Wheat	Triticum aestivum.

or any mixture of such forage crops, for use only as an animal feed.

(b) Such additive is used only as a chemical preservative for the purpose of retarding oxidative destruction of naturally occurring carotenes and vitamin E in the forage crops.

(c) It is added to the dehydrated forage crops in an oil mixture containing only suitable animal or suitable vegetable oil, prior to grinding and mixing.

(d) The maximum quantity of the additive permitted to be used and to remain in or on the dehydrated forage crop shall not exceed 150 parts per million (0.015 percent).

(e) To assure the safe use of the additive, the label of the market package shall contain, in addition to other information required by the act:

(1) The name of the additive as specified in this section.

(2) Directions for the incorporation of the additive in the forage crops, as specified in paragraph (c) of this section, with the directive that only suitable animal or suitable vegetable oils are to be used in the oil mix.

(f) The label of any dehydrated forage crops treated with the additive or the label of an animal-feed supplement containing such treated forage crops, shall, in addition to other information required by the act, bear the following statements:

(1) "1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline, a preservative, added to retard the oxidative destruction of carotenes and vitamin E."

(2) The statement "For use in animal feed only."

§ 121.202 1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline in poultry feed.

1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline may be used in poultry feed when incorporated therein in accordance with the conditions prescribed in this section:

(a) Such additive is used only as a chemical preservative for the purpose of retarding oxidative destruction of naturally occurring carotenes, xanthophylls, and vitamin E in the poultry feed.

(b) The maximum quantity of the additive permitted to be used and to remain in or on the treated poultry feed shall not exceed 150 parts per million (0.015 percent).

(c) To assure safe use of the additive, the label of the market package shall contain, in addition to other information required by the act:

(1) The name of the additive as specified in this section.

(2) Directions for the incorporation of the additive in poultry feed, including a statement that the additive should be added at a rate of 0.0125 percent or 0.25 pound per ton of final manufactured feed and that the total amount of the additive added, plus any furnished by other feed ingredients previously treated with the additive, must not exceed 0.015 percent of the final mixed poultry feed.

(d) The label of any poultry feed treated with the additive shall, in addition to the other information required by the act, bear the following statements:

(1) "1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline, a preservative, added to retard oxidative destruction of carotenes, xanthophylls, and vitamin E."

(2) The statement "For use as a poultry feed only."

Based upon an evaluation of the data before him, and proceeding under the authority of section 409(c)(4) of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348), the Commissioner of Food and Drugs has further concluded that a tolerance limitation is required in order to assure that the use of the food additive 1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline will not cause the meat or meat byproduct and eggs of animals to which are fed foods treated with the additive in accordance with §§ 121.201 and 121.202 to be unsafe. Therefore, the following tolerances are established:

Subpart D—Food Additives Permitted in Food for Human Consumption

§ 121.1001 Tolerances for residues of 1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline in meat from animals slaughtered for human food.

(a) A tolerance of 0.5 part per million is established for residues of the food additive 1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline in or on the uncooked meat or meat byproduct of animals that have been fed dehydrated forage crops treated with the additive or animal-feed supplements containing such treated dehydrated forage crops pursuant to § 121.201.

(b) A tolerance of 0.5 part per million is established for residues of the food additive 1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline in or on the uncooked muscle meat and eggs of poultry that have been fed poultry feed treated with the additive pursuant to § 121.202.

(c) A tolerance of 3.0 parts per million is established for residues of the food additive 1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline in or on the uncooked liver and the fat of poultry that have been fed poultry feed treated with the additive pursuant to § 121.202.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the

Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348 (c)(1). Interprets or applies secs. 201, 402, 52 Stat. 1042, 1046, as amended 68 Stat. 511, 72 Stat. 1785; 21 U.S.C. 321, 342)

Dated: February 6, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-1282; Filed, Feb. 11, 1959; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F.R. 6421, 9508) are amended as indicated below:

In § 146.26 *Animal feed containing penicillin*, paragraph (b)(32) is amended by adding a new subdivision (iii) as follows:

(iii) It is also intended for the prevention and treatment of bacterial swine enteritis, it contains hygromycin B in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains penicillin and streptomycin in the amounts specified in subparagraphs (6) and (7) of this paragraph. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear the warning specified in subdivision (i) of this subparagraph.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be contrary to public interest to delay providing for the amendment incorporated in this order.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502(l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: February 4, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-1283; Filed, Feb. 11, 1959; 8:49 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 7

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendments to Statements of Procedure which it finds necessary to carry out the provisions of said Act, such amendments to be effective February 16, 1959.

National Labor Relations Board Statements of Procedure, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., February 11, 1959.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

Subpart B—Unfair Labor Practice Cases Under Section 10 (a) to (i) of the Act and Telegraph Merger Act Cases

Section 101.4 is amended to read as follows:

§ 101.4 Investigation of charges.

When the charge is received it is filed, docketed, and assigned a case number by the region. The regional director will, on request of the charging party, and may in any case cause a copy of the charge to be served upon the person against whom the charge is made, but timely service of a copy of the charge within the meaning of the proviso to section 10(b) of the act is the exclusive responsibility of the charging party and not of the general counsel or his agents. The regional director requests the person filing the charge to submit evidence in it support. As part of the investigation hereinafter mentioned, the person against whom the charge is filed, hereinafter called the respondent, is asked to submit a statement of his position in respect to the allegations. The case is assigned to a member of the field staff for investigation, who interviews representatives of the parties and other persons who have knowledge as to the charges, as is deemed necessary. In the investigation and in all other stages of the proceedings, charges alleging violation of section 8(b)(4)(A), (B), and (C) are given priority over all other cases in the office in which they are pending except cases of like character, and charges alleging violation of section 8(b)(4)(D) are given priority over all cases except section 8(b)(4)(A), (B), and (C) cases and other cases alleging violation of section 8(b)(4)(D). The regional director may in his discretion dispense with any portion of the investigation described in this section as appears necessary to him in consideration of such factors as the amount of time necessary to complete a full investigation, the nature of the proceeding, and the public interest. After investigation, the case may be disposed of through informal methods such as withdrawal, dismissal, and settlement; or, the case may necessitate formal methods of disposition. Some of the informal methods of handling unfair labor practice cases will be stated first.

Subpart E—Jurisdictional Dispute Cases Under Section 10(k) of the Act

Section 101.31 is amended to read as follows:

§ 101.31 Procedure before the Board.

The parties have 7 days after the close of the hearing, subject to any extension that may have been granted, to file briefs with the Board and to request oral argument which the Board may or may not grant. The Board then considers the evidence taken at the hearing and the hearing officer's analysis together with any briefs that may be filed and the oral argument, if any, and issues its determination or makes other disposition of the matter.

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

The above amendments shall be effective February 16, 1959.

[F.R. Doc. 59-1269; Filed, Feb. 11, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1788]

[62273]

COLORADO

Revoking Public Land Order No. 1422 of May 24, 1957

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

1. Public Land Order No. 1422 of May 24, 1957, which modified in part Public Land Order No. 918 of October 8, 1953, to permit location, entry and patent under the United States mining laws of the following-described lands, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 78 W.,
Sec. 15, N½, N½NW¼SW¼, SW¼NW¼SW¼, N½NW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼, W½SW¼SW¼, S½NW¼NE¼SW¼SW¼, SE¼SW¼SW¼, SW¼NE¼SW¼SW¼, E½NE¼SW¼SW¼, E½SW¼ and SE¼.

The areas described aggregate 635 acres.

2. The lands are withdrawn by Public Land Order No. 918, supra, in connection with the Hot Sulphur Winter Deer-Elk Range.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 6, 1959.

[F.R. Doc. 59-1265; Filed, Feb. 11, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

[Docket No. AO-173-A10]

MILK IN WICHITA, KANSAS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Wichita, Kansas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Wichita, Kansas, on August 5-7, 1958, pursuant to notice thereof which was issued July 16, 1958 (23 F.R. 5509).

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

1. Expansion of the marketing area;
2. Standards for qualifying a supply plant as a pool plant;
3. Defining a cooperative association as a handler with respect to bulk tank milk and to milk which it diverts to nonpool plants;
4. Classification of new products;
5. Classification, accounting, and pricing provisions regarding cottage cheese;
6. Changing the Class I price;
7. Providing location differentials to handlers and producers;
8. Reviewing the provisions relative to unpriced milk; and
9. Administrative changes.

A proposal to revise the method of accounting for the skim milk equivalent of dried or concentrated products was not supported at the hearing and no further reference to it is made herein.

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

1. *Marketing area.* The Wichita, Kansas, marketing area should be expanded to include all of Sedgwick County within which the present marketing area is located, the additional counties of Cowley, Sumner, Butler, Marion, and Harvey, and all Federal, State, and municipal institutions or bases located therein.

Minimum sanitary requirements are established by State of Kansas authorities for milk and some local authorities impose additional requirements. The requirements for milk labeled and sold as Grade A are substantially the same although there are portions of the six-county area which do not require that fluid milk meet Grade A requirements. The order will continue to apply only to Grade A milk inasmuch as most of the municipalities require that only Grade A milk be sold, and nearly all of the milk sold in the area is, in fact, Grade A milk.

With respect to that portion of Sedgwick County outside of the presently defined marketing area, the territory is served almost exclusively by presently regulated handlers. The rapid growth of population and milk sales make it desirable that this territory be included in the marketing area.

In Cowley County, the Arkansas City Cooperative Milk Association is the principal handler. This association operates a plant located in Arkansas City at which Grade A milk is received and distributed on routes and at which manufacturing grade milk is also received for manufacturing various dairy products. In recent years this plant has been the principal outlet for the seasonal and daily surpluses of that portion of the Wichita Grade A milk supply which is handled by the Wichita Milk Producers Association. The Grade A shippers currently shipping milk to the Arkansas City plant have recently executed conditional membership contracts with the Wichita Milk Producers Association. The latter association plans to assume responsibility for the marketing of the milk of these shippers when the contracts become effective. The Wichita Milk Producers Association proposed to include Cowley County and certain designated cities in Sumner County in the Wichita marketing area in order to provide maximum flexibility in the marketing of this supply of Grade A milk and to assure that all handlers selling milk in the sales territory served by the Arkansas City plant would be required to pay the same minimum class prices for milk.

It is estimated that 16 percent of the total sales in Cowley County are made by handlers from plants presently regulated under the Wichita order. These handlers also distribute extensively in the other counties herein recommended to be added to the Wichita marketing area. Under the circumstances, it is appropriate that the added territory be made part of the Wichita market rather than being separately regulated or added to another Federal order area.

Of the two other major handlers distributing Grade A milk in Cowley County one handler operates a plant, regulated under the Kansas City order, at Council Grove in Morris County, and the other handler operates an unregulated plant at El Dorado, in Butler County, as well as a regulated plant at Wichita. Three small plants located at Winfield, in Cowley County, handle most of the remaining Grade A milk distributed in this county. The combined volume of all of the Grade A milk sold by presently regulated Wichita handlers, the Arkansas City Cooperative Milk Association, and the handler operating the El Dorado plant constitutes a very high percentage of the total Grade A milk in the county.

In the other four counties which are recommended for inclusion in the marketing area, handlers who are already regulated or who would be regulated by reason of the inclusion of Cowley County account for the major portion of the Class I business. In such circumstances

inclusion of the entire counties will promote orderly marketing by requiring all handlers to pay the same minimum prices to producers in accordance with use. The boundaries of the area will encompass the major portion of the sales territories of the regulated handlers and involve only a minimum number of handlers whose major proportion of business is outside the area.

In Butler County the combined sales of presently regulated handlers represent more than 60 percent of the total volume of Grade A milk sold. To this would be added the volume of sales by the El Dorado plant which would be regulated by virtue of its Grade A distribution in Cowley County.

In Marion County the principal distributor is the Tip Top Dairy, Inc., a plant operated by a cooperative association of producers. This distributor handles both Grade A and manufacturing grade milk. His Grade A facility is presently qualified as a pool plant under the Wichita order by virtue of substantial route sales in the marketing area. This handler also has substantial route sales of Grade A milk in Marion County and adjacent territory. The only other distributing plant located in Marion County is operated by a proprietary handler who sells fluid milk and cottage cheese in Marion and other adjacent counties. He is partially regulated as a handler operating a nonpool plant under both the Wichita and Kansas City orders, but has an insufficient portion of sales in either market to qualify as a pool plant.

Harvey County is situated immediately north of Sedgwick County, west of Butler County, and southwest of Marion County. It is served extensively by presently regulated Wichita handlers, including Tip Top Dairy at Hillsboro. Most of the remaining sales are made by five handlers operating plants at Newton and one of the handlers also operates a plant at Halstead. Of the five plants at Newton one deals only in bottled raw milk and two others function only as distributors of milk which is processed and packaged elsewhere. None of these three plants would be regulated under the order.

In Sumner County, which is situated south of Sedgwick County and west of Cowley County, the major portion of Class I sales is made by Wichita handlers and by the Arkansas City Cooperative Milk Association. Only two additional handlers, with plants located at Wellington, would be regulated.

The other eight counties proposed by the Wichita handlers for inclusion in the marketing area should not be so included. Reno County, in which Hutchinson is the largest center of population, is the most heavily populated of these proposed additional counties. The principal distributor in Reno County is the Producers Dairy Cooperative Association. This association procures and sells virtually its entire supply of milk within Reno County and accounts for nearly three-fourths of the total sales of Grade A milk within the county. The principal reason advanced by the Wichita handlers for including Reno County in the marketing area was the competition afforded by a grocery store which has a relatively small-scale dairy operation. It appears, however, that the competitive conditions can be attributed more to the use of milk as a loss leader in connection with the grocery operation than to low prices paid for milk. Regulation would not prevent the use of milk as a loss leader as resale prices are not included in the order.

With respect to the other counties, the handlers presently regulated under the Wichita order and those who would become regulated hereunder have only a minor portion of the total sales. The recommended marketing area includes the territory within which such handlers have a significant volume of sales. Further expansion of the marketing area would not contribute to the effectiveness of the regulation and would bring under regulation plants which have only a minor connection with the Wichita market.

It is intended that the marketing area include all of the territory occupied by Federal, State, and municipal reservations and institutions lying within the defined limits. These installations, by virtue of their location and the similarity of their quality requirements, represent logical areas of distribution for handlers who would become regulated under this order or for handlers regulated under other Federal orders. Failure to include these installations would place regulated handlers at a serious cost disadvantage in competing with unregulated handlers for such sales.

The present order, with the specific amendments hereinafter considered, is appropriate to the expanded area. The applicability of each section to marketing conditions in the newly included territory was open for consideration at the hearing.

2. *Supply plant standards.* Objective standards should be provided in the order to enable supply plants to qualify as pool plants.

The Wichita market has periodically required supplemental supplies of bulk milk from sources other than regular local producers. These supplemental supplies are potentially subject to compensatory payments. However, in the past, other source milk has not often been subject to such payments either because local milk was determined to be unavailable, in which case no compensatory payment was charged on other source milk, or because the quantities of other source milk were insufficient to be allocated to Class I. On the other hand, technological advances in milk refrigeration and transportation have made it more feasible for distant plants to become regular suppliers of milk to the market and, consequently, fully subject to the pricing and pooling provisions of the order.

Appropriate qualification of supply plants can be accomplished by defining as a pool plant any plant from which at least 50 percent of the milk received from Grade A sources during the month is shipped to pool distributing plants. Any supply plant from which half or more of the total supply is shipped to Wichita distributors is more closely associated with the Wichita market than with any other market.

Supply plant sources are usually called upon for maximum quantities of shipments during the fall and winter months of lowest production. In the following flush months when nearby milk supplies more nearly approach market requirements a greater percentage of supply plant milk is utilized for manufacturing purposes. Accordingly, it should be provided that any supply plant which qualifies as a pool plant during each of the months of August through November should remain qualified as a pool plant during the subsequent flush production months of December through July regardless of the quantity of milk shipped to bottling plants. The months of August through November, which are also specified in the order as base-forming months, are the months when supplies are most often lowest in relation to Class I needs of the market.

Supply plants qualifying as pool plants during the fall months should be relieved of pool status during the subsequent months if the operator makes written request to the market administrator for nonpool status.

3. *Bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

The Wichita Milk Producers Association operates insulated tank truck routes in which milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Since early 1955 there has been a rapid expansion in the number of bulk cooling tanks being installed on the farms. At the present time almost all of the members of the bargaining cooperative association have farm tanks. However, most of the milk in the additional portion of the marketing area is still brought to market in cans.

The transportation of milk from farm to market in insulated tank trucks owned or operated by, or under contract to, a cooperative association has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is responsible for paying the individual producer for the quantity of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken by the driver at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned, operated, or controlled by the cooperative association, the weight of each producer's milk is checked and a sample of the milk for butterfat testing is taken by a person who is an employee of, or directly responsible to, the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be re-

ported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances, it is preferable to make the cooperative association responsible for the payment to a producer for a given quantity of milk at a particular test since the handler has no direct means of verifying such weights and test. Any cooperative association which qualifies as such under the order should be authorized to act as the handler for such milk and, as the handler, should be required to account to the pool for it. The cooperative association should also be required to charge at least the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

With respect to milk received from producers' farms in cans or in tank trucks owned, operated, or controlled by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

4. *Classification of new products.* The classification provisions of the order should be clarified with respect to certain new products currently manufactured by one of the handlers and with respect to any other new products which may be introduced into the market in the future.

The handler is manufacturing three new products, none of which are required to be made from Grade A milk. One product is a sterilized, canned milk which resembles evaporated milk more closely than whole fluid milk with respect to sanitary requirements and keeping quality. It should, therefore, be classified in Class III. The other two products are sterilized, frozen dessert preparations packaged in hermetically sealed cans. One product is an ice milk mix and the other is a milk shake mix. Both frozen dessert mixes should be in Class III, since they would be so classified even if not sterilized or canned.

Paragraph (c) of § 968.41 should be revised to eliminate the specific listing of manufactured dairy products. Instead, it should provide that any product not specifically named in paragraphs (a) or (b), which define Class I and Class II products, respectively, should be in Class III. Thus, any new milk product which may be developed will automatically be in Class III. If other classification appears more appropriate, a hearing should be called to consider appropriate amendment action.

5. *Cottage cheese.* The price for Class II milk, consisting of that milk used to produce cottage cheese, should remain at 80 cents over the Class III price.

Because of sanitary requirements in the present marketing area all of the currently regulated Wichita handlers have been utilizing Grade A milk for cottage cheese. These handlers also have a sizable portion of the cottage cheese sales in the territory proposed to be added to the marketing area. The point has been made that health departments in the proposed additional territory do not require that cottage cheese be made from Grade A milk and that presently regulated handlers may be at a cost disadvantage with handlers who, by confining their cottage cheese distribution to the newly added marketing area, would not have to use Grade A milk for cottage cheese. However, that this is not likely to be a significant problem is indicated by the fact that the Arkansas City Milk Producers Association, although not heretofore required to do so, has been using Grade A milk in manufacturing cottage cheese. This association considers the present Class II price appropriate for its operations.

At the time of the hearing, the separate classification and higher price for cottage cheese had been in effect only for the month of June. The quantity of milk used to produce cottage cheese in the regulated plants increased by 22 percent as compared with May 1958. This increase is contrary to a usual small decline in cottage cheese production from May to June. So short an experience can hardly be considered conclusive but it does indicate that the regulated handlers prefer to use Grade A milk for their entire cottage cheese output even at the higher Class II price. They continue to regard Grade A milk as a necessary ingredient for cottage cheese sold both in Wichita and at out-of-area points and not merely as an outlet for the weekend and seasonal reserves of Grade A milk.

It is against the interests of the producers to provide any larger supply of Grade A milk than is necessary to produce the cottage cheese sold in and around Wichita where the Grade A requirement is in effect. The 80-cent premium for Class II milk yields at least a partial return for the extra cost of producing Grade A milk and at the same time encourages handlers to minimize the development of Grade A supplies for cheese sold in those portions of the marketing area where cottage cheese is not required to be made from Grade A sources.

Handlers proposed that Class II milk be accounted for on the basis of actual sales of cottage cheese rather than on the basis of the milk used to produce the cottage cheese. However, this objective is already being achieved to a major degree. If a vat of milk fails to set, the handler can dispose of the milk under the dumping provision or leave it to be accounted for as plant loss. Similarly, route returns of cottage cheese can be accounted for as livestock feed or as a dumped product.

In view of these facts there is no need to change the classification, pricing, or method of accounting for milk utilized in cottage cheese.

6. *Class I price.* The Class I differential over the basic formula prices should remain at $1.65 per hundredweight. However, an automatic supply-demand adjustment should be included to raise the differential whenever supplies are below normal in relation to Class I sales and to lower the differential whenever an over-supply is indicated. It is proposed that the supply-demand adjustment should not raise or lower the Class I price by more than 45 cents.

Under the authority of the Agricultural Marketing Agreement Act, prices established by milk marketing orders are required to reflect supply and demand conditions in the market. As these supply and demand conditions change from time to time, they should be appropriately reflected in order prices. One method commonly used to reflect such conditions is to determine the Class I price by adding a differential to a representative value for milk used in manufacturing dairy products. This type of pricing system is used in the Wichita order. The basic formula price reflects the national market for dairy products and thus reflects national changes in milk supply and market demands. The differential added to the basic formula price represents the higher value locally of Grade A milk, and the amount of such differential should be related to conditions peculiar to the market.

One criterion for judging the appropriateness of Class I prices is the adequacy of market supplies. It is apparent that a generally adequate supply of pure and wholesome milk has been attracted from local sources during the six years the Wichita Class I differential of $1.65 has been in effect. The receipts of milk from local producers averaged 124 percent of the gross Class I sales of pooled handlers in October 1952, the month in the fall when supplies were lowest in relation to Class I sales. Receipts were 135 percent in October 1953, 130 percent in September 1954, 123 percent in September 1955, 140 percent in October 1956, 125 percent in October 1957, and 125 percent in October 1958 (official notice being hereby taken of the latter figure).

A second criterion for evaluating the Class I level is to compare the Wichita Class I price and Class I differential with the equivalent prices (Class I price at 3.5 percent butterfat content plus transportation cost to Wichita) for Class I supplies from other markets, either in the form of supplemental milk or as regular route sales. The Wichita Class I price averaged $4.91 for the calendar year 1956 and $4.84 for the calendar year 1957. In the Greater Kansas City market, the Class I price averaged $4.48 and $4.46 in the same two years and the stated Class I differential in that market averaged $1.35. On the basis of an assumed hauling cost of 30 cents per hundredweight for the 193 miles between Kansas City and Wichita, Kansas City handlers would have had a 13-cent price advantage in 1956 and an 8-cent advantage in 1957. In the Neosho Valley marketing area Class I prices averaged $4.63 in 1956 and $4.46 in 1957. If a transportation cost of 22 cents is assumed for the 142 miles between Coffeyville and Wichita, a Neosho Valley handler would have had a 6-cent advantage in 1956 and a 16-cent advantage in 1957. The Ozarks market is a frequent source of supplemental milk and is also a potential source of competition from route-operating handlers. It is 257 miles from Springfield, Missouri, to Wichita, and

transportation costs at the assumed rate of 1.5 cents per hundredweight per 10 miles would amount to 39 cents. Adding this transportation cost to the 1956 average Class I price of $4.39 and the 1957 average of $4.04, would result in price advantages to Ozarks handlers of 13 cents and 41 cents respectively.

A comparison of the stated Class I price differentials in these same markets has long-run significance. Such prices do not include the supply-demand adjustments and are therefore free of the particular supply and demand relationships which were in effect in 1956 and 1957. The Wichita Class I differential of $1.65 is exactly equal to the Kansas City differential of $1.35 plus the assumed 30-cent hauling charge, 9 cents above the Neosho Valley differential of $1.34 plus a hauling charge of 22 cents, and 38 cents over the Ozarks differential of 88 cents plus a hauling charge of 39 cents.

From the foregoing it is clear that any higher Class I differential in the Wichita order would increase the price advantages to plants in Federal order markets located north and east of the Wichita market.

With respect to markets to the south and west, a Class I differential of $1.65 in Wichita does not appear to be out of line with Class I prices in the Oklahoma Metropolitan or Southwest Kansas markets. Oklahoma City is 173 miles south of Wichita and the assumed transportation cost would be 27 cents per hundredweight. The stated differential in that market is $1.85 or 20 cents higher than the Wichita differential but the Class I price averaged $4.97 in 1956 which is only 6 cents over the Wichita price and averaged $4.82 in 1957 which is 2 cents less than the Wichita price.

Until June 1, 1958, the Class I price under the Southwest Kansas order was identical to the Wichita Class I price. (A suspension action during the months of September through December 1956, constitutes the only exception.) Since June 1 the Southwest Kansas order has included a supply-demand adjustment, although the stated Class I differential has remained the same as in the Wichita order.

The Class I differential of $1.65 per hundredweight has been sufficient to encourage the production of milk in a quantity which is adequate to meet Class I requirements of the market on a year-round basis. However, it is difficult to predict accurately the level of prices necessary to assure the market a continued adequate supply. Therefore, provision should be made for automatic adjustments of the Class I price in response to changes in the relationship between market supply and demand.

A supply-demand adjustment would provide an automatic adjustment of the Class I price to various conditions which might develop. If Class I sales are reduced or if there is an increase in the receipts of producer milk, the supply-demand adjustment will reduce the Class I price. On the other hand, if the Class I sales are increased or the supply of producer milk is reduced, the Class I price will be increased.

Recent data on the relationship between receipts from producers and Class I sales in the market furnish the best available indicators of prospective supply-demand conditions. At the beginning of any pricing month, data on receipts and sales are available for the second and third preceding months. These "current utilization percentages" can be compared with "standard" or normal utilization percentages for the corresponding months to determine whether an oversupply or an undersupply is in prospect.

In establishing the "standard" percentages an annual average reserve supply of 35 percent over Class I sales should be provided. During the period December 1957 through November 1958, the most recent 12-month period for which data are available, the producer receipts averaged 131 percent of gross Class I sales by pooled handlers. (Official notice is hereby taken of these data for the months of July through November 1958.) The recent 12-month period is one in which the local supply of milk from producers has been adequate for the Class I and Class II requirements of the market, even during the months of lowest production. However, the market-wide utilization experience during this most recent year should be adjusted to include utilization at plants which would become subject to regulation by the expansion of the marketing area. The largest plant so affected, that of the Arkansas City Cooperative Association, receives a volume of approximately 1.5 million pounds of Grade A milk per month from producers, of which about half is used for Class I purposes. Inclusion of these data would raise the marketwide utilization by 5 points, to 136. It is assumed that utilization at the other, smaller, plants which would become regulated would not differ appreciably from that of the presently regulated handlers.

This annual average of 136 percent must be seasonally adjusted to reflect the usual month-to-month variation from the annual average. The producers proposed that seasonal variation in the standard percentages be based on utilization percentages for the period April 1954 through June 1958. Their seasonal index was based on the midpoint of utilization percentages for each month during this period, and it appears appropriate for the purpose.

The standard utilization percentages so developed are as follows:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	126	136
February	November–December	130	140
March	December–January	128	138
April	January–February	126	136
May	February–March	130	140
June	March–April	135	145
July	April–May	141	151
August	May–June	138	148
September	June–July	130	140
October	July–August	130	140
November	August–September	128	138
December	September–October	123	133

As a safeguard against erratic movements in the supply-demand adjustment, provision should be made to adopt a nominal rate of adjustment for each point of variation from the standard utilization percentages when such variation first appears, but to increase the adjustment progressively as variations of like direction and amount persist through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial price increases or decreases based on short-time, nonrecurring deviations from the established standard percentages. Substantial price adjustments will occur, however, when undersupply or oversupply representing a significant variation from the established percentage persists for any period of time. This should be accomplished by providing that for each percentage point of deviation from the standard utilization percentage the price shall be adjusted one cent, plus one cent for each percentage point for which there was a deviation of like character and up to the same amount in the percentage computed for the second preceding month, plus an additional one cent for each percentage point for which there was a deviation of like character and up to the same amount in the percentage computed for the third preceding month.

Handlers contend that the additional marketing area would make it impossible to devise an appropriate supply-demand adjustment. However, the area herein added is smaller than that proposed, the presently regulated plants handle the bulk of the milk distributed in the added marketing area, and allowance has been made for the lower utilization pattern at the largest plant which would become regulated under the additional marketing area provided herein.

A subsequent portion of this decision contains findings relative to the removal of compensatory payments on milk classified and priced under another Federal order. This action obviously increases greatly the importance of aligning the Wichita price with those in other Federal order markets from which competitive prices might be obtained. The problem is most acute in the case of the Kansas City market. A plant at Council Grove, Kansas, regulated under the Greater Kansas City order, is only 60 miles from the Wichita pool plant located at Hillsboro, Kansas. However, despite the close proximity of the two plants, the Wichita handler did not wish to have location adjustments apply to his plant under the Wichita order nor did he testify in favor of lower prices. If price differences between the two orders create critical competitive problems at these or other locations, appropriate remedies can be considered at subsequent hearings.

7. *Location differentials.* Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation charge if moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the marketing area is there-

fore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the marketing area to the extent of the additional cost of hauling his milk into the central market. Under these conditions the value of milk delivered to plants located at some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

There are several distant distributing plants from which milk is sold within the proposed additional marketing area. It is also possible that other distributing plants or supply plants may become fully or partially associated with the market. The operators of such distant plants would incur substantial transportation costs on their milk before reaching any portion of the marketing area and they should be allowed an offsetting credit in order to be fully competitive with the approved plants located within the marketing area. In the absence of location adjustments these handlers would absorb the cost of transporting such milk sold in the marketing area but would be liable to pay their producers the full f.o.b. market price on all receipts of producer milk. This would be contrary to the basic principle of location differentials which places a lower value on milk received from producers at points distant from the marketing area.

Wichita is the geographical center of the marketing area and it represents a central point on which location differentials should be based. The distance used in determining location differentials should be measured from the Courthouse at Wichita, Kansas, by the shortest highway distance, as determined by the market administrator.

There should be no location adjustment at plants located within 70 miles of Wichita. The 70-mile zone includes all the plants serving the present market and most of those which would be serving the additional territory recommended herein, including the plants located at Arkansas City, El Dorado and Marion. These plants compete with each other so extensively throughout the marketing area that different Class I prices based upon plant location would not be appropriate.

In the 70–80 mile zone the rate of location adjustment should be 12 cents per hundredweight of milk. The rate should be increased by 1.5 cents per hundredweight for each additional 10 miles or fraction thereof in excess of 80 miles. These rates, which reflect transportation costs on milk moved in bulk tanks, have been incorporated into other orders in the south central United States and are appropriate for use in the Wichita area.

A method should be provided for determining the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials to be allowed. Such differentials would be made for each handler in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

Payments to distant producers should be reduced by the amount of the applicable location differential. Under these conditions the value of producer milk delivered to plants would be reduced in proportion to the distance that such plant is from Wichita by the same rate that applies to Class I milk.

8. *Provisions regarding unpriced milk.* The present provisions regarding unpriced milk obtained from totally unregulated plants are fully as applicable to the expanded marketing area as to the present area and should be retained. However, no payments should be assessed on milk which has been classified and priced under another Federal order.

One category of other source milk is that which is distributed on routes in the marketing area by the operators of plants which are not regulated under other Federal orders and which do not qualify as pool plants under the Wichita order. Such handlers are subject to the Wichita order only to the extent necessary to make sure that they have no raw milk cost advantage over fully regulated Wichita handlers. This objective is accomplished in one of two ways; the operator of a nonpool plant must either pay into the pool any amount by which his payments to his own Grade A dairy farmers are less than the amounts he would have had to pay if he were fully subject to the order, or he may pay the difference between the price of Class III milk and the prices applicable to his Class I and Class II sales in the marketing area. There was no proposal that these provisions be changed.

A second category of other source milk is that purchased by the operator of a pool plant. Such milk might be obtained either from plants which are subject to other Federal orders or from completely unregulated plants. The allocation provisions of the Wichita order should be modified to specify that the milk from unregulated sources be allocated to the lowest class use before the milk from other Federal order plants. This will give priority to other order milk in any allocation which may be made to Class II or Class I and will also serve to minimize the amount of any compensatory payment which a Wichita handler might be required to make on other source milk from unregulated plants. If milk from unregulated plants is allocated to Class I or to Class II, the Wichita handlers should continue to be assessed the difference between Class I or Class II and the Class III price, in order to remove any competitive advantage which they might otherwise have in the procurement of temporary surpluses from other markets.

In addition to the other source milk which may enter the market in the form of fluid milk products, there are times when other source milk will be imported from unregulated sources in concentrated form for use as Class I milk. In order to remove the price advantage a handler might have through the reconstitution of such products into fluid milk products, the rate of compensatory payment on other source milk received in concentrated form should be the same as on that received in the form of fluid milk products.

Since the handler must pay the cost of transporting other source milk from the plant of origin to the marketing area, the rate of the compensatory payment on other source milk should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the proposed order. No location differential should be deducted, however, in the case of condensed skim milk or nonfat dry milk which at times may be allocated to Class I use. In the case of these products it would be extremely difficult and at times impossible to determine the plant of origin. They may pass through several hands between the manufacturer and the ultimate user and the output of many plants in many different localities may be commingled by the broker or jobber from whom such products are acquired. The administrative difficulties which would be involved make it impractical to apply location differentials to the payment associated with condensed skim milk and nonfat dry milk. Moreover, since the cost of transporting milk solids in concentrated form is slight in terms of its milk equivalent, the difference in cost to handlers would be negligible.

In computing the applicable location differential, if a handler has received other source milk from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence, according to the smallest location adjustment applicable.

If milk which is subject to the pricing and pooling provisions of another Federal order is sold as Class I or Class II in the Wichita area, either on routes or as supplemental milk to a Wichita pool plant, the minimum prices paid to producers for the milk will have been clearly established. In most of the nearby order markets, including Greater Kansas City, Southwest Kansas and Oklahoma Metropolitan, Class I prices are subject to supply-demand adjustments. A similar adjustment is provided for herein. One of the functions of such adjustments is to attract milk from markets in which supplies are overabundant to markets which are in relatively short supply. Supply and sales responses to such price differences should not be hampered by requiring equalizing charges on milk moving between order markets. If the stated differentials and the supply-demand adjustments in the Wichita order and in the nearby orders do not result in an appropriate alignment of prices, consideration should be given to further amendment of the orders involved.

9. *Administrative changes.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

New or revised definitions, which should accompany the order revisions mentioned elsewhere in this recommended decision, are provided in the attached order. Such conforming changes have been made in the defini-

tions of "approved dairy farmer", "producer", "approved plant", and "producer milk".

The definition for "other source milk" has been revised. It now conforms to the new "producer milk" definition which excludes milk transferred between pool plants. The new "other source milk" definition also clarifies the status of reprocessed products such as nonfat dry milk and other non-fluid milk products.

"Fluid milk product" is defined in the order because of frequent references to this group of items. This designation should provide a basis for classifying new products until, as indicated elsewhere, appropriate amendment action may be taken if so required.

An "equivalent price" definition has been included as experience has shown that market quotations provided in the order may not be available. When market quotations are not available, such price is to be determined by the Secretary of Agriculture.

The revised "producer-handler" definition permits such operators to receive milk by transfer from pool plants, but not from nonpool sources, without becoming fully subject to the order's pricing provisions. Without this restriction, producer-handlers could purchase large quantities of nonpool milk along with their own production and, consequently, obtain a price advantage over competing regulated handlers.

Revisions should be made in the list of plants whose manufacturing milk prices are used as a basis for the Class III price. The four plants currently designated are the Arkansas City Cooperative Milk Association at Arkansas City, Kansas, Bennett Creamery Company at Ottawa, Kansas, Page Milk Company at Coffeyville, Kansas, and Pet Milk Company at Iola, Kansas. It is recommended that of this group only the Pet Milk Company plant at Iola be retained inasmuch as the Arkansas City Cooperative plant would be regulated under the Wichita order by virtue of the marketing area expansion and the Bennett Creamery Company and Page Milk Company are currently regulated under the Kansas City and Neosho orders, respectively. Four unregulated, geographically dispersed plants are recommended for inclusion in the order. These plants are operated by American Foods Company at Miami, Oklahoma, Borden Company at Fort Scott, Kansas, Kraft Foods Company at Nevada, Missouri, and Swift and Company at Parsons, Kansas. These plants are used for the same purpose under the nearby orders.

Changes in certain reporting and payment dates should be made to facilitate the administration of the order. The date upon which the market administrator is required to announce the uniform price and the producer butterfat differential (§ 968.22(i)(1)) for the preceding month should be changed from the 10th to the 11th day of the month and the date for reporting the utilization of each cooperative's member milk to the cooperatives (§ 968.22(k)) has been changed from the 12th to the 13th day of the month to provide sufficient time for the market administrator to make such computations. A new section lists the information which should be contained in the market administrator's billing to handlers. It is recommended that such notification be made on the 11th day of the month.

The time extension granted the market administrator for billing handlers makes it necessary to specify later payment dates for various handler obligations. The following changes in payment dates, all refer to the month following the pricing month:

Section	Function	Present order date	Recommended date
968.80 (a)	Complete payment to individual (nonmember) producers.	Second working day after 10th.	Second working day after 11th.
968.80 (c)	Complete payment to authorized cooperative.	11th	14th.
968.83	Payment to producer-settlement fund.	11th	12th.
968.84	Receipt from producer-settlement fund.	12th	13th.

The order should be amended to recognize that milk incurs relatively little shrinkage in its receipt and much more in the processing, bottling and distribution operations. The supply plants and the cooperative associations, in their operation of farm tank routes, in this market would incur a relatively small amount of shrinkage on milk which is transferred to a distributing plant. Therefore, up to one-half of one percent shrinkage should be allowed on that milk which is received at the supply plants and transferred to an approved plant for bottling and distribution. The distributing plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from a supply plant and for farm tank milk for which the cooperative association is the handler.

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

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

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

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

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

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

DEFINITIONS

Sec.
968.1 Act.
968.2 Secretary.
968.3 Department.
968.4 Person.
968.5 Wichita, Kansas, marketing area.
968.6 Cooperative association.
968.7 Approved dairy farmer.
968.8 Producer.
968.9 Approved plant.
968.10 Pool plant.
968.11 Handler.
968.12 Producer-handler.
968.13 Producer milk.
968.14 Other source milk.
968.15 Fluid milk product.
968.16 Route.
968.17 Base milk.
968.18 Excess milk.

MARKET ADMINISTRATOR

968.20 Designation.
968.21 Powers.
968.22 Duties.

REPORTS, RECORDS, AND FACILITIES

968.30 Reports of receipts and utilization.
968.31 Payroll reports.
968.32 Reports of producer-handlers.
968.33 Records and facilities.
968.34 Retention of records.

CLASSIFICATION

968.40 Skim milk and butterfat to be classified.
968.41 Classes of utilization.
968.42 Shrinkage.
968.43 Responsibility of handlers and reclassification of milk.
968.44 Transfers.
968.45 Computation of the skim milk and butterfat in each class.
968.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

Sec.
968.50 Basic formula price to be used in determining Class I prices.
968.51 Class prices.
968.52 Handler butterfat differential.
968.53 Location differentials to handlers.
968.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

968.60 Producer-handlers.
968.61 Plants subject to other Federal orders.
968.62 Handler operating an approved plant which is not a pool plant.

DETERMINATION OF UNIFORM PRICE OF PRODUCERS

968.70 Net pool obligation of handlers.
968.71 Computation of uniform prices for base milk and excess milk.
968.72 Notification of handlers.

PAYMENTS

968.80 Time and method of payment.
968.81 Producer butterfat and location differentials.
968.82 Producer-settlement fund.
968.83 Payments to the producer-settlement fund.
968.84 Payments out of the producer-settlement fund.
968.85 Adjustment of errors in payments.
968.86 Marketing services.
968.87 Expense of administration.
968.88 Termination of obligation.

BASE RATING

968.90 Determination of daily base.
968.91 Base rules.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

968.100 Effective time.
968.101 Suspension or termination.
968.102 Continuing power and duty of the market administrator.
968.103 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

968.110 Agents.
968.111 Separability of provisions.

DEFINITIONS

§ 968.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 Secretary.

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

§ 968.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 968.4 Person.

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

§ 968.5 Wichita, Kansas, marketing area.

"Wichita, Kansas, marketing area" means all the territory within Sedgwick, Cowley, Sumner, Butler, Marion, and Harvey counties, all in the State of Kansas, and all Federal, State and municipal institutions and bases located therein.

§ 968.6 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines:

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

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

§ 968.7 Approved dairy farmer.

"Approved dairy farmer" means any person who produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area.

§ 968.8 Producer.

"Producer" means any approved dairy farmer whose milk is (a) received at a pool plant, or (b) caused to be diverted from a pool plant by a handler to a nonpool plant for the account of such handler. Milk so diverted shall have been deemed to have been received at the pool plant from which it was diverted.

§ 968.9 Approved plant.

"Approved plant" means any plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for supplying milk for fluid consumption to any agency of the United States Government located within the marketing area.

§ 968.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-handler or a plant exempt pursuant to § 968.61.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 15 percent or more of such plant's total receipts from approved dairy farmers;

(c) From which during the month not less than 50 percent of its total receipts from approved dairy farmers and approved plants is shipped to a plant(s) described in paragraphs (a) and (b) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraphs (a) and (b) of this section the required percentage of its receipts during each of the months of August through November shall be designated a pool plant in each of the following months of December through July unless written request for nonpool status is furnished to the market administrator; and

(d) For the purpose of this definition the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted;

(2) Milk for which a cooperative association is defined as the handler pursuant to § 968.11(c) shall be deemed to have been received by such cooperative association at the pool plant; and

(3) Milk transferred as Class I milk from an approved plant to another approved plant shall be credited as a Class I disposition as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, milk so transferred will be credited as a Class I disposition of the transferring plant only to the extent that classification as Class I milk is required pursuant to § 968.44(a)(2);

(ii) In any case in which the entire quantity of Class I milk disposed of in packages of a particular size and form is received in such packages from another approved plant, all such Class I disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate Class I disposition of the receiving plant.

§ 968.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to a pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered); or

(d) Any cooperative association with respect to the milk of any member producer delivered for the account of such cooperative association to the pool plant of another cooperative association.

§ 968.12 Producer-handler.

"Producer-handler" means any approved dairy farmer who operates an approved plant at which no fluid milk products are received during the month except from his own production or as transfers from a pool plant(s).

§ 968.13 Producer milk.

"Producer milk" means all the skim milk and butterfat received at a pool

plant directly from producers, diverted pursuant to § 968.8, or received from a cooperative association pursuant to § 968.11 (c) or (d).

§ 968.14 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

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

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

§ 968.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream (except frozen and aerated cream), cultured sour cream, and any mixture (except bulk ice cream mix) of cream and milk or skim milk.

§ 968.16 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of any fluid milk product other than a delivery to any milk processing plant.

§ 968.17 Base milk.

"Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer: *Provided,* That during the months of June and July of 1959 all producer milk received by handlers from a producer shall be considered as base milk: *And provided further,* That with respect to any producer "on every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 968.90.

§ 968.18 Excess milk.

"Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 Designation.

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

§ 968.21 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 to the Secretary amendments thereto.

§ 968.22 Duties.

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

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) 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 surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by 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 or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 968.30 to 968.32, or

(2) Made payments pursuant to §§ 968.80 to 968.87.

(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 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51(a) and the Class I butterfat differential pursuant to § 968.52(a) both for the current month; and the minimum prices for Class II and Class III milk computed pursuant to § 968.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 968.52 (b) and (c), all for the previous month;

(2) On or before the 11th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 (a) both for the previous month;

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

(k) On or before the 13th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS, AND FACILITIES

§ 968.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class III products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 Payroll reports.

On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 Records and facilities.

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

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

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

(c) Payments to producers and cooperative associations; and

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

§ 968.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or 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

§ 968.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 to § 968.46.

§ 968.41 Classes of utilization.

Subject to the conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (c)(7) of this section, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat: (1) Used to produce any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; (2) used for starter churning, wholesale baking and candy making; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 968.11(c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month as any product specified in paragraph (a) of this section.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

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

(b) Prorate the resulting quantities between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 968.11 (c) and (d); and in bulk from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 968.43 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 can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 968.44 Transfers.

Skim milk and butterfat transferred or diverted by a handler shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the highest-priced possible utilization.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class III milk if its utilization as Class III milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to an unapproved plant located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for Class I or Class II usage as defined in §§ 968.41 (a) and (b), respectively, by such unapproved plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second plant under paragraph (d) of this section the same conditions of audit classification and allocation shall apply.

§ 968.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 968.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 968.41 (c)(5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced utilization, the pounds of skim milk in inventory at the

beginning of the month in the form of any product specified in § 968.41(a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44(a);

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced utilization. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 968.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

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

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

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 Class prices.

Subject to the provisions of §§ 968.52 and 968.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.65 during all months of the year plus or minus a supply-demand adjustment of not more than 45 cents computed as follows:

(1) Divide the total receipts of milk from producers in the second and third months preceding by the total volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero.

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	October–November	126	136
February	November–December	130	140
March	December–January	128	138
April	January–February	126	136
May	February–March	130	140
June	March–April	135	145
July	April–May	141	151
August	May–June	138	148
September	June–July	130	140
October	July–August	130	140
November	August–September	128	138
December	September–October	123	133

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus deviation percentage the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction and up to the same amount was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction and up to the same amount were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second month immediately preceding.

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 80 cents.

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Borden Co., Ft. Scott, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.

(2) The average price reported by the Department for the current month for milk for manufacturing purposes, f.o.b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 Handler butterfat differential.

If the average butterfat test of Class I, Class II or Class III milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.120;

(c) *Class III milk.* Multiply such price for the current month by 0.115.

§ 968.53 Location differentials to handlers.

For milk which is received at a plant located more than 70 miles by the shortest highway distance, as determined by the market administrator, from the courthouse at Wichita, Kansas, and which is classified as Class I milk, the prices computed pursuant to § 968.51(a) shall be reduced by 12 cents if such plant is located more than 70 miles but not more than 80 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles: *Provided*, That for the purposes of calculating such differential, transfers between approved plants shall be assigned to Class I milk

in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.

§ 968.54 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

§ 968.60 Producer-handlers.

Sections 968.40 to 968.46, 968.50 to 968.54, 968.61, 968.62, 968.70, 968.72 and 968.80 to 968.88 shall not apply to a producer-handler.

§ 968.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 968.10 (a) or (b) and the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Wichita marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to the provisions of § 968.10(c).

§ 968.62 Handler operating an approved plant which is not a pool plant.

Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 to § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of paragraph (a) of this section unless the handler elects the computation specified in paragraph (b) of this section.

(a) The product of the quantity of milk received by such handler which was (1) disposed of during the month in the marketing area on routes as Class I milk by the difference between the applicable Class I and the Class III prices or (2) used to produce cottage cheese so disposed of by the difference between the Class II and Class III prices.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 Net pool obligations of handlers.

The net pool obligation for milk received during each month by each handler shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46(a)(7) and the corresponding step of § 968.46(b) by the applicable respective class prices;

(c) Add a reclassification charge equal to the difference between the Class I and Class III prices or the Class II and Class III prices, respectively, for the current month for skim milk and butterfat in inventory which is subtracted from Class I or Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is not in excess of the skim milk and butterfat remaining in Class III milk in the previous month pursuant to § 968.46(a)(5) and the corresponding step of § 968.46(b);

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b) add an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and at the Class III price and for any skim milk or butterfat so subtracted from Class II, add an amount equal to the difference in values of such skim milk and butterfat at the Class II price and the Class III price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the applicable class price: *Provided*, That the Class I price specified above shall be subject to the location differential at plant of origin on other source milk received in the form of fluid milk products but not in the form of condensed skim milk or nonfat dry milk.

§ 968.71 Computation of uniform prices for base milk and excess milk.

For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to §§ 968.80 and 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add the total of the values of the applicable location differentials pursuant to § 968.81(b);

(e) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by assigning such milk in series beginning with the lowest-priced utilization, multiplying the quantity so assigned to each use classification by the applicable class price, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers at plants within the 70-mile zone.

§ 968.72 Notification of handlers.

On or before the 11th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 968.46 and 968.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 968.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 968.80 and 968.83; and

(e) The amount to be paid by such handler pursuant to §§ 968.86 and 968.87.

PAYMENTS

§ 968.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the second working day following the 11th day after the

end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71(i) and (f) for such producers' deliveries of base milk and excess milk, respectively, adjusted by the butterfat and location differentials computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer (1) to whom payment is not made pursuant to paragraph (c) of this section, and (2) who is still delivering Grade A milk to such handler, an advance payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class III price for 3.8 percent milk for the preceding month, without deduction for hauling.

(c) On or before the 14th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 14th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

(d) On or before the 10th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 968.11 (c) and (d), not less than the value of such milk as classified pursuant to § 968.44(a) at the applicable respective class price(s).

§ 968.81 Producer butterfat and location differentials.

(a) *Producer butterfat differential.* In making payments pursuant to § 968.80(a) the uniform prices per hundredweight shall be adjusted for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 968.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

(b) *Producer location differential.* In making payments to producers and cooperative associations, a handler may deduct from the applicable uniform price with respect to all milk received from producers at a pool plant located more than 70 miles, by the shortest highway distance, as determined by the market administrator, from the courthouse at Wichita, Kansas, the same amount per hundredweight as is applicable to the plant, pursuant to § 968.53.

§ 968.82 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 Payments out of the producer-settlement fund.

(a) On or before the 13th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80(a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 968.87 Expense of administration.

As his pro rata share of the expense of administration of this part each handler with respect to all milk received from approved dairy farmers and other source milk allocated to Class I pursuant to § 968.46 during the month, shall pay to

the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary. In the case of any handler operating a nonpool plant which is also subject to the assessment of administrative expense under another order, the payments due under this section shall be reduced by the amount of administrative expense payments under the other order.

§ 968.88 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall 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 representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such oblication 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.

BASE RATING

§ 968.90 Determination of daily base.

(a) The daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater: *Provided*, That in the case of producers delivering milk to a pool plant which was not a pool plant during all of the preceding months of August through November a daily average base for each such producer shall be computed pursuant to this paragraph on the basis of his verifiable deliveries of milk to such plant during the period August through November preceding the month in which the plant became a pool plant.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) For the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 Base rules.

(a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90(b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.8 but who has been suspended temporarily for failure to produce milk in conformity with the applicable health regulations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 968.100 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 968.101.

§ 968.101 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 Liquidation after suspension or termination.

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

incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 968.110 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.

§ 968.111 Separability of provisions.

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

Issued at Washington, D.C., this 9th day of February 1959.

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

[F.R. Doc. 59-1288; Filed, Feb. 11, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

RALPH M. BESSE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of 29 January 1959 in my financial interests as reported in the FEDERAL REGISTER, August 22, 1958.

A. Deletions: Stockholder, Middle South Utilities.

B. Additions: Stockholder, Nationwide Corporation.

Dated: January 29, 1959.

RALPH M. BESSE.

[F.R. Doc. 59-1278; Filed, Feb. 11, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management has filed an application, Serial Number A. 046341 for the withdrawel of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but excepting the provisions of the mineral leasing laws and the Materials Act. The applicant desires the land for Recreation Sites.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

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:

BELUGA AREA

TRINITY LAKES

An unsurveyed parcel of land comprising the westerly tip of a peninsula extending from the west side of the southernmost of the Trinity Lakes more particularly described as follows:

Beginning at a point on the west shore of the southernmost of the Trinity Lakes at approximate latitude 61°35'18" N., longitude 151°26'00" W. (designated approximately by a Public Lands of the United States sign attached to a conspicuous birch tree); thence southeast approximately 330 feet across the peninsula to a point on the shore; thence southwesterly approximately 660 feet along the shoreline; thence northeasterly approximately 660 feet along the shoreline to the point of beginning.

Containing approximately 5 acres.

JUDD LAKE

An unsurveyed parcel of land situated on the southeastern end of Judd Lake abutting the lake shore and the east bank of the outlet more particularly described as follows:

Beginning at a point on the shore of Judd Lake on the East bank of the outlet situated at approximate latitude 61°33'50" N., longitude 151°32'30" W., thence southwesterly 660 feet along the east bank of the outlet stream. Thence northeasterly 330 feet on a straight line approximately parallel to the principal bearing of the lake shore; thence northwesterly 660 feet on a straight line approximately parallel to the principal bearing of the outlet stream to a point on the shore of Judd Lake; thence southwesterly along the lake shore to the point of beginning.

Containing 5 acres more or less.

BELUGA AREA

COAL CREEK LAKE

An unsurveyed parcel of land situated on the southeastern end of Coal Creek Lake abutting the shore of the lake and encompassing the outlet stream more particularly described as follows:

Beginning at a point on the shore of Coal Creek Lake on the west bank of the outlet situated at approximate latitude 61°29'15" N., longitude 151°32'31" W., thence westerly along the lake shore 165 feet; thence southeasterly 330 feet; at approximate right angles to the principal bearing of the lake shore; thence northeasterly 330 feet approximately parallel to said bearing; thence northwesterly approximately 330 feet to the lake shore; thence southwesterly along the lake shore approximately 165 feet to the west bank of the outlet and the point of beginning.

Containing approximately 2.50 acres.

BELUGA AREA

KITTY LAKE

An unsurveyed parcel of land situated on the south central end of Kitty Lake and comprising an elevated ridge that separates Kitty Lake from two small lakes lying to the immediate south, more particularly described as follows:

Beginning at a point on the shore of Kitty Lake at approximate latitude 61°31'57" N., longitude 151°29'00" W. (designated approximately by a Public Lands of the United States sign attached to a conspicuous birch tree); thence south 330 feet; thence easterly 660 feet parallel to the principal bearing of the lake shore; thence north 330 feet to a point on the shore of Kitty Lake; thence westerly approximately 660 feet along said shore to the point of beginning.

Containing 5 acres more or less.

DONALD T. GRIFFITH,
Acting Operations Supervisor,
Anchorage.

[F.R. Doc. 59-1266; Filed, Feb. 11, 1959; 8:47 a.m.]

[Document No. 201]

ARIZONA

Small Tract Classification Order 61; Public Sale

1. Pursuant to authority delegated me by Document No. 43 Arizona, effective May 19, 1955 (20 F.R. 3514-15), I hereby classify the following described public lands totalling 728.48 acres in Pima County, Arizona, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 13 E.,
Sec. 18: Lots 5 through 76, inclusive (363.24 acres);
Sec. 19: Lots 5 through 76, inclusive (365.24 acres).

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

3. The above listed lands are situated three to five miles south of Ajo Road and two to three miles west of Mission Road, southwest of the City of Tucson, and adjacent to the north side of the San Xavier Indian Reservation. The lands are easily identified by brass cap corner markers set in a 1954 survey on all 16th corners.

Good graded roads lead into the area. Unimproved roads give access by automobile to all of the tracts. The lands are situated on the northern, western, and southern edge of a rough mountain, most of which is situated on private lands in the SE¼, Sec. 18, T. 15 S., R. 13 E. Elevation is from 2,600 feet to 2,700 feet. Annual precipitation is about eleven inches. Winters are very mild and summers are very hot and dry. Temperatures range from a minimum of 24° F. to a maximum of 116° F. Vegetation is sparse and consists of the southern desert shrub type with such species as creosote bush, catclaw, and various species of cacti. Sparse growths of annual grasses and weeds occur during wet seasons. There are no springs or waterholes on the tract. Domestic water is available from existing supplies to the north and east and electricity is also in the area. All of the facilities of a modern city are available in Tucson, which is approximately 12 miles distant.

4. The individual tracts vary in size from 4.85 acres to 5.13 acres with the majority of the tracts being approximately 5 acres. Separate plats of survey for each section involved, showing the location of each tract, may be secured for $1.00 each from the State Supervisor, Bureau of Land Management, P.O. Box 148, Phoenix, Arizona.

The appraisal price of each tract is $1,000.00. Rights-of-way 50' in width for street and road purposes and for public utilities will be reserved along each side of all section lines, quarter, sixteenth and sixty-fourth section lines of the tracts involved. All minerals in the lands will be reserved to the United States.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase 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 only to those persons entitled to veterans' preference as outlined in Paragraph 9 below at a public sale to be held at Pima County Fair Grounds, 4823 S. 16th Avenue, Tucson, Arizona, at 9:30 a.m., May 14, 1959. Any lots offered for sale which are not disposed of on this date will again be offered at a public auction open to the general public on May 15, 1959 at 9:30 a.m. at the same location. These lands will be offered for direct sale giving veterans first preference and later offering any unsold tracts to the general public.

Bids may be made personally by an individual or his agent at the sale or, in the case of veterans, by mail. Mailed bids from non-veterans will not be accepted. Bids sent by mail will be considered only if received at the Arizona State Land Office prior to 3:00 p.m. Monday, May 11, 1959. No bid will be accepted if it is less than the appraised price of the tract.

7. To facilitate the completion of the sale, all veteran bidders at the sale should bring with them a photostatic copy of their discharge papers (both sides of discharge) or other acceptable certification of proof of right to veterans' preference as outlined in Paragraph 9 below. Oral bidders must be prepared to make payment for the tract at the close of bidding. A personal check will be acceptable for that purpose.

8. Each bid sent by mail must clearly show: (a) The name and the mailing address of the bidder; (b) Classification Order No. 61; (c) the section and number of the lot for which the bid is made.

Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, P.O. money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veterans' preference as outlined in Paragraph 9 below must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate lots must be enclosed in separate envelopes but payment and proof of veterans' preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veterans' preference proof. Each envelope must be addressed to the Manager, Land Office, 1305 North Central Avenue, P.O. Box 148, Phoenix, Arizona, and carry in the lower left hand corner of its face the following information and nothing else: (a) "Bid for small tract"; (b) "Classification Order No. 61"; (c) "Veterans' preference"; and (d) the Section and number of the lot for which the bid is made. Sender's name and return address should be shown on reverse side of envelope.

9. There are no preference right applications filed on the lands. In accordance with 43 CFR 257.14(e) each tract will be awarded to the highest bidder among persons entitled to veterans' preference. No person will be awarded more than one tract. Persons entitled to veterans' preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940; (b) 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 will be called upon for proof of the military service upon which their claim is based.

10. Sealed bids will be opened in the presence of the public in Room 2, 1305 North Central Avenue, Phoenix, Arizona, beginning at 10:00 a.m. on Tuesday, May 12, 1959.

11. All inquiries concerning these lands should be addressed to Manager, Land Office, 1305 North Central Avenue, P.O. Box 148, Phoenix, Arizona, and should be accompanied by a stamped, self-addressed return envelope.

EUGENE H. NEWELL,
Lands and Minerals Officer.

FEBRUARY 6, 1959.

[F.R. Doc. 59-1267; Filed, Feb. 11, 1959; 8:48 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 5, 1959.

The Bureau of Reclamation has filed an application, Serial No. Nevada-049564, as amended, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws. The applicant desires the land for a source of riprap material in connection with rectification work along the Colorado River.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

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:

MOUNT DIABLO MERIDIAN, NEVADA

T. 33 S., R. 65 E.,
Sec. 14;
Sec. 23.

The area described contains 886.96 acres.

E. J. PALMER,
State Supervisor.

[F.R. Doc. 59-1268; Filed, Feb. 11, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BENTONVILLE SALE CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ARKANSAS

Name of Stockyard	*Date of posting*
Bentonville Sale Company, Bentonville	Dec. 11, 1958
Benton County Sales Company, Rogers	Dec. 12, 1958
Clarksville Auction Company, Clarksville	Dec. 15, 1958
County Line Sale Barn, Ratcliff	Dec. 16, 1958
Crawford County Livestock Auction, Van Buren	Dec. 15, 1958
Decatur Sales Company, Decatur	Dec. 11, 1958
Delta Livestock Commission Co., Pine Bluff	Nov. 20, 1958

ARKANSAS—Continued

Name of Stockyard	Date of posting
Eureka Sales Company, Eureka Springs	Dec. 13, 1958
Farmers Livestock Auction Company, Springdale	Dec. 11, 1958
Gentry Sale Company, Gentry	Do.
Glenwood Livestock Exchange, Glenwood	Dec. 18, 1958
Gravette Community Sale, Gravette	Dec. 10, 1958
Harrison Sales Company, Harrison	Dec. 13, 1958
Hartford Community Auction, Hartford	Dec. 17, 1958
Hensley Sale Barn, Fayetteville	Dec. 12, 1958
Hiram Wall Sale, Booneville	Dec. 16, 1958
Huntsville Livestock Auction, Huntsville	Dec. 12, 1958
Nevada County Livestock Auction, Prescott	Dec. 18, 1958
Ola Community Auction Sale, Ola	Dec. 15, 1958
Polk County Auction Co., Mena	Dec. 17, 1958
Russellville Livestock Sales Company, Russellville	Dec. 15, 1958
Scott County Livestock Auction, Waldron	Dec. 17, 1958
Siloam Springs Sale Barn, Siloam Springs	Dec. 11, 1958
Sutton Livestock Commission, Hope	Dec. 18, 1958
Washington County Sales Co., Inc., Fayetteville	Dec. 12, 1958

LOUISIANA

Zachary Stock Yards, Zachary	Nov. 19, 1958

MISSISSIPPI

Clarksdale Livestock Sales Co., Clarksdale	Jan. 13, 1959
Columbus Livestock Commission Company, Columbus	Jan. 14, 1959
Decatur Stock Yard, Decatur	Jan. 7, 1959
Deer Creek Stock Yards, Inc., Hollandale	Jan. 13, 1959
Dixie Stock Yards, Inc., Meridian	Jan. 7, 1959
Doc Billingsley Auction Sale, Senatobia	Jan. 14, 1959
Ernest K. Peeler Livestock Barn, Kosciusko	Jan. 13, 1959
Graves Livestock Co., Winona	Jan. 14, 1959
Grenada Livestock Exchange, Grenada	Jan. 14, 1959
Hattiesburg Livestock Yard, Inc., Hattiesburg	Jan. 6, 1959
Hernando Auction Co., Hernando	Jan. 14, 1959
Kosciusko Stockyards, Kosciusko	Jan. 12, 1959
L. & S. Community Sales, Columbia	Jan. 6, 1959
Laurel Stock Yards, Laurel	Jan. 5, 1959
Lexington Sales Company, Lexington	Jan. 13, 1959
Lipscomb Commission Co., Senatobia	Do.
Meridian Stock Yards, Inc., Meridian	Jan. 8, 1959
Mississippi Livestock Producers Assn. (North Barn), Jackson	Jan. 7, 1959
Mississippi Livestock Producers Assn. (South Barn), Jackson	Do.
North Mississippi Sales Company, Grenada	Jan. 14, 1959
Owen Brothers Stock Yard, Inc., Hattiesburg	Jan. 7, 1959
Panola Livestock Sales Company, Batesville	Jan. 13, 1959
Tri-State Stock Yards, Inc., Greenville	Do.
Waynesboro Livestock Yard, Waynesboro	Jan. 5, 1959
Yazoo Community Sale, Yazoo City	Jan. 13, 1959

NEBRASKA

Sargent Livestock Commission Company, Sargent	Nov. 14, 1958

TEXAS

Name of Stockyard	Date of posting
Community Sales Yard, Edinburg	Nov. 20, 1958
Owen Brothers Livestock Commission Company, Texarkana	Nov. 7, 1958

Done at Washington, D.C., this 6th day of February 1959.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59–1277; Filed, Feb. 11, 1959; 8:49 a.m.]

Rural Electrification Administration

CHIEFS, TELEPHONE AND ELECTRIC ENGINEERING DIVISIONS

Delegations of Authority

1. Authority is hereby delegated to the Chief, Telephone Engineering Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the telephone program.

2. Authority is hereby delegated to the Chief, Electric Engineering Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the electric program.

Issued this 5th day of February 1959.

[SEAL] DAVID A. HAMIL,
Administrator.

[F.R. Doc. 59–1291; Filed, Feb. 11, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12741]

CONSOLIDATED AMUSEMENT CO., LTD., AND HIALAND DEVELOPMENT CORP.

Name of Licensee

In re application of Consolidated Amusement Company, Ltd., (Transferor) and Hialand Development Corporation (Transferee), Docket No. 12741, File No. BTC–2958; for Commission consent to the transfer of control of Hawaiian Broadcasting System, Limited, licensee of Stations KGMB and KGMB–TV, Honolulu, KHBC and KHBC–TV, Hilo, and KMAU–TV, Wauluku, Territory of Hawaii.

The name of the licensee is corrected to Hawaiian Broadcasting System, Limited, in lieu of "Hawaiian Broadcasting Corporation."

Released: February 5, 1959.

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

[F.R. Doc. 59–1284; Filed, Feb. 11, 1959; 8:50 a.m.]

[Docket No. 12741; FCC 59M–170]

CONSOLIDATED AMUSEMENT CO., LTD., AND HIALAND DEVELOPMENT CORP.

Order Scheduling Prehearing Conference

In re application of Consolidated Amusement Company, Ltd., (Transferor) and Hialand Development Corporation, (Transferee), Docket No. 12741, File No. BTC–2958; for Commission consent to the transfer of control of Hawaiian Broadcasting System, Limited, licensee of Stations KGMB and KGMB–TV, Honolulu, HKBC and KHBC–TV, Hilo, and KMAU–TV, Wauluku, Territory of Hawaii.

It is ordered, This 6th day of February 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 o'clock a.m. on Friday, February 13, 1959, in the offices of the Commission, Washington, D.C.

Released: February 6, 1959.

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

[F.R. Doc. 59–1285; Filed, Feb. 11, 1959; 8:50 a.m.]

[Docket No. 12750; FCC 59–82]

MAY BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re applications of May Broadcasting Company, Shenandoah, Iowa, Docket No. 12750, File No. BR–531; for renewal of License of Standard Broadcast Station KMA.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of February 1959:

The Commission having under consideration (1) the above-entitled application; (2) the Commission's letter of December 10, 1958, sent to the above-named applicant pursuant to section 309 (b) of the Communications Act of 1934, as amended; and (3) the reply to said letter filed on December 31, 1958, by the applicant; and

It appearing that the above applicant has acquired 48.86 percent of the voting stock of KFAB Broadcasting Company, licensee of AM Station KFAB, Omaha, Nebraska; that the applicant and KFAB Broadcasting Company have common officers and directors; that the 2 mv/m of KFAB covers the City of Shenandoah, Iowa and the 2 mv/m contour of KMA covers the City of Omaha, Nebraska; and that a question is raised as to whether or not a grant of the above application would be contrary to the Commission's policy of not permitting any party to hold interests in stations in the same broadcast service serving substantially the same area; and

It further appearing that in its letter to the above applicant of December 10,

1958, the Commission notified the applicant of the objections to a grant of its application and afforded it an opportunity to reply; and that in its reply of December 31, 1958, the applicant set forth its reasons why it believed that said application should be granted and stated that if the Commission was of a contrary view, a waiver of § 3.35 of the rules was requested; and

It further appearing that upon due consideration of the above application, the Commission letter of December 10, 1958, and the applicant's reply thereto of December 31, 1958, the Commission is unable to determine at this time that a grant of the above-entitled application would serve the public interest; that a hearing is required; and that no questions exist as to the qualifications of the applicant except as to the matters involved in the issues set forth below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the above-entitled application would be consistent with the provisions of § 3.35 of the Commission's rules and its policies promulgated thereunder, particularly with respect to its policy of requiring open, arms length competition among broadcast stations in the same broadcast service serving substantially the same area;

2. To determine, in light of the evidence adduced under issue "1", whether a waiver of the Commission's rules and policies would be warranted.

3. To determine, in light of the evidence adduced with respect to the foregoing issues, whether a grant of the above-entitled application would serve the public interest, convenience or necessity.

Released: February 9, 1959.

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

[F.R. Doc. 59-1286; Filed, Feb. 11, 1959; 8:50 a.m.]

[Canadian List 129]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

JANUARY 29, 1959.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		950 kilocycles				
CKBB	Barrie, Ontario	5 kw D/2.5 kw N	DA-1	U	III	Now in operation.
		1230 kilocycles				
CFCW (correction of location of studio shown in Lst. No. 127).	Camrose, Alberta	1 kw D/0.25 kw N	ND	U	IV	
		1240 kilocycles				
New	Melfort, Sask	0.25 kw	ND	U	IV	EIO 2-15-60.
		1250 kilocycles				
CKRB	St. Georges de Beauce, P.Q.	5 kw D/1 kw N	DA-N	U	III	Now in operation.
		1400 kilocycles				
CJFP (PO: 1400 kc. 0.25 kw. ND IV).	Riviere du Loup, P.Q.	1 kw D/0.25 kw N	ND	U	IV	EIO 2-15-60.
CKRB	St. Georges de Beauce, P.Q.	0.25 kw	ND	U	IV	Delete assignment—vide 1250 kc.
		1480 kilocycles				
New (correction of location from that shown on Lst. No. 127).	Newmarket, Ontario. Location: 44 02 17 N 79 27 43 W.	1 kw	ND	D	III	
		1510 kilocycles				
CKOT	Tillsonburg, Ontario	1 kw	DA-D	D	II	Now in operation.
		1540 kilocycles				
New	Port Credit, Ontario	1 kw	ND	D	II	Delete assignment.
New (correction of class from that shown on Lst. No. 127).	Burlington, Ontario	1 kw	ND	D	*II*	

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

[F.R. Doc. 59-1287; Filed, Feb. 11, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ARTHUR W. WINSTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 29, 1959.

ARTHUR W. WINSTON.

JANUARY 29, 1959.

[F.R. Doc. 59-1279; Filed, Feb. 11, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8711]

TACA INTERNATIONAL AIRLINES, S.A.

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the oral argument in the above-entitled proceeding now assigned for February 18, 1959 is postponed to a date to be later assigned.

Dated at Washington, D.C., February 6, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-1292; Filed, Feb. 11, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3971]

GLENN M. AND RUTH E. STEARNS

Notice of Application and Date of Hearing

FEBRUARY 5, 1959.

Take notice that Glenn M. and Ruth E. Stearns (Applicant), independent producers with their principal place of business in Dallas, Texas, filed, on October 1, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant sells natural gas to Cities Service Gas Producing Company and Skelly Oil Company, which companies operate the wells and resell the gas to Cities Service Gas Company for resale in interstate commerce for ultimate public consumption. This gas is produced in the Guymon-Hugoton Field, Texas County, Oklahoma.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 24, 1959 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1255; Filed, Feb. 11, 1959; 8:46 a.m.]

[Docket No. G-8769]

J. HIRAM MOORE

Notice of Application and Date of Hearing

FEBRUARY 5, 1959.

Take notice that J. Hiram Moore (Applicant), an independent producer with its principal place of business in Hobbs, New Mexico, filed, on April 18, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Permian Basin Pipeline Company (Permian) for transportation in interstate commerce for resale from production in the SW/4 Section 3, T20S, R37E, in the Eumont Field, Lea County, New Mexico. Applicant is filing on behalf of himself and, as operator, lists the following co-owners having interests in the subject unit: Tennessee Production Company, Carper Drilling Company, Inc., Ernest A. Hanson, and John A. Barnett.

By letter dated August 2, 1956, however, J. Hiram Moore advised the Commission that, effective November 1, 1955, Tennessee Gas Transmission Company, successor in interest to Tennessee Production Company, succeeded him as operator of the property.

The gas sales contract dated March 18, 1955, is on file with the Commission as Hiram J. Moore et al. FPC Gas Rate Schedule No. 1.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 12, 1959 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1256; Filed, Feb. 11, 1959; 8:46 a.m.]

[Docket No. G-12361]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Resumption of Hearing

FEBRUARY 5, 1959.

Notice is hereby given that the hearing upon the application for a certificate of public convenience and necessity in the above-designated matter is hereby scheduled to resume at 9:30 a.m., e.s.t., on February 26, 1959, in the Commission's hearing room, 441 G Street NW., Washington, D.C. On July 11, 1958, notice of the said application was published in the FEDERAL REGISTER (23 F.R. 5285) setting the date of hearing thereon for August 11, 1958 and fixing the time for filing of protests and petitions to intervene. The matter came on for hearing and the time for protesting to the granting of the certificate had lapsed and no protest or petition to intervene had been filed when on August 11, 1958 the Presiding Examiner upon motion of staff counsel recessed the hearing until further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1257; Filed, Feb. 11, 1959; 8:46 a.m.]

[Docket No. G-12709, etc.]

SUN OIL CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 5, 1959.

In the matters of Sun Oil Company,[1] Docket No. G-12709; Aylward Drilling Company, Operator,[2] Docket No. G-12865; J. C. Trahan Drilling Contractor, Inc., Operator,[3] Docket No. G-13025; F. R. Jackson,[4] Docket No. G-13026; Robert Cargill, Operator,[5] Docket No. G-13027; The Texas Company,[6] Docket No. G-13028; Carter-Jones Drilling Company, Inc., Operator,[7] Docket No. G-13033; Finley Company, Operator,[8] Docket No. G-13034; William Graham Oil Company, Operator, et al.,[9] Docket No. G-13038; Roy Furr, Operator, et al.,[10] Docket No. G-13039; J. A. Gray, et al. (by the Group Oil Company, Agent),[9] Docket No. G-13042; The Preston Oil Company, Docket No. G-13043; Skelly Oil Company,[10] Docket No. G-13044; Lyons & Logan, Operator, et al.,[11] Docket No. G-13045; Sun Oil Company,[12] Docket No. G-13046.

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

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

Docket No., Field and Location, and Purchaser

G-12709; Hidalgo Field, Hidalgo County, Tex.; Coastal States Gas Producing Company.

G-12865; Acreage in Barber County, Kans.; Cities Service Gas Company.

G-13025; Tatum Field, Rusk and Panola Counties, Tex.; Texas Eastern Transmission Corporation.

G-13026; Tatum Field, Rusk and Panola Counties, Tex.; Texas Eastern Transmission Corporation.

G-13027; Tatum Field, Rusk and Panola Counties, Tex.; Texas Eastern Transmission Corporation.

G-13028; Bayou Penchant Field, Terrabonne Parish, La.; Tennessee Gas Transmission Company.

G-13033; North Ross Field, Starr County, Tex.; Tennessee Gas Transmission Company.

G-13034; Gyp Hill Field, Brooks County, Tex.; Texas Eastern Transmission Corporation.

G-13038; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company and Cities Service Gas Company.

G-13039; Acreage in Hansford County, Tex.; Northern Natural Gas Company.

See footnoes at end of document.

G-13042; Magnet-Withers Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

G-13043; Mannington District, Marion County, W. Va.; Hope Natural Gas Company.

G-13044; Acreage in La Plata County, Colo.; El Paso Natural Gas Company.

G-13045; Woodlawn Field, Harrison County, Tex.; Texas Eastern Transmission Corporation.

G-13046; North Beeville Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 24, 1959 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Application covers the proposed sale of surplus gas, which gas is in excess of the quantities provided for in a gas sales contract dated May 18, 1956 between Sun Oil Company, Seller, and Stanolind Oil and Gas Company (now Pan American Petroleum Corporation), Buyer. Production is limited to depths above 6,600 feet.

[2] Aylward Drilling Company, Operator, is filing for itself and on behalf of the non-operator, Bachus Oil Company. Application covers an amendatory agreement dated June 24, 1957 which adds additional acreage to a basic gas sales contract dated January 26, 1956, as amended. Aylward is the only signatory seller party to the subject amendatory agreement and received authorization in Docket No. G-9995 to sell natural gas under the basic contract.

[3] In Docket No. G-13025, J. C. Trahan Drilling Contractor, Inc., Operator, is filing for itself and, as operator, lists in the application the non-operators together with the percentages of working interests of each in production from 15 separate wells. Application covers a ratification agreement executed June 18, 1957, of a basic gas sales contract dated June 12, 1957, between Robert Cargill, seller, and Texas Eastern, buyer, J. C. Trahan Drilling Contractor, Inc., is the only signatory seller party to the subject ratification agreement which agreement has also been signed by buyer. In Docket No. G-13026 F. R. Jackson, non-operator, requests authorization to sell its interest in gas produced from eight gas units under a ratification agreement executed June 22, 1957 (stated as July 30, 1957 in the application) of the above-mentioned basic gas sales contract dated June 12, 1957. F. R. Jackson is a signatory seller party to the ratification agreement executed June 22, 1957, also signed by purchaser. In Docket No. G-13027, Robert Cargill, Operator, is filing for himself and on behalf of 26 non-operators listed in the application together with the percentage of interest each owns in production from twelve gas units listed in the application. Cargill is the only signatory seller party to the aforementioned contract dated June 12, 1957.

[4] Application covers a proposed sale of natural gas under an amendatory agreement dated July 13, 1957, which adds additional acreage to a basic gas sales contract dated February 6, 1956.

[5] Carter-Jones Drilling Company, Inc., Operator, is filing for itself and lists in the application, together with the percentage of working interest of each the following non-operators: Julian Hurst, Smith P. Reynolds, Bluford Stinchcomb and John Young. All above-named co-owners are signatory seller parties to the gas sales contract dated July 26, 1957. In addition, Carter-Jones, Operator, is filing on behalf of the following non-signatory co-owners for their combined 6.25 percent interest: Dixie Oil & Gas Company, J. Robert McCollum, Trustee, J. K. Maxewell, Trustee, Merritt Tool Company and Henry R. Rose.

[6] Finley Company, Operator, is filing for itself, and as operator lists in the application the name and percentage of interest of non-operator, Vickers Petroleum Company. Both are signatory seller parties to the gas sales contract dated December 19, 1956.

[7] William Graham Oil Company, a partnership consisting of William L. Graham and Marjorie Lois Graham, Operator, is filing for itself and on behalf of the non-operator Helmerich & Payne, Inc. Operator acquired its 50 percent interest in the subject acreage from Peters, Writer & Christenson, Inc., through instrument of assignment dated October 16, 1956, and Helmerich & Payne acquired the remaining 50 percent interest from E. H. Leede through instrument of assignment dated October 29, 1956.

[8] Roy Furr, Operator, is filing for himself and on behalf of the non-operator, Southland Royalty Company. Both are signatory seller parties to the gas sales contract dated June 28, 1957.

[9] The Group Oil Company, Agent, is filing for J. A. Gray, Bilbo-Redding Drilling Company, Inc., W. C. DeArman, R. E. Hudson, J. B. Teasdel, R. V. Moise and Morris Rauch. The Group Oil Company has signed the gas sales contract dated August 8, 1957, as Sellers' Representative, and the remaining above-named parties are all signatory seller parties to said contract.

[10] Application covers a proposed sale of natural gas pursuant to a basic gas sales contract dated July 29, 1957, and an amendatory agreement adding additional acreage thereto dated July 7, 1958. Production is limited to the Mesa Verde Formation. Amendment to application filed July 14, 1958, covers above-mentioned amendatory agreement.

[11] Lyons & Logan, a partnership consisting of C. H. Lyons, Sr., G. L. Logan, C. H. Lyons, Jr., Hall M. Lyons, G. F. Abendroth, E. L. Hilliard and J. T. Palmer, Operator, is filing for itself and on behalf of the following non-operators: C. T. McCord, Jr., G. F. Bauerdorf, E. Fred Herschbach, Ina Lewis, Paul W. Wood and Sam S. Whitener, Jr. All are signatory seller parties to the gas sales contract dated August 7, 1957.

[12] Sun Oil Company, non-operator, is filing for its 7.29166 percent working interest in production from the Kessler-Collier Unit to be sold under a ratification agreement dated July 9, 1957, of a basic gas sales contract dated November 28, 1956, between Dakamont Exploration Corporation, et al., sellers, and Wilcox, buyer. Both Sun and Texas Eastern are signatory parties to the subject ratification agreement. Dakamont, et al., received authorization in Docket No. G-12835 to sell natural gas under the basic contract. Production is limited to the Wilcox Formation.

[F.R. Doc. 59-1258; Filed, Feb. 11, 1959; 8:46 a.m.]

[Docket No. G-16362, etc.]

SLICK OIL CORP. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 5, 1959.

In the matters of Slick Oil Corporation, Operator,[1] Docket No. G-16362; Harvey L. Starr and N. H. Cayton, Docket No. G-16369; Harry Stevens, et al.,[2] Docket No. G-16372; P. O. Burgy Drilling & Producing Company, Docket No. G-16373; Walters Drilling Company, Operator, et al.,[3] Docket No. G-16374; N. C. Ginther, Operator,[4] Docket No. G-16381; Slick Oil Corporation, Operator,[5] Docket No. G-16386; Shell Oil Company,[6] Docket No. G-16391; Pan American Petroleum Corporation,[7] Docket No. G-16433; Southwestern Development Company, Docket No. G-16438; Ben S. Curtis,[8] Docket No. G-16443; Josephine P. Bay, Operator, et al.,[9] Docket No. G-16451; Petroleum, Inc.,[10] Docket No. G-16453; Gulf Oil Corporation,[11] Docket No. G-16454; H. L. Hunt, Docket No. G-16461.

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

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

Docket Nos., Field and Location, and Purchaser

G-16362; Witte Field, Victoria County, Tex.; Texas Illinois Natural Gas Pipeline Company.

G-16369; Court House District, Lewis County, W. Va.; Hope Natural Gas Company.

G-16372; Center District, Cahoun County, W. Va.; Hope Natural Gas Company.

G-16373; Grant District, Ritchie County, W. Va.; Hope Natural Gas Company.

G-16374; Harper Field, Harper County, Kans.; Cities Service Gas Company.

G-16381; Bijou, West Bijou, North Bijou and Orchard Fields, Morgan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

G-16386; Peden Field, Harris County, Tex.; United Gas Pipe Line Company.

G-16391; West Perryton Field, Ochiltree County, Tex.; Northern Natural Gas Company.

See footnotes at end of document.

G–16433; S. W. Velma and Tatum Fields, Stephens and Carter Counties, Okla., respectively; Lone Star Gas Company.

G–16438; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

G–16443; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

G–16451; North Spearman Morrow Field, Hansford County, Tex.; Northern Natural Gas Company.

G–16453; Acreage in Barber County, Tex.; Cities Service Gas Company.

G–16454; Justis Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–16461; Pecos Valley (Devonian), Pecos County, Tex.; El Paso Natural Gas Company.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 19, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Slick Oil Corporation, Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following non-operators: Buford Goodwin, The Estate of W. H. Winn, Deceased, J. C. Pollard, Dr. Norborne B. Powell, A. J. Hooper, D. Stuart Godwin, Mrs. Mary Catherine Brown and Edwin R. Brown, Jr. All are signatory seller parties to the subject gas sales contract.

[2] Harry Stevens, et al., Applicant, is a mining partnership consisting of Harry Stevens, P. P. Gunn, Robert B. Smith, C. W. Beecher, Dexter Cooper, Harvey G. Shiner, Eddie A. Kirby, Mountain Iron and Supply Company, Billy Reger, et al., Corel Poling, J. A. Bower and James A. Jordon. All are signatory seller parties to the subject gas sales contract, which contract limits production to horizons above top of Onondaga Limestone Formation, through the signatures of Harry Stevens, P. P. Gunn and Robert B. Smith, who have signed the contract individually and as Attorneys-in-Fact for the remaining above-named partners.

[3] Walters Drilling Company, a partnership consisting of W. N. Bartlett, Robert F. Walters and Alfred James III, Operator, and Harold H. Anderson, W. N. Bartlett, Robert H. Christy, Charles D. James, Franklin J. Lunding, Foster G. McGaw, Don T. McNeill and Michigan Oil Company, non-operators, are filing jointly. All are signatory seller parties to the subject gas sales contract.

[4] N. C. Ginther, is filing as plant operator for authorization to sell his share of residue gas and lists Excelsior Oil Corporation as plant co-owner. Both are signatory seller parties to the subject gas sales contract. Application states that Ginther proposes to purchase cashinghead gas for processing in its plant from nine producers (listed in application) under gas purchase contracts which provide for payment to producers a percentage of the proceeds received by Ginther from resale of the residue gas.

[5] Slick Oil Corporation, Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following non-operators: W. A. Kirkland, Mrs. Lois C. Kirkland, Mrs. Cora V. Peden, Mrs. Virginia Morsman, Mrs. Stella Peden Connor, Mrs. Mary Porter Vandervoort, A. S. Vandervoort, Mrs. Laura K. Bruce and George S. Bruce, Jr. All are signatory seller parties to the subject gas sales contract.

[6] Application covers an amendatory agreement dated August 15, 1958, which adds additional acreage to a basic gas sales contract dated September 17, 1956, as amended. Shell was authorized in Docket No. G–11242 to sell gas under the basic contract, which contract limits production to formations shallower than the Mississippi Limestone Zone.

[7] The gas sales contract limits production to formations above base of the Springer Formation.

[8] Application covers a ratification agreement dated December 5, 1957 of a basic gas sales contract dated November 27, 1953, as amended, between Shell Oil Company, seller, and Colorado Interstate, buyer. Both Applicant and Colorado Interstate are signatory parties to the subject ratification agreement.

[9] Josephine P. Bay, Operator and C. Michael Paul are filing jointly. Both are signatory seller parties (non-operator by assignment) to the subject gas sales contract. In addition, Applicant, as Operator, lists the following owners of overriding royalty interests: Ben D. Beck and John Nicholson, which parties are also signatory seller parties to the aforesaid contract. Production is limited to formations above the Mississippi Limestone Zone.

[10] Application covers an amendatory agreement dated September 9, 1958, which adds additional acreage to a basic gas sales contract, dated February 7, 1956, as amended. Applicant was authorized in Docket No. G–10033 to sell natural gas under the basic contract.

[11] Production is limited to the Justis gas zone found between depths of 4,732 feet and 4,870 feet.

[F.R. Doc. 59–1259; Filed, Feb. 11, 1959; 8:46 a.m.]

[Docket No. G–14996]

LA GLORIA OIL AND GAS CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 6, 1959.

In the matters of La Gloria Oil and Gas Company, Docket No. G–14996; Allegheny Land and Mineral Company,[1] Docket No. G–14997; George Jackson, Docket No. G–14998; Shell Oil Company, Operator,[2] Docket No. G–15001; Gulf Oil Corporation, Docket No. G–15002; Tri-Mark Oil Company, Operator,[3] Docket No. G–15003; Magnolia Petroleum Company, Docket No. G–15017; The Ohio Oil Company, Docket No. G–15021; W. E. Bakke, et al.,[4] Docket No. G–15022; Mercury Oil and Gas,[5] Docket No. G–15023; The Vickers Petroleum Company, Inc., Operator, et al.,[6] Docket No. G–15025; Midstates Oil Corporation, Docket No. G–15134.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

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

Docket No., Field and Location and Purchaser

G–14996; Bird Island Field, Kleberg County, Tex.; Texas Eastern Transmission Corporation.

G–14997; Acreage in Washington, Lee and Sherman Districts and others, Doddridge, Ritchie and Calhoun Counties, W. Va.; Hope Natural Gas Company.

G–14998; Skin Creek District, Lewis County, W. Va.; Equitable Gas Company.

G–15001; Bear Field, Beauregard Parish, La.; Transcontinental Gas Pipe Line Corporation.

G–15002; Acreage in Barber County, Kans.; Cities Service Gas Company.

G–15003; Luby Field, Nueces County, Tex.; Transcontinental Gas Pipe Line Corporation.

G–15017; Fulton Field, Beauregard Parish, La.; Trunkline Gas Company.

G–15021; Jefferson Rodessa Field, Marion County, Tex.; Arkansas Louisiana Gas Company.

G–15022; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

G–15023; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

G–15025; Hugoton Field, Morton County, Kans.; Panhandle Eastern Pipe Line Company.

G–15134; Cabeza Creek Area, Goliad County, Tex.; United Gas Pipe Line Company.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 26, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

See footnotes at end of document.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[1] Supplements filed Septemeber 16, 1958, and December 22, 1958, to the original application in Docket No. G–14497 cover the dedication of additional acreage to the basic gas sales contract involved herein. The supplement filed September 16, 1958, involves 2 tracts of land totaling approximately 279 acres which were assigned to Applicant by Hope Natural Gas Company by assignments dated July 14, 1958, and August 14, 1958. The supplement filed December 22, 1958, covers Applicant's acquisition of interest in approximately 65 acres under agreements dated July 28, 1958, and July 8, 1958.

[2] Shell Oil Company, Operator, is filing for itself and as agent for Texas Gulf Producing Company, a nonsignatory owner of working interest in Gas Unit "B" ("T" Sand Unit). Shell, as Operator, lists in the application the names and percentages of working interest of the non-operators of the Gas Unit "A" Voluntary Unit) and the Gas Unit "B" ("T" Sand Unit). Operator states that except for Texas Gulf Producing Company, the non-operators have negotiated separate gas sales contracts to dispose of their portions of production from the subject units and will file independently. The subject application covers an amendatory agreement dated January 29, 1958 which adds additional acreage to a basic contract dated August 31, 1954. Applicant was authorized to sell gas under the basic contract in Docket No. G–4258.

[3] Tri-Mark Oil Company, Operator, is filing for itself and as Operator lists as Exhibit "C" to the application, together with the percentage of interest of each, the following non-operators: Katherine L. Shaffer, E. A. Taegel, Reagan Tucker, Harry Weisman, H. R. Steinmann, Harry Mendelson, Walter Von Horst, J. B. Joselow, R. S. Coolidge, Calvery Carey and Joe Simons. Amendment filed covers a change in delivery point.

[4] W. E. Bakke, non-operator, is filing for himself and on behalf of co-owner H. L. Dillon who together own a 25 percent working interest in subject two gas units. Application involves the proposed sale of natural gas under a basic gas sales contract dated August 26, 1947, as amended, between W. B. Osborn, et al., Seller, Colorado Interstate Gas Company, Buyer. W. E. Bakke attained signatory status to the aforesaid contract dated August 26, 1947, to the extent of two assignments dated October 31, 1955, and January 16, 1956. The assignments are limited to gas rights down to the base of the Hugoton Pay Zone, or 2,850 feet below the surface of the ground whichever is the lesser depth.

[5] Mercury Oil and Gas, Applicant, is an association composed of Alice M. Vandergrift, E. S. Vaughan, G. A. Campbell, Harold L. Born, Annette P. Smiley, Julia L. Craddock, George Rauch, Therese Rauch, David Rauch, J. N. Bailey, W. A. Copenhaver, H. F. Bell, Charles E. Summers, Victor A. Smith, P. E. Hoskins, Phyllis L. Thomas, Eugene Thomas, John W. Straton, James V. Stanley, Guy Campbell, Earl Hardman, D. C. Vickery, Walter W. Baker and Christie Vandergrift. Alice Vandergrift is a signatory seller party to the gas sales contract dated March 26, 1958, and the remaining above-named individuals are also signatory parties through the signature of Alice Vandergrift who has signed the subject contract as Attorney-in-Fact for said individuals.

[6] The Vickers Petroleum Company, Inc., Operator, is filing for itself and on behalf of non-operator Champlin Oil and Refining Company. Both are signatory seller parties to the basic sales contract dated March 28, 1958. As Operator of the Bowker No. 2 Unit, Vickers lists the following owners of working interests: The Vickers Petroleum Company, Inc., Operator, 50 percent; Champlin Oil & Refining Company and Graham-Michaelis Drilling Company, 25 percent each. Application states that Graham-Michaelis has negotiated a separate gas sales contract to dispose of its share of the gas produced and will file separately for authorization. Production is limited to horizons between the surface of the ground and sea level.

[7] Production limited to the Reklaw Sand in a tract of land containing 3.326 acres, which tract is included in the subject acreage.

[F.R. Doc. 59–1260; Filed, Feb. 11, 1959; 8:47 a.m.]

[Docket Nos. G–15932, G–17773]

CRESCENT PRODUCTION CO., INC., AND CRESCENT DRILLING CO., INC.

Order Amending Order for Hearings, Suspending Proposed Changes in Rates, and Allowing Increased Rates To Become Effective

FEBRUARY 6, 1959.

In the matters of Crescent Production Company, Inc., Docket No. G–15932; Crescent Drilling Company, Inc., Docket No. G–17773.

On July 30, 1958, Crescent Drilling Company, Inc. (Crescent Drilling), an affiliate of Crescent Production Company, Inc. (Crescent Production), tendered a notice of change to Crescent Drilling's FPC Gas Rate Schedule No. 2 which was erroneously designated as Supplement No. 2 to Crescent Production's FPC Gas Rate Schedule No. 2. By order issued on August 15, 1958,[1] including In the Matter of Crescent Production Company, Inc., Docket No. G–15932, said supplement, as so designated, together with Supplement No. 2 to Crescent Production's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Crescent Production's FPC Gas Rate Schedule No. 15, was suspended and its "use deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed". The order also provided that said supplements were to become effective as of August 2, 1958, provided that Production file an agreement and undertaking to comply with the terms and conditions of said order. Such agreement and undertaking was filed on August 29, 1958.

Crescent Drilling Company, Inc., by letter dated October 10, 1958, informed the Commission of the aforementioned erroneous designation. The Commission deems it necessary and appropriate to take the action herein set forth.

The Commission finds:

(1) Good cause having been shown, said order issued August 15, 1958, should be modified as hereinafter ordered.

(2) It is appropriate that the July 30, 1958 tender of Crescent Drilling Company, Inc., be designated as Supplement No. 2 to its FPC Gas Rate Schedule No. 2.

The Commission orders:

(A) The order issued on August 15, 1958, in Docket Nos. G–15925, et al., is hereby modified so as to change the name of "Crescent Production Company, Inc.,"—as shown at line 15 on page 3 thereof—to "Crescent Drilling Company, Inc."

(B) The notice of change tendered by Crescent Drilling Company, Inc., on July 30, 1958, is hereby accepted for filing and designated as Supplement No. 2 to Crescent Drilling Company, Inc., FPC Gas Rate Schedule No. 2.

(C) The rate, charge, and classification set forth in the above-designated filings of Crescent Drilling Company, Inc., shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this amendatory order Crescent Drilling shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph "(E)" of the aforementioned order issued August 15, 1958: *And, provided further,* That unless Crescent Drilling is advised otherwise within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(D) The proceeding concerning Supplement No. 2 to Crescent Drilling's FPC Gas Rate Schedule No. 2 is designated as "In the matter of Crescent Drilling Company, Inc., Docket No. G–17773."

(E) The agreement and undertaking, as filed on August 29, 1958, of Crescent Production Company, Inc., is discharged so far, and so far only, as it contemplates an obligation to make refunds, if so ordered, of collections made pursuant to Supplement No. 2 to Crescent Productions' FPC Gas Rate Schedule No. 2.

(F) Except as herein specifically amended, the aforesaid order issued herein on August 15, 1958, shall remain in full force and effect.

By the Commission.

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

[F.R. Doc. 59–1261; Filed, Feb. 11, 1959; 8:47 a.m.]

[1] A composite order (lead docket, In the Matters of Kerr-McGee Oil Industries, Inc., Docket No. G–15925) suspending and deferring the use of 70 Notices of Change which reflect, in whole or in part, the impact of an additional one cent per Mcf tax levied by the State of Louisiana pursuant to Act No. 8 of 1958, as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950, on rate schedules of 51 independent producers, including those of Crescent Production Company, Inc.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

LeROY LUTES

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Deletions:
Borax Holding Corporation.
Petroleum Corporation of America.
Atchison, Topeka and Santa Fe Ry.
Additions:
South American Gold and Platinum Corp.
Blyvoors Gold Mining Co. (South Africa).

This amends statement published September 20, 1958 (23 F.R. 7362).

Dated: February 5, 1959.

LT. GEN. LEROY LUTES (USA Ret.).

[F.R. Doc. 59-1243; Filed, Feb. 11, 1959; 8:45 a.m.]

JOHN E. WARREN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions: Cities Service Company.

This amends statement published September 10, 1958 (23 F.R. 7016).

Dated: February 1, 1959.

JOHN E. WARREN.

[F.R. Doc. 59-1248; Filed, Feb. 11, 1959; 8:45 a.m.]

CHARLES J. HEDLUND

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I am a director of the following corporations: Esso Export Corporation, Esso Mexicana, Esso Tankers, Inc.
I am a stockholder of the following corporations: Standard Oil Co. (N.J.), Columbia Gas System, International Telephone & Telegraph, American Cyanamid.

This amends statement published August 28, 1958 (23 F.R. 6696).

Dated: January 30, 1959.

CHARLES J. HEDLUND.

[F.R. Doc. 59-1245; Filed, Feb. 11, 1959; 8:45 a.m.]

GORDON B. CARSON

Appointee's Statement of Changes in Business Interests

The following statements lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published September 10, 1958 (23 F.R. 7015).

Dated: February 1, 1959.

GORDON B. CARSON.

[F.R. Doc. 59-1244; Filed, Feb. 11, 1959; 8:45 a.m.]

PETER HENLE

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published September 10, 1958 (23 F.R. 7015).

Dated: February 1, 1959.

PETER HENLE.

[F.R. Doc. 59-1246; Filed, Feb. 11, 1959; 8:45 a.m.]

RUSSELL C. McCARTHY

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions: Lincoln-Rochester Trust Co. Common Stock; Grolier Society Common Stock.

This amends statement published September 10, 1958 (23 F.R. 7015).

Dated: February 1, 1959.

RUSSELL C. MCCARTHY.

[F.R. Doc. 59-1247; Filed, Feb. 11, 1959; 8:45 a.m.]

WILLIAM WEBSTER

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Changes in investments:
Add:
Holyoke Water Power.
Midwestern Instruments Co.
Thorncliffe Park, Ltd.
Missouri Pacific RR.
Consolidated Denison Mines.
Algom Uranium Mines.
Milliken Lake Uranium Mines.
Gunnar Mines.
Delete:
B. C. Forest Products.
Carpenter Steel Co.

This amends statement published September 10, 1958 (23 F.R. 7016).

Dated: February 1, 1959.

WILLIAM WEBSTER.

[F.R. Doc. 59-1249; Filed, Feb. 11, 1959; 8:45 a.m.]

R. CARTER WELLFORD

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published September 10, 1958 (23 F.R. 7016).

Dated: February 1, 1959.

R. CARTER WELLFORD.

[F.R. Doc. 59-1250; Filed, Feb. 11, 1959; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 210, Amdt. 3]

OHIO

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 210, dated January 22, 1959, for the State of Ohio, is hereby amended as follows:

By including in paragraph 1 thereof Champaign, Clark, Clinton, Greene, Montgomery, Ross, Trumbull and Warren Counties.

(Heavy rains and floods occurring on or about January 22-23, 1959.)

Dated: January 28, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-1270; Filed, Feb. 11, 1959; 8:48 a.m.]

[Declaration of Disaster Area 210, Amdt. 4]

OHIO

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 210, dated January 22, 1959, for the State of Ohio, is hereby amended as follows:

By including in paragraph 1 thereof Clermont County.

(Flash floods occurring on or about January 22–23, 1959.)

Dated: January 29, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–1271; Filed, Feb. 11, 1959; 8:48 a.m.]

[Declaration of Disaster Area 210, Amdt. 5]

OHIO

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 210, dated January 22, 1959, for the State of Ohio, is hereby amended as follows:

By including in paragraph 1 thereof Tuscarawas and Cuyahoga Counties.

(Flash floods occurring on or about January 21–22, 1959.)

Dated: February 2, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–1272; Filed, Feb. 11, 1959; 8:48 a.m.]

[Declaration of Disaster Area 211, Amdt. 1]

INDIANA

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 211, dated January 23, 1959, for the State of Indiana, is hereby amended as follows:

By including in paragraph 1 thereof Crawford, Franklin, Harrison and Washington Counties.

(Floods occurring on or about January 21–22, 1959.)

Dated: January 29, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–1273; Filed, Feb. 11, 1959; 8:48 a.m.]

[Declaration of Disaster Area 213, Amdt. 1]

PENNSYLVANIA

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 213, dated January 27, 1959, for the State of Pennsylvania, is hereby amended as follows:

By including in paragraph 1 thereof Lycoming, Lackawanna and Luzerne Counties.

(Flash floods occurring on or about January 22–23, 1959.)

Dated: January 28, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–1274; Filed, Feb. 11, 1959; 8:48 a.m.]

[Declaration of Disaster Area 213, Amdt. 2]

PENNSYLVANIA

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 213, dated January 27, 1959, for the State of Pennsylvania, is hereby amended as follows:

By including in paragraph 1 thereof York County.

(Flood occurring on or about January 23–24, 1959.)

Dated: February 3, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–1275; Filed, Feb. 11, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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

3 CFR

	Page
Proclamations:	
1255	843
3272	843
3273	843
3274	845
3275	937
Executive orders:	
Feb. 26, 1852	843
Dec. 12, 1917	972
8065	972
8102	947
8319	972
9085	971
10159	845
10803	845

5 CFR

6	723, 846, 937, 1077
325	937

6 CFR

10	845
331	723, 1077
365	753

7 CFR

51	961
52	1087
301	877, 879
723	725
728	726, 756
868	997
914	726, 756, 939, 965
938	757
953	939
955	940
970	940
Proposed rules:	
51	851
718	814
814	1027
902	767
904	978
927	1049
934	978
961	737
968	1097
989	1027
996	978, 1049
997	787
999	978
1019	1049
1021	792

8 CFR

Proposed rules:	
212	909

9 CFR

73	1021
94	940
151	1090

10 CFR

3	726
30	1089

14 CFR

6	965
21	1021
234	757
299	758
570	1079
600	941
601	942, 1079

14 CFR—Continued

	Page
608	942, 1079
609	1079

15 CFR

370	900

16 CFR

13	846–850, 881, 882, 943, 944, 965, 966, 1093, 1094
Proposed rules:	
1–310	980

17 CFR

11	728
Proposed rules:	
230	742
240	742
250	742
270	742

19 CFR

13	946
16	946
81	760

21 CFR

3	967
9	883, 1027
17	761
29	762
121	1095
141a	884
141d	884
146	1096
146a	851, 884, 967
146c	967
146d	884
Proposed rules:	
9	909
120	1028
121	1028
301–306	851

25 CFR

131	762
Proposed rules:	
173	948
221	976, 977

26 (1939) CFR

Proposed rules:	
29	975
39	975

26 (1954) CFR

1	967

29 CFR

101	1096
530	728
605	728
607	728
617	728
621	728
625	728
628	728
633	728
784	1021
Proposed rules:	
526	740

30 CFR

301	731

32 CFR

1	886
2	886

32 CFR—Continued

	Page
3	887
5	888
6	888
7	890
8	891
10	891
11	891
13	892
15	894
16	892
30	762, 892
561	763
578	969
1613	731
1617	763
1690	731
1712	944

39 CFR

41	732
96	764
111	765
201	970
Proposed rules:	
33	815
45	815

41 CFR

202	732

43 CFR

244	901
Proposed rules:	
192	948
Public land orders:	
918	1097
1422	1097
1780	947
1781	971
1782	971
1783	971
1784	971
1785	972
1786	972
1787	972
1788	1097

47 CFR

2	947, 972
4	1000
9	972, 974, 1020
10	901, 948
11	765
12	765
16	766, 901
Proposed rules:	
3	741, 949, 950
5	979
10	815

49 CFR

72	902
73	903
74	907
77	907
78	907
120	851
174	908
Proposed rules:	
193	909

50 CFR

17	975
155	733