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TITLE 3—THE PRESIDENT

PROCLAMATION 3107

REVOCATION OF PROCLAMATION NO. 2626[1] OF OCTOBER 11, 1944, RELATING TO SERVICE COURTS OF FRIENDLY FOREIGN FORCES WITHIN THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the authority vested in him by section 6 of the act of June 30, 1944, entitled "An Act to implement the jurisdiction of service courts of friendly foreign forces within the United States, and for other purposes" (58 Stat. 645), the President of the United States by Proclamation No. 2626 of October 11, 1944, extended the powers and privileges provided in that act to the Government of the United Kingdom and the Government of Canada; and

WHEREAS the United States has entered into an international agreement entitled "An Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces", which was signed at London on June 19, 1951, and ratified by the Senate on July 15, 1953; and

WHEREAS the Government of the United Kingdom and the Government of Canada are signatories of that agreement; and

WHEREAS Article VII of that agreement grants specific powers and privileges to the parties thereto, including the Government of the United Kingdom and the Government of Canada, with respect to the jurisdiction over offenses committed by members of their armed forces:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 6 of the aforesaid act of June 30, 1944, do find and declare that the powers and privileges provided in that act to implement the jurisdiction of courts-martial or other military tribunals of friendly foreign forces within the United States are no longer necessary for the maintenance of discipline of the military, naval, or air forces of the United Kingdom and Canada within the United States; and I hereby revoke the aforesaid Proclamation No. 2626 of October 11, 1944.

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

DONE at the City of Washington this 5th day of August in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-6575; Filed, Aug. 9, 1955; 2:33 p. m.]

[1] 9 F. R. 12403; 3 CFR, 1944 Supp. p. 36.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.263]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

MISCELLANEOUS AMENDMENTS

Effective the beginning of the first pay period following July 16, 1955, the following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed:

1. Section 325.1 (a) is amended to read as follows:

(a) "Differential" covers both the "foreign post differential" established in Part I of Executive Order 10000 of September 16, 1948, and the "salary differential" established by section 443 of the Foreign Service Act of 1946, as amended. It means the additional compensation over base salary payable to eligible personnel at differential posts or in differential areas.

2. Section 325.2 is amended to read as follows:

§ 325.2 *Authorization for agencies to pay differentials.* Subject to Executive Order 10000, as amended, and to the regulations of this part, every agency of the United States Government operating in

(Continued on p. 5807)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

foreign areas is authorized to pay a differential fixed under § 325.11 to each of its employees eligible to receive such differential under § 325.3.

3. Section 325.4 is amended to read as follows:

§ 325.4 *Persons excluded.* (a) The spouse of a person employed, stationed or resident in the area shall not be eligible to receive a differential when the agency concerned determines that the spouse's presence there is primarily in order to be with such individual and not for the convenience of the government.

(b) Any other provisions of this part to the contrary notwithstanding, any person who would otherwise be eligible to receive a differential under this part shall, if he is serving under contract as defined in § 325.1 (j), be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive a differential.

4. Section 325.5 *Payment of differential* is amended by inserting the following as the first sentence thereof: "In accordance with these regulations employees authorized to receive the differential under Part I of Executive Order 10000 shall be paid the differential; employees authorized to receive the differential under Part IV of Executive Order 10000, as amended, may, within appropriated funds, be paid the differential."

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp., sec. 402, Part IV, E. O. 10261, 16 F. R. 6271, 3 CFR, 1951 Supp., E. O. 10623, 16 F. R. 6333)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary, for Administration.

AUGUST 4, 1955.

[F. R. Doc. 55-6525; Filed, Aug. 10, 1955; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

PART 464—TOBACCO

SUBPART—SUPPLEMENT I TO 1947 THROUGH 1955 TOBACCO LOAN PROGRAMS

Sec.
464.721 General statement.
464.722 Adjustment of interest.
464.723 Application of overplus funds.

AUTHORITY: §§ 464.721 to 464.723 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b.

§ 464.721 *General statement.* The provisions of the tobacco price support loan programs for the 1947–48 through the 1955–56 marketing years (12 F. R. 4878, 13 F. R. 4004; 14 F. R. 3732; 15 F. R. 4333; 16 F. R. 5419; 17 F. R. 4643; 18 F. R. 3542; 19 F. R. 3542; 20 F. R. 3525) have been modified to authorize the contractual arrangement set forth in this subpart between Commodity Credit Corporation (hereinafter referred to as "CCC") and the borrowing organizations (hereinafter referred to individually as "Association"). Each such agreement shall be applicable to all outstanding loans made by CCC to the Association under Tobacco Loan Agreements for the 1947 through 1955 crops, the loan under each such agreement being hereinafter referred to as "crop-year loan."

§ 464.722 *Adjustment of interest.* At the end of the first marketing year and annually thereafter, CCC will adjust the interest rate for each crop-year loan to the rate established by CCC as applicable to price support loans upon the current crops minus one percent per annum. If such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to the borrowings of CCC, the amount of interest accrued at such adjusted interest rate will be increased to the amount which would have accrued at the average interest rate applicable to the borrowings of CCC. The initial adjustment in the interest rates will be effective as of (1) July 1, 1955, for 1953 and prior crop years for all kinds of tobacco and for 1954 crop flue-cured, (2) October 1, 1955, for all other kinds of tobacco of the 1954 crop year, (3) July 1, 1956, for 1955 crop flue-cured, and (4) October 1, 1956, for all other kinds of tobacco of the 1955 crops.

§ 464.723 *Application of overplus funds.* The association will apply, as directed by CCC, one-half of the "Overplus funds" from any crop-year loan to the indebtedness of other crop-year loans. "Overplus funds" is the net amount by which the proceeds of the sale of loan tobacco under each crop-year loan exceed the total amount loaned plus interest and other approved costs, including overhead. The portion of overplus funds from any crop-year loan which is applied to loan indebtednesses on other crop years will not be treated as net gains so long as any indebtedness to CCC remains from a crop-year loan subject to the same type of arrangement.

Issued this 8th day of August 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-6533; Filed, Aug. 10, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

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

[957.313 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-

Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of § 957.313 (b) (1) (FEDERAL REGISTER July 7, 1955; 20 F. R. 4794) are hereby amended to read as follows:

(b) *Order.* (1) During the period from August 15, 1955, to September 20, 1955, both dates inclusive, no handler shall ship potatoes of any variety unless at least 90 percent of such potatoes are "fairly clean" and (i) if they are of the red skin varieties such potatoes meet the requirements of the U. S. No. 2 or better grade, 1⅞ inches minimum diameter and (ii) if they are of any other varieties such potatoes meet the requirements of the U. S. No. 2 or better grade, Size A, 2 inches minimum diameter, or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

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

Done at Washington, D. C., this 5th day of August 1955 to become effective August 15, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-6495; Filed, Aug. 10, 1955; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 378, Amdt. 2]

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of sections 4 and 5 of the Act of May 29, 1884, as amended (23 Stat. 32, as amended; 21 U. S. C. 112, 113), section 10 of the Act of August 30, 1890 (26 Stat. 417; 21 U. S. C. 105), section 1 of the Act of February 2, 1903, as amended (32 Stat. 791, as amended; 21 U. S. C. 112, 113, 120, 121), the Act of March 4, 1907 (34 Stat. 1263; 21 U. S. C. 80, 81, 82, 86), and the Act of July 24, 1919 (41 Stat. 241; 21 U. S. C. 96), Part 91 of Title 9 of the Code of Federal Regulations, governing the inspection and handling of livestock for exportation, is hereby amended in the following respects:

1. New paragraphs (i) and (j) are added to § 91.1 to read:

(i) *Official vaccinate.* A bovine animal vaccinated against brucellosis from four through eight months of age, or a bovine animal of a beef breed in a range or semi-range area, vaccinated against brucellosis from four to twelve months of age, under the supervision of a Federal or State veterinary official with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis.

(j) *Accredited veterinarian.* A veterinarian approved by the Department to perform the function involved.

2. Section 91.3 is amended to read:

§ 91.3 *Ports of export.* (a) The following ports are hereby designated as ports of export. All animals shall be exported through said ports or through ports designated under paragraph (b) of this section.

(1) *Air and ocean ports.* Portland, Maine; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Miami, Jacksonville, Port Everglades, Tampa and St. Petersburg, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston and Houston, Texas; San Diego, Los Angeles and San Francisco, California; Portland, Oregon; Seattle and Tacoma, Washington.

(2) *Mexican border ports.* Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio and El Paso, Texas; Douglas, Naco and Nogales, Arizona; and Calexico and San Ysidro, California.

(3) *Canadian border ports.* All ports along the United States-Canada land border at which the Health of Animals Division of the Canadian Department of Agriculture maintains veterinary inspection service.

(b) In special cases other ports may be designated by the Chief of Branch with the concurrence of the Bureau of Customs.

3. Section 91.4 is amended to read:

§ 91.4 *Inspection, testing and certification at origin.* (a) All animals intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate of health issued by a Department veterinarian, a State veterinarian, or an accredited veterinarian, certifying that the animals were inspected in the State of origin and found to be free from evidence of communicable disease and exposure thereto, and that they have been tested in the manner prescribed in paragraph (b) of this section, if they are of a class required by said paragraph to be so tested: *Provided, however,* That the Chief of Branch may waive such inspection and certification with respect to horses and may waive the tuberculin and brucellosis tests referred to in paragraph (b), when he finds such action may be taken without endangering the livestock export trade of the United States. Certificates accompanying animals to the port of export shall show proper identification of each animal, including description, registration name and number when applicable, tag number, age, and markings, and shall be endorsed by the veterinarian in charge of Animal Disease Eradication Branch field activities of the Department in the State of origin of the animals, or by another Department veterinarian so authorized by the Chief of Branch.

(b) *Diagnostic tests for dairy and breeding cattle*—(1) *Tuberculin test.* Unless such test is waived under paragraph (a) of this section, all dairy and breeding cattle intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate, issued and endorsed as provided in said paragraph (a), certifying that each of the animals passed a negative test for tuberculosis applied by a Department veterinarian, a State veterinarian, or an accredited veterinarian, within thirty days prior to the date of movement from the State of origin: *Provided, however,* That calves born after said tuberculin test of the dam will not be required to be so tested or certified.

(2) *Brucellosis test.* Unless such test is waived under paragraph (a) of this section, all dairy and breeding cattle more than six months of age, except official vaccinates under thirty months of age, intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate, issued and endorsed as provided in said paragraph (a), certifying that each of the animals passed a negative test for brucellosis made in laboratory approved for the purpose by the Chief of Branch within thirty days prior to date of movement from the State of origin.

4. Section 91.5 is amended to read:

§ 91.5 *Inspection and certification at the port of export.* All animals offered for exportation to any foreign country, except to Canada through ports along the United States-Canada land border designated in § 91.3 (a) (3), shall be inspected by a Department veterinarian at the port of export. If upon such inspection and inspection of the certificates required under § 91.4, said animals are found to be free from evidence of communicable disease and exposure thereto, the export certificate, issued by the said Department veterinarian to accompany the animals from the port of export, shall contain a statement to that effect.

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

The amendment relieves certain restrictions presently imposed and clarifies certain provisions of the regulations. It should be made effective promptly in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than thirty days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 10, 26 Stat. 417, sec. 1, 26 Stat. 833, as amended; 21 U. S. C. 105, 112, 113, 120, 46 U. S. C. 466a. Interpret or apply 34 Stat. 1263, 41 Stat. 241, sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 80–82, 86, 96, 121)

Done at Washington, D. C., this 5th day of August 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator.

[F. R. Doc. 55-6497; Filed, Aug. 10, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 37]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

Paragraph (d) *Refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended to read as follows:

(d) *Copper ores, and concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots*—(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, and anodes and other crude forms, except copperweld rods (but including all forms of refined copper produced under toll or conversion agreements), Schedule B No. 641200 hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, will be considered for approval in accordance with the procedures described below.

(2) *Refined copper, Schedule B. No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) made from domestic origin materials, or Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, will generally be denied. License applications covering the exportations of these refined copper materials made from foreign or commingled domestic and foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, will generally be denied, except where the applications cover licenses to export such materials pursuant to foreign orders accepted prior to July 27, 1955. These applications shall include the following:

(i) *Certification of foreign origin or commingled origin.* (*a*) Applications from non-producers of refined copper—Applications from non-producers covering refined copper made from materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, of foreign or commingled domestic and foreign origin materials, shall be accompanied by a letter, addressed to the Bureau of Foreign Commerce, from the producer of the refined copper to the effect that (*1*) the refined copper proposed for export is refined from foreign origin copper other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots; or (2) that an equivalent amount of foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(*b*) Applications from producers of refined copper—Applications from producers of refined copper made of foreign or commingled (foreign and domestic origin) materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the refined copper covered by this license application and (1) that this refined copper was produced from foreign origin materials other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, or (2) that an equivalent amount of foreign materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots, and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(ii) *Availability for export.* (*a*) One of the following certifications shall appear on or accompany each license application:

(*1*) Where materials are in the possession of the applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the copper materials described in this license application are in my (our) possession and will be available for export not later than September 30, 1955,

or

(2) Where materials are not in the possession of the applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification from the producer of the materials.

I (we) certify that not later than September 30, 1955, I (we) shall supply to ----------, ----------
(Name of applicant) (Quant. in short tons)
short tons of ---------- in
(Type of copper material)
accordance with the terms of contract of sale number ----------, dated
(Contract number)
----------.
(Date of contract)

(*i*) All documents evidencing commitment of sale must be kept available for inspection upon demand by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT– or FC–116.

(*ii*) Applications not accompanied by the evidence of availability required by the provisions of this subparagraph, shall not be approved and should not be submitted. In such cases, if the exporter anticipates that the foreign origin materials will become available to him prior to October 1, 1955, for shipment pursuant to an order accepted by him prior to July 27, 1955, he should submit to the Bureau of Foreign Commerce by August 19, 1955, a letter explaining the reason for his inability to supply the required evidence of availability and indicating his intention to submit a properly documented application for export license as soon as possible but not later than September 15, 1955. In addition the letter shall include the following information:

Foreign sale contract number ---------.
Date of acceptance of foreign order by applicant ---------.
If a toll or conversion agreement is involved in the contract, date of acceptance by the United States processor ---------.
Tonnage in short tons ---------.
Name and address of foreign purchaser or ultimate consignee ---------.
Name of United States producer or processor who will supply the material ---------.
Contract delivery date ---------.

(iii) *Disclosure of foreign consumer.* Except for licenses issued under toll or conversion agreements, the foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in item 7 on this license application; or if the foreign consumer is not the same as that shown in item 7:

The name and address of the foreign consumer is _____.

(iv) *Accepted order.* Where an application is accompanied by the information specified in subdivisions (i), (ii), and (iii) of this subparagraph the application should be submitted to the Bureau of Foreign Commerce prior to August 19, 1955, and shall be accompanied by the following certification:

I (we) certify that the copper materials described in this license application are to be shipped in accordance with the terms of order number _____, dated
(Contract number)
_____ from
(Date of order or toll contract)
_____ accepted
(Purchaser or ultimate consignee)
by me (us) on _____
(Date of acceptance of order)
requiring the shipment during the 3d quarter of _____ tons of
(Quantity in short tons)
refined copper as described in this license application.

(3) *Copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper of domestic origin or produced from domestic materials generally will be denied. However, where consideration of such applications is requested, the application shall be supported by documentation or other evidence showing any exceptional hardship as well as by the information set forth in subparagraphs (2) (ii) and (iii) of this paragraph. With reference to the copper materials included in this paragraph, a foreign smelter, refiner, or processor may be identified as the consumer. License applications covering the exportation of these copper materials of foreign origin or produced from foreign origin material shall include in addition to the information set forth in subparagraph (2) (ii) and (iii) of this paragraph the following:

(i) *Non-producers.* Applications from non-producers covering the exportation of these materials of foreign origin or commingled foreign and domestic origin (or materials produced from materials of foreign origin or commingled foreign and domestic origin) shall be accompanied by a letter addressed to the BFC from the producer of the copper material to the effect that (*a*) the material proposed for export is of foreign origin or is produced from foreign origin materials; or (*b*) that an equivalent amount of foreign origin material has been imported to replace in the domestic market the amount of domestic copper material contained in the commingled copper materials proposed for export.

(ii) *Producers.* Applications from producers of these copper materials of foreign or commingled foreign and domestic origin (or produced from foreign or commingled foreign and domestic materials), shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the unrefined copper material covered by this license application and that (1) this material was produced from foreign origin material, or (2) that an equivalent amount of foreign material has been imported to replace in the domestic market the amount of domestic copper material contained in the commingled copper material proposed for export.

The provisions of this paragraph do not apply to exportations made for purposes of processing abroad where the resultant copper is to be returned to the United States. In such cases, details of the transaction shall accompany the application for an export license.

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) License applications to export copper scrap (new and old) containing 40 percent or more copper. Schedule B No. 641300 copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000, and copper-base alloy ingots and other crude forms, including remelt ingots, Schedule B No. 644100, shall identify the foreign consumer by use of one of the applicable statements shown in subparagraph (2) (iii) of this paragraph and shall include the applicable certification of availabity for export shown in subparagraph (2) (ii) of this subparagraph. In addition, in order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for these materials, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number; broken down by countries of destination; and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(5) *Validity period.* Licenses to export all materials covered by this paragraph, will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on August 25, 1955, would expire November 30, 1955.

(6) *Amendments to export licenses.* No amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure, except in the case of licenses to export refined copper of foreign origin issued prior to July 27, 1955. Amendments requesting an extension of the validity period of such licenses issued prior to July 27, 1955, will be considered by the BFC provided the request for amendment is accompanied by the information required by subparagraph (2) of this paragraph.

(7) *Time for submission of applications.* Applications for licenses to export refined copper in cathodes, billets, ingots, wire bars, and other crude forms (including anodes) of foreign origin or produced from foreign origin materials, including refined copper produced under toll or conversion agreements, Schedule B No. 641200; copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

2. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following entries and related submission dates for the third quarter, 1955:

Dept of Commerce Schedule B No.	Commodity	Submission dates, third quarter, 1955
641200	Refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) of foreign origin or produced from foreign origin materials, including refined copper produced under toll or conversion agreements.	Prior to Aug. 19, 1955.[1]
641300	Copper scrap (new and old) containing 40 percent or more copper	Prior to Sept. 15, 1955.
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper.	Prior to Sept. 15, 1955.
644100	Copper-base alloy ingots and other crude forms	Prior to Sept. 15, 1955.

[1] Applications submitted prior to Sept. 15, 1955, pursuant to letters filed in accordance with § 373.41 (d) (2) (ii) shall also be given consideration provided they meet all requirements of the regulations, including evidence of availability.

This amendment shall become effective as of August 11, 1955.

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

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

[F. R. Doc. 55–6535; Filed, Aug. 10, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6295]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STANLEY L. ROSE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* History; § 13.70 *Fictitious or misleading guarantees;* § 13.200 *Sample, offer or order conformance;* § 13.235 *Source or origin:* Maker or seller, etc.; § 13.250 *Success, use or standing.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1980 *Guarantee, in general;* § 13.2060 *Sample, offer or order conformance.* In connection with the offering for sale, sale, or distribution of sewing machines and vacuum cleaners or other merchandise in commerce, and on the part of respondent Stanley L. Rose doing business as Sew-Ezy Machine Company, etc., and on the part of respondent's representatives, etc.: (1) Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (2) representing, directly or by implication, that any merchandise sold or offered for sale by respondents is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; (3) representing, directly or by implication, that respondent has been engaged in his present business of selling vacuum cleaners or sewing machines any number of years in excess of that in which he has actually been engaged; and (4) representing, directly or by implication, that any merchandise being offered for sale is of a famous make when such is not the case; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Stanley L. Rose et al. d. b. a. Sew-Ezy Machine Company, Inc., etc., Hillside, Md., Docket 6295, July 8, 1955]

In the Matter of Stanley L. Rose and Ruth Rose, Individuals, Trading and Doing Business as Sew-Ezy Machine Company, Sew-Ezy Sewing Machine Company, Sew-Ezy Vacuum Cleaner Company, and Sew-Ezy Sewing Machine and Vacuum Cleaner Company

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, which charged respondent Stanley L. Rose, and respondent Ruth Rose, his wife, with certain specific unfair and deceptive acts and practices and unfair methods of competition in commerce, in violation of the Federal Trade Commission Act, in connection with the offer and sale of their sewing machines and vacuum cleaners; respondents' answer, which generally denied the allegations of the complaint, and specifically, among other things, denied that respondent, Ruth Rose, was a co-partner or otherwise connected with the described business, other than to assist respondent, Stanley L. Rose, her husband, in said business; and upon a Stipulation or Agreement for Consent Order, thereafter entered into by respondent Stanley L. Rose with counsel supporting the complaint, which was in conformity with Rule No. 3.25 of the Commission's rules of practice, and which was thereafter submitted to said hearing examiner.

By the terms of said agreement, to which respondent Ruth Rose was not a party signatory, respondent Stanley L. Rose specifically admitted all of the jurisdictional allegations set forth in the complaint and agreed that the record in the matter might be taken as though the hearing examiner or the Commission had made findings of jurisdictional facts in accordance with such allegations; that the order therein agreed upon should have the same force and effect as though made upon a full hearing, presentation of evidence and findings and conclusions based thereon, specifically waiving any and all right, power, or privilege to contest the validity of said order; and that the complaint in the matter might be used in construing the terms of said order, which order might be altered, modified, or set aside in the manner provided by statute affecting orders of the Commission; and all of the parties thereto waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner and the Commission to which the respondent might otherwise, but for the execution of said Agreement, be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and further, that said Agreement, together with the complaint, should constitute the entire record in the matter.

Said Agreement further provided that same was executed for settlement purposes only and did not constitute an admission by the respondent that he had violated the law as alleged in the complaint, and was accompanied by an affidavit by respondent Ruth Rose to the effect that she was not associated or connected with her husband, Stanley L. Rose, as owner or co-partner in his business undertaking; that she was not engaged in the sale and distribution of sewing machines and vacuum cleaners, and rendered only such assistance to her husband in his business as she "possibly can and as a wife should".

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; his opinion that said Agreement effectively disposed of all of the issues in the proceeding and his acceptance thereof with the proviso that his initial decision should not become a part of the official record of the proceeding unless and until it became the official decision of the Commission; his granting of the motion, filed by all parties, that respondents' answer be withdrawn and held for naught; his dismissal of the complaint as to respondent Ruth Rose on the basis of the representations contained in her affidavit, nothing to the contrary appearing in the record; and his finding that the proceeding was in the public interest; and his issuance of order to cease and desist, in accordance with the intent of said Agreement and of the facts therein agreed upon, and the fact that the order embodied therein was in accordance with the order nisi which accompanied the complaint, excepting only as to the named respondent, Ruth Rose, and would, in his opinion, effectually safeguard the public interest.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated June 20, 1955, became, on July 8, 1955, pursuant to §3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Stanley L. Rose, an individual trading and doing business as Sew-Ezy Machine Company, Sew-Ezy Sewing Machine Company, Sew-Ezy Vacuum Cleaner Company, and Sew-Ezy Sewing Machine and Vacuum Cleaner Company, or trading and doing business under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines and vacuum cleaners or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. Representing, directly or by implication, that any merchandise sold or offered for sale by respondents is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

3. Representing directly or by implication, that he has been engaged in his present business of selling vacuum cleaners or sewing machines any number of years in excess of that in which he has actually been engaged;

4. Representing, directly or by implication, that any merchandise being offered for sale is of a famous make when such is not the case.

Further ordered, That the complaint, insofar as same affects the named respondent, Ruth Rose, be, and the same is hereby, dismissed.

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

It is ordered, That the respondent, Stanley L. Rose, an individual, trading and doing business as Sew-Ezy Machine Company, Sew-Ezy Sewing Machine Company, Sew-Ezy Vacuum Cleaner Company and Sew-Ezy Sewing Machine and Vacuum Cleaner Company, shall within sixty (60) days after service upon him of this order, file with the Com-

mission 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: June 20, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-6527; Filed, Aug. 10, 1955; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53866]

ENFORCEMENT; PROHIBITED OR RESTRICTED IMPORTATIONS AND FORFEITURE

Sections 9.12, 12.26, 12.28, 12.29, 12.40, and 23.19 of the Customs Regulations, relating to prohibited or restricted importations and forfeitures, amended.

PART 9—IMPORTATION BY MAIL

To conform to changes in the law and regulations administered by the Department of State, the first sentence of § 9.12 (a) of the Customs Regulations is amended to read: "Each mail shipment of admissible arms, implements of war, or other nonexplosive munitions of war designated in the United States Munitions List (22 CFR, Part 75), issued pursuant to section 414 of the Mutual Security Act of 1954 (22 U. S. C. 1934), shall be detained by customs until an import license from the Secretary of State has been submitted for such shipment."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. To conform to the amended regulations of the Departments of the Interior and Agriculture pertaining to the importation of wild animals and birds, § 12.26 of the Customs Regulations is amended as follows:

a. The first subparagraph and subparagraphs (1) and (2) of paragraph (a) are amended to read:

(a) The importation into the United States or any territory or district thereof of the mongoose (Herpestes auropunctatus), the so-called "flying foxes" or fruit bats (all species of Genus Pteropus), the English sparrow (Passer domesticus), the starling (Sturnus vulgaris), and such other birds and animals as the Secretary of the Interior may from time to time declare to be injurious to the interests of agriculture or horticulture, is prohibited.[12] If any such bird or animal is imported, release thereof to the importer shall be refused and immediate exportation or destruction shall be required. The species of birds and animals declared by the Secretary of the Interior to be injurious to agriculture or horticulture are published in 50 CFR 9.1.[12a]

(1) Bird species of the genus Acridotheres classified as (i) tristis (commonly known as Common Myna, Indian Myna, or Common Ceylon Myna); (ii) cristatellus (sometimes referred to as Acridotheres grandis or Acridotheres fuscus and commonly known as Chinese crested Myna, Siamese Yellow-billed Jungle Myna, Assam Yellow-billed Myna, Indian Jungle Myna, Jungle Myna, Malay Jungle Myna, and Buffalo Myna); (iii) gingianus (commonly known as Bank Myna); (iv) albocinctus (commonly known as Collared Myna) are prohibited importation under 50 CFR 9.1 (a), except for scientific purposes under permits issued by the Director, Fish and Wildlife Service, Department of the Interior, or for exhibition in public zoological parks.

(2) All other wild birds are prohibited importation under 50 CFR 9.1 (b), except:

(i) Game birds imported for propagating, stocking, or scientific purposes, or for exhibition in zoological parks.

(ii) Non-game birds (other than those listed in paragraph (a) (1) of this section) for scientific purposes, exhibition in public zoological parks, confinement in cages or otherwise, or for introduction by State or Territorial wildlife conservation agencies when such agencies have obtained written permission from the Director, Fish and Wildlife Service.

b. Paragraph (a) (3) is amended by adding "or for scientific purposes" after "agricultural purposes."

c. Paragraph (a) (4) is amended by substituting "a declaration" for "an affidavit."

d. Paragraph (b) (3) is amended by adding after the comma following the second parenthetical matter in the first sentence "except from Canada and certain northern States of Mexico," and by substituting "veterinarians" for "inspectors" in the last sentence.

e. Paragraph (b) (5) is amended by substituting "veterinarians" for "inspectors" in the last sentence.

2. In view of the amendment of sections 607, 610, and 612, Tariff Act of 1930, by section 506, Customs Simplification Act of 1954, approved September 1, 1954, §§ 12.28 (b) and 12.29 (d) are amended by substituting "$2,500" for "$1,000" in each such section.

3. To conform to a change in the regulations of the Department of the Interior, § 12.29 (c) is amended by substituting "a declaration" for "an affidavit" in the first sentence.

4. As forfeited articles may be authorized for official use, § 12.40 (c) is amended to read as follows:

(c) When articles of the class covered by paragraph (b) of this section are of small value and no criminal intent is apparent, a blank assent to forfeiture, customs Form 4609, shall be sent with the notice of seizure. Upon receipt of the assent to forfeiture duly executed, the articles shall be destroyed if not needed for official use and the case closed.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

1. To permit collectors of customs to destroy summarily forfeited property without obtaining the consent of the Commissioner of Customs, where it appears that, if sold, the proceeds of sale would be insufficient to pay the costs thereof, § 23.19 (b) is amended by deleting ", with the consent of the Commissioner," and by deleting the parenthetical matter at the end thereof.

2. To provide that forfeited vessels and vehicles may be destroyed in lieu of sale, if deemed necessary to protect the revenue, § 23.19 is amended by adding a new paragraph (c), reading as follows:

(c) Any vessel or vehicle summarily forfeited for violation of any law respecting the customs revenue may be destroyed in lieu of the sale thereof when such destruction is authorized by the Commissioner of Customs to protect the revenue.[31a] Any such property forfeited under a decree of any court may be destroyed under the same condition if it is provided in the decree of forfeiture that the property shall be delivered to the Secretary of the Treasury for disposition under 19 U. S. C. 1705.

(Sec. 611, 46 Stat. 755, sec. 5, 49 Stat. 519; 19 U. S. C. 1611, 1705)

3. A new footnote 31a is appended to paragraph (c), reading as follows:

[31a] "Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law." (19 U. S. C. 1705.)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 4, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-6522; Filed, Aug. 10, 1955; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-con-

taining drugs (21 CFR, 1954 Supp., Part 141e) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146d, 146e) are amended as indicated below:

1. Part 141e is amended by adding the following new section:

§ 141e.425 *Bacitracin powder*—(a) *Potency.* Proceed as directed in § 141e.401 (a) (1), except in lieu of the directions for preparing the sample in § 141e.401 (a) (1) (ii), prepare the sample as follows: Place an accurately weighed sample of approximately 1 to 5 grams in a 100-milliliter volumetric flask, dissolve in water, and dilute to 100 milliliters with water. Dilute a suitable aliquot with 1-percent phosphate buffer to a concentration of 1 unit per milliliter (estimated). Its potency is satisfactory if it contains not less than 85 percent of the number of units of bacitracin per pound that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. Section 146d.303 *Chloramphenicol ointment* * * * is amended in the following respects.

a. In paragraph (a) *Standards of identity* * * *, the following new sentence is inserted immediately following the first sentence: "It may contain cortisone or a suitable derivative of cortisone."

b. In paragraph (c) *Labeling* subparagraph (1) (iii) is changed to read as follows:

(iii) If it contains cortisone or a derivative of cortisone, or preservatives, the name and quantity of each such ingredient; and

c. Paragraph (c) is further amended by adding the following new subparagraph (4):

(4) On the label and labeling, if it contains one of the active ingredients specified in paragraph (a) of this section, after the name "chloramphenicol ointment," wherever it appears, the name of the active ingredient, in juxtaposition with such name.

d. In paragraph (d) *Request for certification* * * *, subparagraph (3) (iii) is amended by changing the period at the end thereof to a comma and adding the following new clause: "except if cortisone or a derivative of cortisone is used, such package shall contain approximately 100 milligrams.

3. Part 146e is amended by adding the following new section:

§ 146e.425 *Bacitracin powder*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin powder is bacitracin, with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. It contains the equivalent of not less than 25 grams of the bacitracin master standard per pound. Its moisture content is not more than 5 percent. The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For oral veterinary use only."

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Units of bacitracin per gram, and moisture.

(ii) The bacitracin used in making the batch: Potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers or more than 12 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 immediate containers in the batch, but in no case less than six 30-gram portions or more than twelve 30-gram portions. Such samples shall be collected by taking single immediate containers or 30-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch: 6 packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146e.401 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with the requirements of § 146.8 (d) of this chapter.

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 and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon 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; 21 U. S. C. 371)

Dated: August 4, 1955.

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

[F. R. Doc. 55-6500; Filed, Aug. 10, 1955; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

In § 581.3, paragraph (c) (5) is amended to read as follows:

§ 581.3 *Army Board for Correction of Military Records.* * * *

(c) *Application for correction.* * * *

(5) *Review of application.* Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him. In connection with any application which it considers, the Board may recommend to the Secretary that the records be corrected, as requested by the applicant, without a hearing. The Board may deny an application if it determines that insufficient evidence has been presented to indicate probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him, or that effective relief cannot be granted. The Board will not deny an application on the sole ground that the record or records involved were made by or by direction of the President or the Secretary in connection with proceedings other than proceedings of a board for correction of military or naval records. If the application is denied, the applicant will be advised of the denial and that he is privileged to submit new and material evidence for consideration.

* * * * *

[AR 15–185, July 18, 1955] (Sec. 207, 60 Stat. 837, as amended, 5 U. S. C. 191a)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–6498; Filed, Aug. 10, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

OGEECHEE RIVER, GEORGIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (h) of § 203.245 is hereby amended by revision of subparagraph (11) governing the operation of the Atlantic Coast Line Railroad Company bridge across Ogeechee River near Richmond Hill, Georgia, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(h) *Waterways discharging into the Atlantic Ocean south of Charleston.* * * *

(11) Ogeechee River, Ga. The Atlantic Coast Line Railroad Company bridge near Richmond Hill (Ways Station). At least 15 days' advance notice required.

* * * * *

[Regs., July 22, 1955, 823.01 (Ogeechee River, Ga.) ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–6499; Filed, Aug. 10, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1918]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASES OF FUTURE OR FRACTIONAL INTEREST

Paragraph (b) of § 200.7 is amended to read as follows:

§ 200.7 *Leases of future or fractional interests.* * * *

(b) *Offers to lease and leases covering future interests in oil and gas deposits.* A noncompetitive lease for a whole or fractional future interest will be issued only to an offeror who owns all or substantially all of the present operating rights to the minerals in the lands in the offer as mineral fee owner, as lessee or as an operator holding such rights. An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at that time will automatically lapse and thereafter only offers for a present interest lease will be considered. There is no required form for an application or offer to lease a whole or fractional future interest. The application or offer therefor should, however, to the extent applicable, conform to and include the information required by §§ 200.3, 200.4, 200.5 and must be accompanied by a certified abstract of title containing record evidence of the creation of, and offeror's right to, the claimed mineral interest. If the offeror acquired the operating rights under a lease or contract, the offer shall also be accompanied by three copies of such lease or contract. In lieu of an abstract, a certificate of title may be furnished. A future interest offer may include tracts in which the United States owns a fractional present interest as well as the future interest for which a lease is sought, but it shall not include tracts where the United States owns the entire mineral interest at the time the offer is made. Future interest leases will become effective on the date when the United States becomes vested with the mineral rights as stated in the lease. Where the effective dates of the vesting of the Government's title to the minerals are different for different tracts, separate leases covering each of such different tracts will be issued.

(Sec. 10, 61 Stat. 915; 30 U. S. C. 359)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

AUGUST 5, 1955.

[F. R. Doc. 55–6502; Filed, Aug. 10, 1955; 8:46 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

SALMON FISHERY; OPEN SEASONS

Basis and purpose. Due to a large influx of mobile gear into the Kodiak area, it has been determined that fishing time must be reduced to provide for adequate pink salmon escapements.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, §§ 108.3, 108.3a, 108.3b, 108.3c, 108.4, 108.5, and 108.5a are amended in text by changing "August 13" to "August 11."

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

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

JOHN L. FARLEY,
Director.

AUGUST 9, 1955.

[F. R. Doc. 55–6579; Filed, Aug. 9, 1955; 12:35 p. m.]

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT SALMON FISHERIES

OPEN SEASON, NORTHERN SECTION, NORTH OF SULLIVAN ISLAND

Basis and purpose. On the basis of relatively poor red salmon escapements and a large increase in gear in the Lynn Canal section of Southeastern Alaska, it has been determined that an increase in the weekly closed period is necessary.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 118.4 is amended in text by changing "12 o'clock noon Friday" to "12 o'clock noon Thursday."

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

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

JOHN L. FARLEY,
Director.

AUGUST 10, 1955.

[F. R. Doc. 55–6600; Filed, Aug. 10, 1955; 11:10 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

WARM SPRINGS AGENCY, OREGON

OPERATION AND MAINTENANCE CHARGES

JULY 29, 1955.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the Acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon, by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 3456–5457), a notice is hereby given of intention to modify § 130.105 Operation and Maintenance Charge, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Warm Springs Indian Reservation, Warm Springs, Oregon, as follows:

By eliminating the annual operation and maintenance charge of $2.00 per acre on all lands to which irrigation water can be delivered by existing canal systems. This action is taken because of non-interest of the land owners in the use of the irrigation facilities and it is therefore proposed to eliminate any further expenditures of federal funds for the operation and maintenance of the irrigation system. This responsibility is hereby turned over to the tribe in accordance with their Resolution No. 969 passed by the Tribal Council on June 6, 1955.

The foregoing proposed dropping of charges is to become effective for calendar year 1956 and to continue in effect thereafter until further notice.

Interested parties are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DON C. FOSTER,
Area Director.

[F. R. Doc. 55–6501; Filed, Aug. 10, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 58 (Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.220 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1956, will amount to $3,276.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

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

Done at Washington, D. C., this 5th day of August 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55–6496; Filed, Aug. 10, 1955; 8:45 a. m.]

[7 CFR Part 972]

[Docket No. AO–177–A14]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Gallipolis, Ohio, on January 18, 19, and 20, 1955, pursuant to notice thereof issued December 28, 1954 (19 F. R. 9426).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on July 7, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 12, 1955 (20 F. R. 4960; F. R. Doc. 55–5591).

Ruling on exceptions. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of certain producers and handlers. These exceptions have been fully considered. To the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

The material issues of record were concerned with the following:

(1) Establishment of a separate Federal order covering the "Huntington-Ashland marketing area," which would include the counties of Boyd and Greenup in Kentucky; the counties of Lawrence, Jackson, Gallia, and Meigs in Ohio; and the counties of Cabell, Jackson, Mason, and Wayne in West Virginia.

(2) Expansion of the marketing area to include certain additional territory.

(3) Revision of the "handler" definition relative to the handling of milk by cooperatives.

(4) Revision of definitions of classes of milk and establishment of a new class of milk (Class IV) for pricing purposes.

(5) Modification of the level of Class I milk and Class II milk prices and price differentials between the various districts of the marketing area.

(6) The application of the Class I price provisions to milk distributed in one district from a plant located in another district.

(7) Exemption from the order for plants supplying milk in the low production season only.

(8) Inclusion of a provision for the year-round allocation of Class I sales to "supply" plants bases upon amount of milk utilized in Class I during the low production season.

(9) Revision of the pricing formula for Class III milk (manufacturing uses).

(10) Certain changes in order language for clarity and administrative purposes.

(11) The emergency nature of marketing conditions.

Findings and conclusions. (1) A separate marketing order for the "Huntington-Ashland market" should not be established.

A producer's organization proposed that a separate marketing order be established for the Huntington-Ashland market. Such order would regulate a marketing area consisting of Boyd and

Greenup Counties in Kentucky; Lawrence, Jackson, Gallia, and Meigs Counties in Ohio; and Cabell, Jackson, Mason, and Wayne Counties in West Virginia.

The producer members of the proponent organization are regular suppliers of milk to the proposed separate marketing area; their sales of milk are made almost exclusively to handlers with plants located in Huntington and Ashland. The principal reasons offered to justify the establishment of a separate order for the Huntington-Ashland market were as follows: (1) the present 30-cent spread, between districts, in Class I price differentials has encouraged handlers from other districts to extend their milk routes into the Huntington-Ashland market and to take Class I sales away from producers who normally supply this market; and (2) the redefinition of "fluid milk plant" made effective in May 1954 has caused milk from "outside" sources to be brought into the market and in some cases to be placed in a higher classification than locally produced milk. The combination of these factors has resulted in a lower-valued utilization of locally produced milk and reduced returns to regular producers (a problem alleged to be peculiar to the Huntington-Ashland portion of the Tri-State marketing area). Proponents contended further than establishment of a separate market order would not create any difficult administrative problems.

Testimony was introduced into the record also to show that the Huntington district is characteristically different from the rest of the Tri-State marketing area. Proponents stated that the Huntington district is a fluid milk market without manufacturing facilities and without the problem, faced by the remainder of the Tri-State area, of disposing of surplus milk; that the Huntington market is basically an industrial area with very little agricultural activity; and that the Huntington market is a centralized and concentrated community market in contrast to the scattered nature of the other segments of the Tri-State marketing area.

Opposition of other producer groups to this proposal was based upon the following concepts: (1) the problems set forth by its proponents can be resolved readily within the framework of the present order; (2) the Huntington-Ashland district is not a separate and distinct milk marketing area since it is dependent upon other districts for part of its milk supply and also as a market for some of its producer milk; and (3) creation of a separate market order for the Huntington-Ashland area would not in any way change the economics of marketing within the Tri-State marketing area as a whole.

The differences in producer prices between the Huntington district (which includes Ashland) and the other districts of the marketing area were established specifically for the purpose of encouraging a flow of milk into the Huntington area from an area where milk supplies were in excess. Producer milk received at Huntington and Ashland plants has been and still is insufficient to fill the regular requirements of the Huntington district during the low production season of the year. For example, in November 1954, producer receipts were about 5,147,000 pounds while Class I and Class II usage was about 5,297,000 pounds. In December 1954, the shortage of producer milk was even greater: producer receipts were only 5,499,000 pounds and Class I and Class II usage was 5,879,000 pounds. The actual shortage of locally produced milk was considerably greater than is shown by these data since such figures do not reflect the sales made in the Huntington district by distributors located in other districts. In view of all of these factors it may be concluded that the Huntington district still is deficient in local milk supply at least five months out of the year. The primary reason for displacement of producer milk lies in the wide seasonal variation in the production of milk in the Huntington-Ashland area. It is noted that on an annual basis the supply-demand relationship in this area is fairly well in balance and that leveling of the seasonal production pattern on the basis of the current annual volume would contribute greatly to a solution of the problems set forth by proponents.

While it may be true that the Tri-State area as a whole does differ from many other federal order marketing areas in that it consists of several widely separated communities, still the several segments of the marketing area do have certain common marketing characteristics and problems. There are mutual areas of supply as well as mutual markets. For example, Meigs County, Ohio, is supplied with milk from handlers located in Marietta, Athens, Gallipolis, Ashland, and Huntington; Pike County, Ohio, is served from Portsmouth, Athens, and Jackson; Jackson County, West Virginia, is served from Ashland, Huntington, Gallipolis, and Athens. In fact, it is difficult to find any instance in which the particular district is served only by handlers located in that district or a district where handlers confine their sales to such district alone.

A separate order would not change the economics of the milk supply and demand relationships that exist throughout the Tri-State area; therefore, the price relationships among the various important segments of the entire market might be expected to be the same whether such area is regulated by one, or more than one, order. A separate order for Huntington-Ashland would not necessarily alter the inter-district movements of milk which are currently taking place and are even greater than in prior years. Also, a separate order in and of itself would not change the seasonal production pattern which appears to be a main element in the problems of producers for the Huntington district.

It is concluded from consideration of the above that a separate order for the Huntington-Ashland market should not be established.

(2) The present marketing area should be expanded.

Other proposals concerning the marketing area definition requested that the presently defined area be expanded to include certain additional territories now being served by handlers under the order. A producer organization requested inclusion of Greenup County, Kentucky, Lawrence County (now partly included), Gallia County (now partly included), Jackson County, Pike County (now partly included), Ohio; and Cabell County (now partly included), Jackson County, Mason County (now partly included), and Wayne County (now partly included), West Virginia. A handlers' group requested the addition of Carter County, Kentucky. It was contended, in general, that the marketing area should be so expanded because (1) political subdivisions below the county level are difficult of delineation from a marketing standpoint and that the present definition in terms of townships leads to considerable confusion, and (2) the wholesale and retail routes of handlers have expanded into several communities adjacent to the present marketing area.

Handlers from Athens, Gallipolis, Huntington, and Ashland are now selling milk in Jackson County, West Virginia. This county is now undergoing considerable industrial development and is a potentially large market for handlers under the Tri-State order. Inclusion of this county was opposed by a milk distributor who operates a plant located in the county. This distributor testified that he is paying producers on the basis of the Charleston, West Virginia, prices which are currently, and usually have been, equal to or higher than prices under the Tri-State order. It does not appear that Tri-State handlers are at a competitive disadvantage with the unregulated handler since they have been able to develop business in Jackson County in the absence of regulation and no other competitive problem involving farm prices for milk was presented. It is concluded that the marketing area should not be expanded to include Jackson County, West Virginia.

Handlers from Ashland are currently selling milk in Carter County, Kentucky. Proponent contended that Ashland handlers have developed a market for pasteurized milk in this county. Proponent further contended that he is encountering unfair competition in Carter County from two unregulated milk distributors, one located at Olive Hill, and another at Morehead, who pay lower than order prices to their farmers. Inclusion of Carter County under the order was opposed by the distributor whose plant is located at Morehead, Kentucky. This distributor stated that about 20 percent of his business is done in Carter County and that he would not be able to continue operations if he were forced to pay Tri-State prices for his milk supply.

It should be noted that although the proponent handler stated that his delivery routes extend as far as Morehead, the location of the plant of his principal competitor for the Carter County market, extension of the marketing area to include Morehead was not requested by proponent. The record does not indicate why competition from the Morehead distributor is unfair in a portion of Carter County while apparently not unfair at Morehead. Proponent did not show that competition from non-regulated handlers is causing any greater

hardship than might be experienced in any fringe sales area. It is not reasonable to assume that because a competitive milk distributor sells a small quantity of milk in a particular community or county that such fact in itself is sufficient reason for coverage of such area by regulation. It is concluded that the Tri-State marketing area should not be expanded to include Carter County, Kentucky.

No opposition was expressed to an expansion of the marketing area to include in their entirety, Gallia, Lawrence, and Meigs Counties in Ohio; Greenup County in Kentucky; and Cabell, Mason, and Wayne Counties in West Virginia. Proponents stated that the inclusion of these counties would clarify the marketing area limits and that no additional distributors operate in such counties at this time. The record indicates further that because of their location in relation to the presently defined districts of the marketing area, it may be expected that competition among regulated handlers in such counties will increase and that such counties should be separated into districts for pricing purposes. It is concluded, therefore, that these counties should be included under the order.

The various districts of the marketing area should be modified to accommodate the new counties added. Two proposals were offered relative to Greenup County, Kentucky: (a) One proposal was that this county should be included in the Huntington district, (b) the second proposal was that the southeastern part of the county should be in the Huntington district and that the northwestern part of the county should be included in the Scioto district. Proponents stated that the county should be divided since Ashland handlers' sales are confined primarily to the southeastern half of the county and Portsmouth handlers' sales are confined primarily to the northwestern half of the county. Since the main purpose of regulation is to set minimum producer prices to handlers and there are no fluid milk plants currently located in Greenup County, such evidence does not support division of the county between two districts. Such a division would not change the competitive conditions now existing between Ashland and Portsmouth handlers and might in the future raise complicating administrative problems. It is concluded that Greenup County, in its entirety should remain in the Huntington district.

The districts of the Tri-State marketing area should be designated as follows: (a) Huntington district: Boyd and Greenup Counties in Kentucky; Lawrence County in Ohio; and Cabell and Wayne Counties in West Virginia; (b) Gallipolis-Scioto district: Gallia, Meigs, Scioto, and Jackson Counties in Ohio; the townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union in Pike County, Ohio; and Mason County, West Virginia; (c) Athens district: Athens County, Ohio; the townships of Belpre, Marietta, and Muskingum, in Washington County, Ohio; and Lubeck, Parkersburg, Tygart, and Wiliams Magisterial districts in Wood County, West Virginia.

This division is based upon the general conditions of milk supply and demand existing in the Tri-State area. As explained in a later part of this decision the prices in the districts are established so as to encourage production of an adequate supply of milk for the market and to encourage the optimum utilization of available producer milk supplies. The Scioto district has been jointed with the Gallipolis district because of the extremely short supply of milk in Scioto and the need to encourage an increased supply.

(3) The handler definition should be modified by deleting paragraph (b) of § 972.16 which provides that cooperative associations may be considered handlers under the order during the flush season of milk production for the purpose of diverting producer milk from a fluid milk plant to a non-fluid milk plant.

A producer group proposed that the handler definition in the order should be revised so that a cooperative association may (a) become a handler on a year-round basis in order to divert producer milk from a fluid milk plant to a non-fluid milk plant, and (b) service handlers with milk by purchasing milk from sources other than its producer members.

Testimony in the hearing record shows that the proposal would serve no useful purpose under the present order which provides for individual-handler pools. Under the prevailing pooling plan cooperative associations may perform the services of diversion of producer milk in the flush season or arrange to procure milk when needed from other sources than their members in the short season without these special provisions in the order. Such paragraph did serve, of course, a useful purpose in the order under the marketwide pool which previously existed by retaining diverted producer milk in the pool. The elimination of this paragraph also will relieve a cooperative association disposing of producer milk for manufacturing from having to pay the administrative assessment as a handler. Under the circumstances no assessment should be applied since the milk so handled would not be regulated.

(4) The provisions of the order relative to the classification of milk should be revised.

Producer groups proposed raising to Class I milk from Class II milk all skim milk and butterfat disposed of in fluid form as cream, any mixture of cream and milk containing 6 percent or more of butterfat, and buttermilk. It was also proposed to include milk and butterfat used for eggnog in Class I, and to redesignate the present Class III milk as Class II milk.

Two handlers proposed redefining Class III milk and adding a new classification (Class IV) for skim milk and butterfat used to produce all products presently included in Class III milk, except that used to produce ice cream, ice cream mix, and cottage cheese.

In view of the above proposals and analysis of the hearing record, it is concluded that three classes of milk should be maintained. However, the definition of Class I milk should be changed to include skim milk and butterfat used to produce the products presently classified in Class II milk plus eggnog, and a new definition of Class II milk be established to include skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, and cottage cheese (presently included in Class III milk).

Testimony introduced into the record indicates that health regulations in the marketing area require that Grade A milk be used to produce the products added to Class I milk, i. e., buttermilk, cream, mixes of milk (or skim milk) and cream, and eggnog. Buttermilk, cream, and such mixes of milk and cream are sold by handlers on a year-round basis. These products on a year-round basis, and eggnog in the short production season, compete for the supply of inspected milk with other items requiring milk of similar quality which previously have been included in Class I. The costs of producing the milk used in the additional products included in such class must be considered similar to those for the milk already so classified. In view of the above consideration, these products should be included in Class I to return to the producers a price commensurate with their use value and to bear their proportionate share of the costs of inducing an adequate supply of milk of the quality required by the market.

Some opposition was expressed to the reclassification of buttermilk, cream, and eggnog as Class I on the basis of the resulting increased cost to handlers, but it may be noted that for the major items concerned (cream and buttermilk) the added cost to handlers as compared with the cost if retained as Class II milk under present order provisions is only 30 cents per hundredweight. This amounts to less than $0.001 per half-pint of 40 percent cream and less than $0.0067 per quart of butermilk.

A new Class II comprising milk used to produce ice cream, ice cream mix, frozen desserts, and cottage cheese (presently in the Class III category) is justified for a number of reasons. There is a year around market and outlet for producer milk within the marketing area for these products. Health departments in two important markets (Huntington and Parkersburg, West Virginia) require that Grade A milk be used in cottage cheese when sold in these markets. In the case of ice cream and ice cream mix, producer (inspected) milk issued in their manufacture during most of the year. Testimony given at the hearing indicates that a high quality milk is generally desired and used for these products in the various districts whether or not the health regulations of the particular community actually require it. In their proposals regarding the pricing of milk several handlers indicated that milk used for ice cream, ice cream mix, and cottage cheese should have a higher price classification than milk in the present Class III used for other manufactured products.

Class III milk should include skim milk and butterfat used to produce butter, cheese (other than cottage cheese), nonfat dry milk solids, condensed milk, evaporated milk, and such other products not included in Class I milk or Class II milk. Milk used to produce such prod-

ucts should be in a separate class as it represents an outlet for excess milk which, as stated above, must meet price competition from products produced from ungraded milk on a nationwide basis.

The pricing of milk in the various classes, including the proposed pricing of certain milk for manufacturing to be designated "Class IV milk," is considered in another part of this decision.

(5) The Class I and Class II price provisions should be revised.

Several proposals relating to the pricing of Class I and Class II milk were submitted. A producers' organization proposed that:

(a) The Class I price differential be put on a uniform basis for the entire marketing area and be raised to $1.75 for the months of March through August and $2.25 for all other months.

(b) For any sale made outside of the district in which his plant is located, a handler should pay for milk on the basis of the price prevailing in the district in which the sale is made.

(c) The method of computing the current utilization percentage in the supply-demand adjustment formula be changed to use data for the second and third preceding months as "movers" rather than the first and second preceding months.

(d) The standard utilization percentages (supply-demand) be recalculated to prevent negative supply-demand adjustments during the fall and winter months.

(e) The Class II butterfat differential be reduced.

Another producers' organization proposed that:

(a) The Class I price be adjusted to reduce price differences between the various districts, to raise the entire price level, and to adjust prices seasonally.

(b) The standard utilization percentages (supply-demand) be reviewed and that a provision be adopted which would prevent Class I differentials for October and November from being lower than for September.

A handlers' group proposed that the Class I price differential be put on a uniform basis for the entire marketing area at the level now prevailing for the Huntington district.

Proponents for higher Class I and Class II prices contended that the prices currently being paid to producers are considerably below the cost of production. Evidence was introduced indicating such costs as computed by a university agricultural economist and by a county agent. It was further contended that production costs are considerably higher in the Tri-State area than in other Ohio marketing areas and that the current producer price level does not take this factor into consideration. Proponents stated also that there is considerable industrial development in the area and that higher producer prices are needed to bring forth the additional amount of milk necessary to provide an adequate supply.

Opponents of a higher price contended that unemployment is greater now than a year ago and that much of the increased industrial activity referred to by proponents has been in the field of construction. Since these construction projects are in some cases nearing completion and are discharging rather than hiring employees, such projects will employ smaller work forces in the future.

The further contention was made that while the market is still short of milk during some fall months, the supply situation has improved considerably at the present price level and that higher prices are not necessary to insure an adequate supply; further, that the surplus situation during the flush season has deteriorated to the point where "distress" milk is a problem and any pricing program that would increase the supply of milk during the flush production season would aggravate this problem. The basic problem of the Tri-State area was described as not the amount of the annual supply of milk but rather the highly seasonal nature of milk production.

There was no significant change from 1953 to 1954 in the relationship of Class I and Class II usage to producer receipts for the marketing area. The market as a whole still is short of an adequate supply of milk in the low production season. The supply situation developing indicates that the Huntington district supply is coming more into balance with Class I sales while the Athens district is shorter in supply than was the case several months ago. On an annual basis, the combined Class I and Class II utilization during 1954 for the entire marketing area was about 86 percent of producer receipts; by individual months this percentage varied from a low of 70 in May to a high of 109 in November. As compared with many fluid milk markets such a seasonal variation in production appears to be unusually wide. A shift of only 8 percent seasonally in the supply of producer milk from the spring and summer months to fall delivery would overcome the current fall deficit in supply.

The surplus handling problem has increased to some extent and should not be disregarded. Although for the calendar years of 1953 and 1954 the utilization of producer milk declined from 88 percent to 86 percent, both consumption and production increased substantially, and the volume of surplus increased correspondingly. In the months of May, June, July, and August 1953 about 19.7 million pounds of producer milk were used for Class III purposes; for the same months of 1954 Class III usage increased to about 23.6 million pounds.

It is concluded, in view of these data, that a general increase in price is not justified at this time. However, it appears that an adjustment in producer returns should be made on a seasonal basis. The market has a substantial flush season surplus and a definite shortage in the late fall and early winter months. Adjustments should be made to discourage flush season milk production and to provide additional encouragement to fall and winter milk production. This may be accomplished by effecting a slight price reduction in the spring and a small increase in the fall, and by adjusting the standard utilization supply-demand percentages.

Although no general increase in Class I prices is warranted, various adjustments in order provisions are estimated to provide increases in producer returns, to occur primarily in the months of short production, as follows: (a) From the reclassification of milk used for certain products (discussed earlier), a market-wide increase of from 5 cents to 6 cents; (b) from adjusting the standard utilization supply-demand percentages, (discussed below), a market-wide increase of from 1 cent to 2 cents; (c) from price differential revisions—for the present Huntington and Gallipolis districts (a reduction of 5 cents in the flush production months and an increase of 10 cents in the short production months) and increase of 2 cents; for the Scioto district (as the result of merging the Scioto district with the Huntington district) and increase of 10 cents; or the Athens district an increase of 5 cents.

Proponents for the elimination of Class I price differences between districts contended that existing price levels for the various districts encourage handlers from the Athens district to distribute bottled milk in the Huntington district. It is contended that this results in the replacement, in the higher-valued uses, of milk from those producers who normally supply the Huntington market. Both producers and handlers in the Huntington district contended that this constitutes unfair competition.

It should be observed, however, that the respective levels of price for the different districts were established specifically for the purpose of improving the distribution of available producer supplies to meet the Class I demands of the entire marketing area. The Huntington district has been, and continues to be, substantially short of producer milk. During seven months of the year 1954, combined Class I and Class II usage by Huntington district handlers was greater than local receipts of producer milk by such handlers. This shortage would be even more pronounced if Class I and Class II milk distributed in the Huntington district by handlers from other districts were included. There is indication in the record that in order for this market to be supplied adequately under present conditions, substantial amounts of milk must come from sources other than local producers to supplement the amounts they furnish. Therefore, the primary question does not seem to be whether any other milk will enter the Huntington district but whether this supplemental supply will come from other producers under the order or from outside, and more distant, sources. It would seem to be economically unsound to establish a price relationship between segments of the marketing area which would require supplemental supplies to be obtained from distant points, with the accompanying additional handling and transportation costs, when nearer-by milk of the required quality is available and otherwise would have to be disposed of in manufacturing outlets.

The elimination of, or a sizeable reduction in, the district differentials does not appear to be warranted at this time. Such an action certainly would not eliminate the Huntington area shortage. To

the contrary it might be expected to discourage the movement of milk from the Athens district to the Huntington area, thus tending to aggravate the seasonal shortage there. Neither would such an action substantially improve returns to Huntington area producers. On the other hand, decreased Class I and Class II usage at Athens plants would decrease returns to Athens district producers. It is concluded that, in the interest of orderly marketing of producer milk, the following Class I price differentials should be adopted:

	April, May, June, and July	February, March, and August	Other months
Huntington District Plants	1.05	1.35	1.90
Gallipolis and Scioto District Plants	.95	1.25	1.80
Athens District Plants	.80	1.10	1.65

While the above schedule would result in a 5-cent reduction in the differentials between the Huntington and Athens districts, it is not felt that this will be sufficient to cause a reduction in the amount of milk moving from the Athens district into the Huntington market.

The standard utilization factors in the supply-demand formula should be revised also.

Two producers' organizations proposed that the supply-demand adjustment affecting Class I prices be put on a "forward" pricing basis by employing supply and usage data for the second and third months preceding the pricing month in the "mover" instead of data for the first and second preceding months. Adoption of this proposal would permit announcement of prices in advance of the actual month of delivery, producers would know in advance the price to be received, and handlers would know in advance the price to be paid. It would also be possible to adopt emergency measures to meet any unusual marketing condition should the necessity arise in the future. It is concluded that such results are desirable and therefore that the second and third preceding months should be used to compute the "current utilization percentage" in the supply-demand formula.

Production trends have varied seasonally in the Tri-State area during the past several years. While there is still an unusually wide variation between the flush and short season productions, such variation has shown some tendency to decrease in recent years. This has resulted in negative supply-demand adjustments in the short supply months of the early fall and positive adjustments during flush supply months. Such adjustments, of course, result in price changes that are contrary to the plan of seasonal pricing.

During 1954, the supply-demand factors resulted in adjustments of from a minus 28 cents to a plus 28 cents—a range of 56 cents per hundredweight within one year. In two successive months this range amounted to 38 cents per hundredweight. Since a somewhat erratic supply condition appears characteristic of this market, it is concluded that the standard utilization percentages should be computed on a basis that will tend to temper the extent of supply-demand adjustments from month to month. This is particularly needed with the use of data for the second and third preceding months in computing the current utilization percentage. The desired tempering effect can be accomplished by establishing a range of five percentage points for each month in which there would be no Class I price adjustments. On each side of this range prices should be adjusted 3 cents per hundredweight for each percentage point. The total adjustment so computed should not exceed 38 cents per hundredweight as is currently provided in the order. A further review in hearing would be appropriate if the adjustment for any month were to exceed this amount.

A revision of the supply-demand adjustor is necessitated also by classification changes made in this decision which eliminate the definition of Class II milk, as it was, and combine such class of milk with Class I milk. The adjustor now in the order is based upon the relationship of supply to the present Class I items only and should be revised to reflect also the items added to Class I milk by this decision.

The current utilization percentage should continue to be computed on the basis of the ratio of Class I usage (as established herein) to the receipts of producer milk at "fluid milk plants", as redefined herein. Establishment of standard utilization percentages is founded largely upon the seasonal supply-demand relationships of previous years. Since continuity of data is essential, the inclusion of producer receipts at supply plants (newly defined) is impracticable at this time. Also, widely varying amounts of producer milk, originating at plants which are not local distributing plants, enter the market during different seasons of the year and from year to year. Under present conditions inclusion of supply and sales data for supply plants in the computation of utilization percentages for the purpose of supply-demand adjustments would give a distorted view of the local supply-demand situation and the efforts of regular producers to supply the needs of the market.

The proposal to provide that the supply-demand adjustment for October and November should not be permitted to fall below the adjustment for September should not be adopted. Proponents stated that this amendment would prevent supply-demand adjustments which tend to reduce prices and discourage production during the months of shortest seasonal supply. The revisions that have been made to the supply-demand adjustor have given consideration to the factors outlined by proponents and, to the extent practicable, contraseasonal price adjustments have been eliminated. Moreover, the fact that the supply-demand adjustor may result in unusual pluses or minuses in a given month or season does not mean that normal supply-demand relationships have changed; such occurrences may result from unusual conditions such as a very late spring or heavy rainfall during the late summer. Because unusual conditions cannot be forecast, and simply because they are unusual, the standard utilization percentages cannot and should not be set to cover all possible circumstances.

Provision should be made in the order for location differentials in establishing producer prices at fluid milk plants and supply plants located outside of the marketing area. It is necessary to establish also a method of pricing milk received at such plants as well as at those located within the various districts of the marketing area.

The farm value of milk for use in a market is affected, of course, by the cost of delivery to the place of utilization. Milk delivered directly to a plant located within the marketing area is worth more, by at least the cost of transportation, than is other milk to be utilized in the market but delivered to a plant located at a considerable distance from the market. Thus, a location differential is necessary to reflect the location disadvantage of those producers who deliver to an outlying supply plant or fluid milk plant as compared with nearby producers who pay the full cost of delivery to the market. Although rates of location adjustment are not specified as such in the present order, the pricing provisions recognize differences in milk values in different parts of the marketing area and milkshed. The incorporation of a provision for location adjustment credits to handlers and location adjustment to individual producers will define the present price provisions and provide a clear method of price treatment for those plants outside the marketing area which, by former definition, automatically were covered by the order as "Athens district" plants even though their supplies might actually have been utilized wholly in another district. It is concluded that the inclusion of such provisions will serve to provide greater equity in the pricing of milk delivered to plants at varying locations in relation to the principal communities of the marketing area and will serve to clarify the application of the order.

The location differentials established by this decision reasonably reflect, on the basis of available information in the record, the actual transportation costs existing on milk shipped into the Tri-State area. The rate of two and one-half (2½) cents for each ten-mile zone up to one hundred miles is in line with rates for hauling in tanks within the milkshed. The rate of one and one-half (1½) cents for each ten-mile zone in excess of 100 miles recognizes the relatively lower costs per hundredweight involved in long distance hauling.

In the recommended decision it was proposed that location adjustments should be computed on the basis of the distance between the fluid milk plant or supply plant outside the marketing area and the nearest of the following points, all of which are located within but near the periphery of the marketing area: City Hall, Portsmouth, Ohio; City Hall, Athens, Ohio; City Hall, Marietta, Ohio; City Hall, Huntington, West Virginia. Certain additional points for the computation of location adjustments should

be established. The addition of the City Hall, Ashland, Kentucky; City Hall, Jackson, Ohio; and City Hall, Gallipolis, Ohio, to the list will provide points at or near all the major communities in the marketing area from which location adjustments may be computed, and thus will assure equitable pricing of milk throughout the entire marketing area. No location adjustment should apply to Class I milk, or in making payments to producers, at plants located within 25 miles of the above listed places. It is commonplace for fluid milk plants so located to draw milk supplies even from within the marketing area itself and for such plants to maintain regular distribution routes from the plant over such an area, usually in close competition with milk from plants located in the marketing area. One such plant maintains a "receiving station" within the marketing area at which a substantial proportion of its graded supply is received prior to shipment to a point outside the marketing area for bottling. As to supply plants, there appears to be no economic reason for consideration of location adjustments within such proximity of the major consuming areas involved as a measure to insure adequate supplies.

It is concluded further that Class II milk should be priced at a level of 25 cents per hundredweight above that for surplus milk.

It is recognized that cottage cheese in some parts of the marketing area, and ice cream in all parts of the marketing area, manufactured from producer milk have to compete with similar products made from nearby ungraded milk. Handlers under the order probably could not compete effectively if they had to pay Class I prices to producers for milk used to produce these products. On the other hand, for the reasons indicated in connection with the above discussion of milk classification, this milk should be priced somewhat higher than the products included in the revised Class III milk, which represents primarily those outlets for seasonal reserve supplies of milk which are in nationwide competition with manufactured milk products produced from ungraded milk. Class II milk should be priced above the price level of manufacturing milk by at least the amount of the transportation cost involved in bringing the necessary skim milk and butterfat into the market in fluid form from outside sources if whole milk from producers is desired for these purposes at the location of the city plants. The price level adopted is in close relationship to the cost to handlers for similar ingredients used therein if obtained from alternative sources.

(6) The proposal to price milk according to the district where ultimately sold on wholesale or retail routes when distributed from a fluid milk plant in another district should not be adopted.

The proposed plan for pricing interdistrict sales of Class I milk would cause producers delivering their milk to plants in a higher-priced district from which milk is moved to a lower-priced district for sale, to pay for the movement to the latter district where milk is available from local producers at a lower cost. If the wholesale or retail movement were from a lower-priced district to a higher-priced district, producers in the former district would gain unduly since they would not bear the cost of transporting the milk in consumer containers between the districts. To adopt such a proposal would be contrary to the policy established by providing for district differentials and would discourage the movement of milk to areas with the most pronounced supply deficits. Therefore, it is concluded that Class I and Class II prices should continue to be priced at the level established for the location of the plant at which the milk is received from producers.

(7) The proposal to change the definition of "fluid milk plant" by amending paragraph (b) of § 972.7 to permit a handler under the order who needs to supplement his regular supply of producer milk during any of the months of October through February to secure such milk from outside the order without the supplier of such milk becoming subject to the order should be denied.

Handlers supporting the proposal alleged difficulties in obtaining supplemental milk supplies. However, the record does not provide evidence that adequate sources of supply have not been available under the present provisions of the order. Testimony indicated also that on an annual basis local producer supplies have improved during the past year. One producer group testified at the hearing in opposition to this proposal to the effect that if any considerable amount of milk were permitted to come into the market completely unpriced such milk could well destroy the basis for a classified plan of pricing as provided for in the market order.

The proposed amendment, if accepted, could result in a situation in which a significant portion of the market supply of milk would not be subject in any way to the pricing and payment provisions of the order. This could result in (a) handicapping the effectiveness of the pricing and payment provisions of the order as a means of encouraging adequate supplies of pure and wholesome milk, and (b) a portion of the market supply being procured on a "flat price" basis without regard to use of milk as distinguished from the classified price plan prevailing under the order. Such results would tend to obstruct effectuation of the purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and create a constant threat to the entire classified price plan. For these reasons, it is concluded that the proposal should not be adopted.

(8) The provisions governing interplant transactions in milk should be modified.

A producers' association proposed that the interhandler transfer provisions be modified to permit Class I utilization to be allocated to a supply plant during the months of February through September, inclusive, without the physical transfer of milk to a fluid milk plant if the supply plant is a regular source of supply for the market. The allocation in such months would be based upon the amount of Class I milk allocated to the supply plant during the preceding October–January period. A second proposal to amend these provisions, submitted by another producer group, would provide for the allocation of Class I milk between handlers in different districts of the marketing area without the physical movement of milk. Under the latter proposal the quantity allocated to the transferor-plant likewise would be based upon shipments during the low production months which were classified as Class I milk after allocation of the handler's Class I utilization to his own producers to the full extent of their supply.

The first proposal was submitted by an association operating a supply plant. It was contended by the proponent association that it is experiencing difficulty in maintaining a qualified supply for the Tri-State market in competition with other available outlets for members' milk since the plant receives a share in the Class I sales of its handler clients in the Tri-State area only a portion of the year (usually the months of October through January) when the bulk of actual interplant transfers take place.

Such plant has been a regular supplier of milk to the Tri-State market over a period of years. Prior to May, 1954, such milk entered the market as a supplementary supply (other source milk) but since that time has qualified as producer milk under the terms of § 972.7 (b) of the order. The plant of this association is about 60 miles from Athens, Ohio, and represents a near-by source accessible to all parts of the marketing area.

Under the present terms of the order producers at this plant, while maintaining a qualified supply for the market, share only a small portion of the year in the Class I sales of those handlers in the market to whom rather substantial quantities of milk are furnished in the low production season. Since local producers delivering directly from farms to the latter handlers share Class I utilization with producers at such supply plant only in the fall and winter months, and because of the relatively short supply of local producer milk at several of the fluid milk plants, such producers enjoy a relatively high utilization of their milk in all months of the year while producers at the supply plant dispose of their milk to lower-valued manufacturing uses during several months of the year.

It is apparent that the present provision for the classification of interhandler transfers from supply plants to fluid milk plants makes it difficult for any supply plant, not operated by a handler who also operates a fluid milk plant, to share in the Class I and Class II sales of the market on a basis which makes the market attractive to the producer at the supply plant. On the other hand, the record indicates that in the event the supply plant offering the proposed change were to withdraw its milk entirely from the market it could be replaced only with supplemental milk originating from more distance sources and at additional cost to handlers, or with additional milk produced by local producers. While the milk at such supply plant is available to the market currently, it does not appear that any substantial quantity of additional milk from local producers would be available

as a replacement supply at the proposed price levels.

In order to provide an adequate milk supply without undue cost to the consumer and to encourage the optimum utilization of supply within the present milkshed, a means should be provided by which supply plants in the milkshed may negotiate for a share in the Class I sales of the market on a year around basis which wil encourage their continued interest in the maintenance of a regular and dependable supply. Thus, the market may be supplied at a cost which, except in some unusual circumstance, undoubtedly would be lower than that associated with the procurement of milk from more distant sources. Such incentive may be given by revising the inter-plant transfer provisions in a manner which will permit handlers to allocate milk to supply plants in several months of the year in amounts which will provide such supply plants with a reasonable share of the Class I sales of the handler annually even though milk is not actually moved to the fluid milk plant of the handler in all months. A reasonable share of Class I sales may be established by permitting, with some limitation, the allocation to the supply plant in other months a quantity equivalent to that delivered by the supply plant in the months of lowest milk production (October through January). Such a provision would enable handlers with fluid milk plants to bargain with operators of supply plants under reasonably favorable conditions and would provide a basis for the sharing of the seasonal excesses at individual fluid milk plants by all, rather than a portion of, the producers furnishing the bulk of supplies to such plants in the months when milk supplies are shortest.

It is necessary, of course, to include a further provision which will require any difference between Class I prices at the subject fluid milk plant and the supply plant to be included in the value of producer milk at the fluid milk plant during the period when such allocation of sales is permitted without physical transfer of the milk. Such a provision will prevent a handler making such allocation from gaining a price advantage over other handlers in his district during the period of such allocation.

Local producers have been, and should continue to be, considered the primary source of milk for the market. A study of the statistical data submitted in the record indicates that, for the marketing districts where the milk supplies have been the shortest, the maximum utilization of producer milk for Class I uses in any month has been about 90 percent. Therefore, to insure that milk from supply plants will not be used to displace an undue amount of local producer milk in Class I usage, a provision should be adopted which will limit the allocation in the short production months of October through January of Class I milk to supply plants to an amount which will result in not more than 10 percent of local producer milk being classified as Class II and Class III milk. Also, an adjustment to the volume to be allocated to the supply plant in the months of February through September should be provided in recognition of the fact that Class I sales may be less in such months as compared with the preceding October–January period.

The flexibility of a provision which provides for permissive rather than mandatory allocation of a certain proportion of Class I sales to each supply plant each month of the year will relieve the order of the burden of establishing payments on transactions between handlers. Handlers and producers should be left free to determine their outlets or supply sources, as the case may be. Such a provision should be more adaptable to changing conditions within the market.

Although proposed also, permission to allow allocation of Class I sales on such basis should not be extended to inter-handler transfers between fluid milk plants. Evidence submitted in the record does not indicate that other fluid milk plants generally should be considered as regular sources of supply for handlers who may be temporarily short of milk. At times milk is transferred between fluid milk plants but such transfers usually represent "spot" sales. While this proposal was directed primarily at interdistrict transfers of milk, it would be difficult to justify such allocation on an interdistrict basis only. At the same time such transfers take place, there might well be many intradistrict transfers on a "spot" basis also. If the concept were accepted that interdistrict transfers would justify such allocation procedure, then it would be logical also to adopt such allocation procedure for intradistrict transfers since the governing factor should not be the distance the milk may happen to move. The adoption of such allocation procedure might well result in considerable confusion. Producers delivering milk to handler "A" might have claims for Class I allocation against the sales of handlers "B," "C," and "D," and, at the same time, because of counter "spot" sales movements, producers delivering milk to the latter handlers might have claims for Class I allocation against the sales of handler "A." In addition, any such allocation procedure would tend to remove the incentive for producers to deliver milk to the handler who has the highest utilization, one of the basic objectives of the "individual-handler" type of pooling plan. If it is believed that producers should share, on a year around basis, in the Class I sales at those plants from which the producers' milk is ultimately disposed, this might be accomplished most expeditiously by a market-wide pool.

(9) The price formula for milk used for manufactured milk products other than ice cream, ice cream mix, and cottage cheese should be revised.

A handler proposed a formula price by which the price of producer milk for manufacturing (exclusive of that used for ice cream, ice cream mix, and cottage cheese) would be reduced by 25 cents during the months of May, June, and July. Another handler proposed a new Class IV milk which would include all products currently in Class III milk, except ice cream, ice cream mix, and cottage cheese, and a new price formula for such class.

The proponent for a reduced price for Class III milk during the months of May, June, and July contended that a substantial portion of reserve milk supplies are used to produce manufactured milk products (primarily evaporated milk) which must be sold in competition with similar products made from ungraded milk. Proponent further contended that his company would not be able to utilize excess supplies from the Tri-State market if priced at a higher level than other available supplies of ungraded milk. The proposed price, 25 cents less than the current order price, would be the same as that made effective temporarily on an emergency basis last year and would be closely in line with the local condensery price average.

The proponents for a new reserve milk class (Class IV) stated that during certain seasons of the year when producer milk receipts are in excess of the amounts that can be used for fluid milk, fluid cream, ice cream, ice cream mix, cottage cheese, and related products, the excess milk frequently must be shipped to manufacturing plants located at some distance from the fluid milk plants serving the Tri-State area. Proponents contended that such excess milk should be priced at competitive levels after allowing transportation costs.

Both such proposals exclude those products which constitute the revised Class II milk and there appears to be general recognition of the fact that milk used for these products should be classified in a higher-priced class than milk used for other manufactured dairy products.

Record data indicate that during the flush season of 1954 the volume of milk going to Class III milk was, seasonally, the largest in the history of the market. Production during recent months has continued at approximately the same level, and although Class I and Class II milk sales have increased, it may be expected that the volume of milk to be disposed of as distress milk seasonally will be about as large as in 1954. Because of the unusually wide variation in the seasonal production pattern in the Tri-State area, large surpluses in the spring and early summer months must be recognized as a characteristic of the market at this time, even though price policy in the market is aimed at encouraging a more even milk supply.

It is therefore, concluded, in the interest of orderly marketing, that the pricing structure for milk which must be disposed of in the form of manufactured dairy products included in Class III milk should be established so as to enable such milk to move into such products when seasonal excesses of supply exist. In order to provide an opportunity for handlers to dispose of Class III milk on a basis that is reasonably competitive with milk from ungraded sources delivered to manufacturing plants not regulated by the order, it is provided in this decision that the monthly average of prices paid for milk by four near-by manufacturing plants will be the Class III price for the months of April, May, June, and July each year.

This revised formula should provide price relief to substantially the same extent as that made effective, on a temporary basis, in 1954.

It is concluded further that if the local condensery price applies during the flush months of April, May, June, and July, a somewhat higher price should apply during the remainder of the year. This price arrangement will permit the orderly marketing of excess milk during the flush season and also will encourage handlers to direct milk into higher-valued classifications during the remainder of the year when such milk is needed for fluid, ice cream, and cottage cheese uses, as is amply indicated by the continuing purchase by handlers of supplemental supplies of milk from outside sources during several months of the year. This may be accomplished by continuing the present Class III price formula, for months other than those referred to above.

Proponents of a new manufactured products classification (Class IV) requested the inclusion of allowances for transporting excess skim milk and butterfat to manufacturing plants. It was testified that such milk frequently must be shipped to destinations at some distance from the plant where originally received and that the handler should be permitted to recover the transportation cost. In our view, however, adoption of this proposal would not encourage optimum utilization of milk for the market as a whole; also, uneconomic movements of milk might be encouraged with the result that the producers of such milk would pay not only the cost of transporting milk from farm to market, but also the cost of transporting out of the market that portion which is temporarly in excess of needs. It may be noted in this connection that the order permits the handler to divert milk to unregulated plants during April, May, June, and July without receiving it at his fluid milk plant. Thus, the hauling cost involved should not be substantially greater than that accounted for by the customary hauling charge deducted from the producers' check. It is concluded in view of the above that the proposed Class IV price formula incorporating transportation allowances should not be adopted.

Because of the butterfat variation in the several products made by handlers, the butterfat differential is often as important to the ultimate cost to the handler for the product as the level of the class price established on the basis of a butterfat content of 3.5 percent. Therefore, it is concluded that the butterfat differential for Class III milk should be revised so as to be in alignment with the above changes in class pricing.

(10) Certain changes of an administrative nature should be made.

In view of several revisions to substantive provisions of the order which indicate the desirability of the redrafting of the order in its entirety, certain changes of an administrative nature have been made for the purpose of simplicity, clarity, and delineation. These include substitution of the term "month" for "delivery period" wherever used in the order, the redefinition of "fluid milk plant," the inclusion of a definition of "supply plant," and the redefinition of "district" plants. These changes, which are self-explanatory when considered in relation to the findings and conclusions of this decision, are corollary to changes in provisions directly concerned with the proper classification and pricing of milk.

(11) Emergency action on amendments is not required.

Although the notice of hearing provided for consideration of any or all of the proposed order changes on an emergency basis, i. e., a final decision on amendments without the prior issuance of a recommended decision and an opportunity given to interested parties to file written exceptions thereto, it is concluded from the evidence presented that none of the issues presented requires such action. Thus, this decision contains findings and conclusions with respect to all issues considered at the hearing.

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

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

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

Determination of representative period. The month of April 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order, as amended, regulating the handling of milk in the Tri-State marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 8th day of August 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same man-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

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

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

§ 972.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 972.40.

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

§ 972.5 *Tri-State marketing area.* (a) "Tri-State marketing area" (hereinafter called the "marketing area") means all that territory in the states of Ohio, West Virginia, and Kentucky lying within the districts described below in this section. As used in this section the term "territory" shall include all municipal corporations, Federal military reservations, facilities, and installations, and state institutions lying wholly or partially within the defined districts:

(b) "Huntington district" of the marketing area means the territory lying within the boundaries of the counties of Boyd and Greenup, in Kentucky; Lawrence County, in Ohio; and the counties of Cabell and Wayne, in West Virginia.

(c) "Gallipolis-Scioto district" of the marketing area means the territory lying within the counties of Gallia, Meigs, Scioto, and Jackson, in Ohio; the townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union, in Pike County, Ohio; and Mason County, West Virginia.

(d) "Athens district" of the marketing area means the territory lying within Athens County, Ohio; the townships of Belpre, Marietta, and Muskingum, in Washington County, Ohio; and Lubeck, Parkersburg, Tygart, and Williams Magisterial Districts in Wood County, West Virginia.

§ 972.6 *Route.* "Route" means a delivery route (including a plant store) on which milk, skim milk, buttermilk, flavored milk, or flavored milk drink is distributed for consumption in fluid form to wholesale or retail stops other than to any milk plant(s).

§ 972.7 *Fluid milk plant.* "Fluid milk plant" means any milk plant, except a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued, pursuant to the act, from which a route is operated wholly or partially within the marketing area during the month: *Provided,* That a "fluid milk plant" pursuant to this section shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

§ 972.8 *Supply plant.* "Supply plant" means any milk plant, except a fluid milk plant pursuant to § 972.7 or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, from which a total of 25,000 pounds or more of milk, or an amount of skim milk and butterfat from which 25,000 pounds or more of Class I milk is derived, is delivered during the month in fluid form from such plant to any plant(s) which is a fluid milk plant pursuant to § 972.7: *Provided,* That any plant which qualified as a supply plant for at least three of the months of October through January, inclusive, may retain such status during the months of February through September, inclusive, next following for the purposes of § 972.34 (c) without meeting the minimum delivery requirements described above in this section during the latter months: *And provided further,* That a "supply plant" pursuant to this section shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

§ 972.9 *Huntington district plant.* "Huntington district plant" means a fluid milk plant (a) located within the Huntington district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant on routes within the marketing area during the month is disposed of within the Huntington district.

§ 972.10 *Gallipolis-Scioto district plant.* "Gallipolis-Scioto district plant" means a fluid milk plant (a) located within the Gallipolis-Scioto district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant on routes within the marketing area during the month is disposed of within the Gallipolis-Scioto district.

§ 972.11 *Athens district plant.* "Athens district plant" means a fluid milk plant (a) located within the Athens district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant on routes within the marketing area during the month is disposed of within the Athens district.

§ 972.12 *Non-fluid milk plant.* "Non-fluid milk plant" means any plant utilized for the processing and distributing, or manufacturing, of milk or milk products which is not a fluid milk plant or supply plant.

§ 972.13 *Producer.* "Producer" means a person other than a producer-handler who produces milk received:

(a) At a fluid milk plant or supply plant; or

(b) At a non-fluid milk plant by diversion by a handler for his account within April, May, June, or July from a fluid milk plant or supply plant: *Provided,* That such person producing milk holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community(s) for which his milk is produced: *And provided further,* That milk so diverted shall be deemed to have been received by the handler at the plant from which diverted.

§ 972.14 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 972.13.

§ 972.15 *Handler.* "Handler" means:

(a) A person, including a cooperative association, who operates a fluid milk plant or supply plant.

§ 972.16 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from other dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 972.17 *Other source milk.* "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not received from a producer, or from a fluid milk plant or supply plant, but:

(a) Contained in milk, skim milk, or cream; or

(b) Used to produce any milk product.

§ 972.18 *Cooperative association.* "Cooperative association" or "association of producers" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 972.13 and which the Secretary determines, after application by the association:

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

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 972.19 *Plant.* "Plant" means the land, buildings, surroundings, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, and processing of milk or milk products.

MARKET ADMINISTRATOR

§ 972.20 *Designation.* The agency for the administration of this part shall be

a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay, out of the funds provided by § 972.71:

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

(2) His own compensation; and

(3) All other expenses, except those incurred under § 972.75 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 subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 15 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 972.25 or § 972.26; or

(2) Payments pursuant to §§ 972.65 through 972.81;

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

(h) Upon request, supply on or before the 25th day after the end of each month to each association of producers with respect to producers whose membership in such association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit 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 and butterfat for such handler depends; and

(j) 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 after the end of such month, the class prices and butterfat differentials computed pursuant to §§ 972.41 through 972.44; and

(2) On or before the 12th day after the end of such month, the uniform prices computed pursuant to § 972.61 and the butterfat differential computed pursuant to § 972.70.

REPORTS, RECORDS, AND FACILITIES

§ 972.25 *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler shall report the following to the market administrator with respect to each fluid milk plant and supply plant in the detail and on forms prescribed by the market administrator.

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of, as the case may be) producer milk, other source milk, and milk and milk products received from any other fluid milk plant(s) and supply plant(s), and their respective sources;

(b) The utilization of such receipts; and

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

§ 972.26 *Other reports.* Handlers shall submit other reports as follows:

(a) The intention to receive other source milk shall be reported by the receiving handler on or before the first day other source milk is received and the intention to discontinue such receipts shall be reported on or before the last day such milk is received.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(c) On or before the 20th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the month, which shall show:

(1) The total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk.

(2) The amount of payment to each producer and association of producers, and

(3) The nature and the amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

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

(a) The utilization, in whatever form, of all skim milk and butterfat received;

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

(c) Payments to producers and associations of producers, and

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

§ 972.28 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 972.30 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk and cream, or used to produce milk products, received from all sources within the month by a handler at his fluid milk plant(s) and supply plant(s) shall be classified by the market administrator pursuant to §§ 972.31 through 972.34.

§ 972.31 *Classes of utilization.* Subject to the conditions set forth in §§ 972.32 through 972.34, the skim milk and butterfat described in § 972.30 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of (except as provided in paragraph (c) (2) and (3) of this section) in fluid form as milk, skim milk, buttermilk, flavored milk, and milk drink, (2) disposed of in the form of fluid sweet or cultured sour cream, any mixture of cream and milk (or skim milk) in fluid or whipped (aerated) form

containing not less than 6 percent of butterfat not specified in Class II milk or Class III milk, and eggnog; (3) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and (4) not specifically accounted for above in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, and cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray process and roller process nonfat dry milk solids, all cheese (other than cottage cheese), evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing whipped or aerated product, and any other milk product not otherwise specified in this subparagraph; (2) skim milk and buttermilk specifically accounted for as dumped or disposed of for animal feed; (3) disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form; (4) in actual plant shrinkage of producer milk computed pursuant to § 972.32 (d) but not in excess of 2 percent thereof; and (5) in actual plant shrinkage of other source milk computed pursuant to § 972.32 (d).

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

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by:

(1) Combining the shrinkage thereof for all fluid milk plants and supply plants operated by the handler, and

(2) Combining in a separate sum the shrinkage thereof for all non-fluid milk plants operated by him to which any skim milk or butterfat has been transferred from any of his fluid milk plants and supply plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section in such non-fluid milk plants between:

(1) Skim milk or butterfat, respectively, transferred from any of his fluid milk plants and supply plants, and

(2) Skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage of skim milk or butterfat, respectively, transferred from the handler's fluid milk plant and supply plant to his non-fluid milk plant, computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between producer milk and other source milk at his fluid milk plant and supply plant after deducting from the total receipts therein, the receipts from fluid milk plants and supply plants other than his own.

§ 972.33 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 972.34 *Interplant movements.* (a) Skim milk and butterfat transferred from a fluid milk plant shall be classified as Class I milk if so transferred (or diverted, in the case of movements to non-fluid milk plants under subparagraph (3) of this paragraph) as any item listed in § 972.31 (a):

(1) To another fluid milk plant or supply plant of a handler (except a producer-handler), unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided,* That skim milk or butterfat assigned to a particular class in accordance with such mutual agreement shall be limited to the amount thereof remaining in such class in the transferee-plant after the subtraction of other source milk pursuant to § 972.36 (a) (2) and the classification of any transfers pursuant to paragraph (b) of this section, and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class;

(2) To a producer-handler; and

(3) To a non-fluid milk plant; unless

(i) Other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the month within which such transfer was made:

(ii) The buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for audit; and

(iii) Such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided,* That if such buyer's plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining balance shall be classified in the next lowest-priced available class of utilization as if the classes of utilization set forth in § 972.31 were applicable at such buyer's plant.

(b) Except as provided in paragraph (c) of this section, skim milk and butterfat transferred in the form of any item listed in § 972.31 (a) from a supply plant to a fluid milk plant or to another supply plant shall be classified as mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided,* That the sum of the amounts assigned as Class I milk for any month during the period October through January, inclusive, to all supply plants supplying a fluid milk plant shall not result in the classification as Class II milk and Class III milk of more than 10 percent of the quantity of milk received directly from producers at such fluid milk plant during the month.

(c) During each of the months of February through September, inclusive (beginning in 1956), a handler operating a fluid milk plant may allocate Class I milk to a supply plant(s) which transferred milk to such fluid milk plant for at least three of the months of October through January immediately preceding even though such milk is not transferred physically to such fluid milk plant during the current month: *Provided,* That the pounds to be subtracted from Class I milk and so allocated to any supply plant for the current month in the period February through September, inclusive, when added to any quantities actually transferred from such supply plant to such fluid milk plant during the current month which are assigned to Class I milk pursuant to paragraph (b) of this section, shall not exceed the lesser of the following amounts:

(1) The monthly average number of pounds allocated as Class I milk from such fluid milk plant to such supply plant during the preceding period October through January, inclusive; or

(2) An amount computed as follows: Determine the percentage which the volume of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such fluid milk plant for the preceding period October through January, inclusive; and multiply the total Class I milk at such fluid milk plant for the current month by such percentage.

(d) Skim milk and butterfat transferred or diverted as any item listed in § 972.31 (a) from a supply plant to a non-fluid milk plant shall be classified on the same terms as movements from fluid milk plants to non-fluid milk plants pursuant to paragraph (a) (3) of this section.

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

§ 972.36 *Allocation of skim milk and butterfat classified.* The classification of skim milk and butterfat in producer milk shall be determined as follows:

(a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk;

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in plant shrinkage pursuant to § 972.31 (c) (4);

(2) Subtract from the pounds of skim milk remaining in each class after making the deduction pursuant to subparagraph (1) of this paragraph, in series beginning with the lowest-priced available class, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received, or with respect to which title was taken pursuant to § 972.34 (c), from other fluid milk plants and supply plants (receipts from fluid milk plants to be deducted first) assigned to such classes pursuant to § 972.34;

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

(5) If the total remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

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

MINIMUM PRICES

§ 972.40 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by §§ 972.41 through 972.43 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b), and (c) of this section computed to the nearest tenth of a cent.

(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 months at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the month;

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

(3) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

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

(1) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the month, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the month by the Department of Agriculture, including in such average the quotations published for any fractional part of the previous month which were not published and available for the price determination of such nonfat dry milk solids for the previous month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 972.41 *Class I milk prices.* Subject to the provisions of §§ 972.44 through 972.48, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price determined pursuant to § 972.40 adjusted as follows:

(a) Add the following amounts for the months indicated:

	April, May, June, and July	February, March, and August	September, October, November, December, and January
Huntington district plants	$1.05	$1.35	$1.90
Gallipolis-Scioto district plants	.95	1.25	1.80
Athens district plants	.80	1.10	1.65

(b) Add or subtract a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the total gross volume of Class I milk (adjusted to eliminate duplications due to transfers between fluid milk plants) at all fluid milk plants for the second and third preceding months by the total receipts of milk from producers at such plants during the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage."

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease the Class I price by 3 cents:

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	103	107
February	103	107
March	97	101
April	95	99
May	93	97
June	87	91
July	77	81
August	68	72
September	64	68
October	68	72
November	83	87
December	94	98

§ 972.42 *Class II milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk for each month shall be the average of prices per hundredweight computed for such month pursuant to the formula set forth in § 972.43 (a), plus 25 cents: *Provided*, That the Class II price shall not be less than the price computed pursuant to § 972.43 (b).

§ 972.43 *Class III milk prices.* Subject to §§ 972.44 through 972.47, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk for the month shall be computed as follows:

(a) For each of the months of April, May, June, and July the price for Class III milk shall be the simple average, as computed by the market administrator, of the basic (or field) prices per hundredweight ascertained to have been paid or to be paid for ungraded (manufacturing-type) milk of 3.5 percent butterfat content received from farmers during such month at the following plants:

Company:	*Location of plant*
M & R Dietetic Laboratories, Inc.	Columbus, Ohio.
Pickerington Creamery	Pickerington, Ohio.
Carnation Company	Coshocton, Ohio.
Nestles' Milk Company	Marysville, Ohio.

(b) For each month, except April, May, June, and July, the price for Class III milk shall be the basic formula price.

§ 972.44 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Add 1.0 cent to the butterfat differential for Class II milk computed pursuant to paragraph (b) of this section.

(b) *Class II milk.* Subtract $3.00 from the average price per hundred pounds of butter for the month as de-

scribed in § 972.40 (c) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed for the month pursuant to § 972.40 (c) (2), and divide such result by 1000.

(c) *Class III milk.* Subtract $3.00 from the average price per hundred pounds of butter for the month as described in § 972.40 (c) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed for the month pursuant to § 972.40 (c) (2), and divide such result by 1,000.

§ 972.45 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

§ 972.46 *Prices for Class I, Class II, and Class III milk disposed of outside the marketing area.* The prices for Class I, Class II, and Class III milk disposed of outside the marketing area by a handler shall be those applicable, respectively, pursuant to §§ 972.41 through 972.43, to Class I, Class II, and Class III milk disposed of by such handler inside the marketing area.

§ 972.47 *Prices of milk transferred by one handler to another handler.* The price of milk transferred by a handler to another handler in any class shall be that applicable to such class of milk at the selling handler's fluid milk plant or supply plant, pursuant to §§ 972.41 through 972.43: *Provided,* That any hauling charge with respect thereto chargeable to producers or to associations of producers shall not exceed that customarily applied to deliveries of such producers from their farms to the selling handler's fluid milk plant or supply plant.

§ 972.48 *Location adjustment credits to handlers.* The price for Class I milk at a fluid milk plant or supply plant located outside the marketing area and more than 25 miles from the nearest of the following listed places shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk (§ 972.41) for the district of the marketing area in which such nearest listed place is located, less a location adjustment computed as follows: 2.5 cents per hundredweight for each 10 miles, or major fraction thereof, up to 100 miles, and 1.5 cents per hundredweight for each 10 miles, or major fraction thereof, in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such fluid milk plant to such nearest listed place:

City Hall, Huntington, W. Va.
City Hall, Ashland, Ky.
City Hall, Portsmouth, Ohio.
City Hall, Jackson, Ohio.
City Hall, Athens, Ohio.
City Hall, Marietta, Ohio.
City Hall, Gallipolis, Ohio.

APPLICATION OF PROVISIONS

§ 972.50 *Producer-handlers.* Sections 972.30 through 972.48 and §§ 972.60 through 972.75 shall not apply to a producer-handler. Any handler who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of his qualifications satisfactory to the market administrator, and he shall furnish similar evidence of subsequent changes in his operations that affect his qualifications. Verification by the market administrator shall be made within 5 days after the date of receipt of such evidence, and shall be effective retroactively to the date on which the applicant became so eligible, but not earlier than the first day of the month during which verification of such eligibility is made.

§ 972.51 *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this subpart.

§ 972.52 *Milk caused to be delivered by an association of producers.* Milk referred to in this subpart as received from producers by a handler shall include producer milk caused to be delivered to such handler by an association of producers which is not a handler and which is authorized to collect payment for such milk.

§ 972.53 *Diverted milk.* Producer milk diverted by an operator of a fluid milk plant or supply plant from such a plant to a non-fluid milk plant shall be deemed to have been received by the plant from which such milk was diverted.

DETERMINATION OF UNIFORM PRICES

§ 972.60 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator by (a) multiplying the pounds of such milk in each class for the month by the applicable class price and (b) adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class determined pursuant to § 972.36 (a) (5) and (b) by the applicable class price: *And provided further,* That with respect to each hundredweight of Class I milk allocated to a supply plant(s) pursuant to § 972.34 (c), there shall be added an amount computed by multiplying such hundredweight of milk by the difference between the Class I price at the fluid milk plant and the Class I price applicable at the respective supply plant.

§ 972.61 *Computation of uniform prices.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight to be paid to producers and associations of producers for milk of 3.5 percent butterfat content received at his fluid milk plant and supply plant as follows:

(a) From the value of milk computed for such handler pursuant to § 972.60, subtract, if the weighted average butterfat test of producer milk represented by the value included under paragraph (a) of this section is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 972.70, and multiplying the resulting figure by the total hundredweight of such milk;

(b) Add or subtract, as the case may be, any amounts necessary to correct errors in classification for previous months as disclosed by audit of the market administrator.

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price pursuant to paragraph (f) of this section, for the previous month, to the nearest cent;

(d) Add an amount representing the total value of location adjustments on producer milk pursuant to § 972.72;

(e) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to § 972.60; and

(f) Adjust the resulting figure to the nearest cent.

§ 972.62 *Notification to handlers.* On or before the 12th day after the end of each month, the market administrator shall notify each handler of:

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

(b) His uniform price; and

(c) The amounts to be paid by such handler pursuant to §§ 972.65 and 972.70 for such month.

PAYMENTS

§ 972.65 *Time and method of final payment.* Each handler shall make payment, subject to the provisions of §§ 972.66, 972.70, 972.72, and 972.75, for all producer milk received during each month, as follows:

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 18th day after such month at not less than such handler's uniform price for milk of 3.5 percent butterfat.

(b) To a cooperative association for milk received from producers from whom such association has received written authorization to collect payment on or before the 16th day after such month, of a total amount equal to not less than the sum of the individual amounts otherwise payable to other producers under paragraph (a) of this section.

(c) On or before the 16th day after such month each handler shall pay to each cooperative association which operates a fluid milk plant or supply plant for skim milk and butterfat received as milk or a milk product from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class by the respective class price pursuant to §§ 972.41, 972.42, and 972.43, adjusted by the appropriate butterfat and location differentials pursuant to § 972.44 and § 972.48: *Provided*, That payment to a cooperative association for milk classified as Class I milk (but not moved) as an interhandler transfer pursuant to § 972.34 (c) during the February–September period shall be made to such cooperative association on the basis of the difference between the appropriate class price and the Class III price, adjusted as provided above for butterfat test and for the location of the supply plant; and

(d) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its member producers in accordance with such provision of the act.

§ 972.66 *Partial payments.* Handlers shall make partial payments to producers as follows:

(a) On or before the last day of each month, each handler shall make payment except as set forth in paragraph (b) of this section, to each producer at not less than such handler's uniform price of the preceding month for the milk of such producer which was received by such handler during the first 15 days of the current month; and

(b) On or before the day immediately preceding the last day of each month, each handler shall make payment to an association of producers for milk of producers from whom such association has received written authorization to collect payment at not less than such handler's uniform price of the preceding month for all such milk which was received by such handler during the first 15 days of the current month.

§ 972.70 *Butterfat differential.* If, during the month, any handler has received from any producer or from an association of producers, milk having a weighted average butterfat test other than 3.5 percent, such handler, in making the payments prescribed in § 972.65, shall add to, or subtract from the applicable uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat test in milk above or below, as the case may be, 3.5 percent, an amount computed by the market administrator as follows: Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the month, divide the result by 10, and round to the nearest tenth of a cent.

§ 972.71 *Expense of administration.* As his prorata share of the expense incurred pursuant to § 972.22 (d) each handler shall pay the market administrator, on or before the 15th day after the end of each month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 12th day after the end of such month with respect to all receipts within the month of producer milk (including such handler's own production) and other source milk at his fluid milk plant or supply plant classified as Class I milk pursuant to § 972.31: *Provided*, That an association of producers shall pay such prorata share of expense of administration on producer milk with respect to which it is a handler.

§ 972.72 *Location adjustments to producers.* In making payment to producers pursuant to § 972.65 for milk received at a fluid milk plant or supply plant located outside the marketing area, the uniform price per hundredweight of producer milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 972.48.

§ 972.75 *Marketing services.* (a) (1) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 972.65 (a) shall make a deduction of 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(i) All milk received from producers at a plant not operated by a cooperative association;

(ii) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(iii) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

(2) Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct in lieu of the deduction specified under paragraph (a) of this section, from payments made pursuant to § 972.65 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

ADJUSTMENT OF ACCOUNTS

§ 972.80 *Errors in payments.* Whenever audit by the market administrator of a handler's reports, books, records, or accounts discloses adjustments to be made, for any reason which result in moneys due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or association of producers from such handler, the market administrator shall promptly notify such handler of any such amount due, and explain the basis for such adjustment; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 972.81 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 972.65 through 972.80 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 972.85 *Effective time.* The provisions of this subpart or any amendment of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 972.86.

§ 972.86 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that this subpart or any provision of this subpart, obstructs, or does not tend to effectuate the declared policy of the act. This subpart shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 972.87 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart the final accrual or ascertainment of which requires further acts by any handler, 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, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until discharged by the Secretary,

(b) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct, and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 972.88 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, 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 subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 972.89 *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 subpart.

§ 972.90 *Separability of provisions.* If any provision of this subpart, or the application thereof to any person or circumstances, is held invalid, the remainder of this subpart and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 972.91 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

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

(1) The amount of the obligation;

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

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

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

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

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

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Tri-State Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Tri-State marketing area) who, during the month of April 1955 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of April 1955 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (19 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 8th day of August 1955.

[F. R. Doc. 55-6529; Filed, Aug. 10, 1955; 8:50 a. m.]

Commodity Exchange Authority

[17 CFR Part 1]

REGULATIONS UNDER COMMODITY EXCHANGE ACT

RECORDS OF CASH COMMODITY AND FUTURES TRANSACTIONS

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 235, 5 U. S. C. 1952 ed., sec. 1003), notice is hereby given that the Secretary of Agriculture, under the authority contained in sections 4, 4f, 4g, and 8a (5) of the Commodity Exchange Act (7 U. S. C. 1952 ed., secs. 6, 6f, 6g, 12a (5)) is considering the amendment of § 1.35 of the regulations under the Commodity Exchange Act (17 CFR 1.35) to read as follows:

§ 1.35 *Records of cash commodity and futures transactions*—(a) *Futures commission merchants and members of contract markets.* Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records of all commodity futures transactions and cash commodity transactions, made by or through him, on or subject to the rules of a board of trade. He shall keep such records, including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations and copies of statements of purchase and sale, together with all other data and memoranda, and records of every sort pertaining to transactions in cash commodities and in commodities for future delivery, for the period of time and in the manner prescribed in § 1.31. He shall produce the same for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commodity Exchange Authority.

(b) *Futures commission merchants and clearing members of contract markets.* Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges

or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including house accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

(c) *Clearing members of contract markets.* In the daily record or journal required to be kept under paragraph (b) (3) of this section, each clearing member of a contract market shall also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made.

The proposed amendment would provide minimum record keeping requirements with respect to cash and futures transactions, for futures commission merchants and clearing members of contract markets. The amendment would not affect existing record keeping requirements applicable to non-clearing members of contract markets who are not registered futures commission merchants.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than September 6, 1955.

Issued this 8th day of August 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-6532; Filed, Aug. 10, 1955; 8:51 a. m.]

[17 CFR Parts 1, 6]

REGULATIONS UNDER COMMODITY EXCHANGE ACT; SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that the Secretary of Agriculture, under the authority contained in the Commodity Exchange Act (7 U. S. C. 1–17a), as amended by Public Law 174, 84th Congress, approved July 26, 1955 (69 Stat. 375), is considering the amendment of Parts 1 and 6 of the regulations under the Commodity Exchange Act (17 CFR, Parts 1 and 6, as amended) as follows:

1. By inserting "onions," after "butter," in the definition of "commodity" in § 1.3 (e).

2. By inserting "and Onions" after "Potatoes" in the caption of Part 6.

3. By amending § 6.00 to read as follows:

§ 6.00 *Definitions: "cash potatoes"; "spot potatoes"; "cash onions"; "spot onions."* The term "cash potatoes" shall have the same meaning as the term "spot potatoes," and the term "cash onions" shall have the same meaning as the term "spot onions." These terms shall refer to transactions in actual potatoes and onions, respectively, as distinguished from potato futures and onion futures. The terms "potato future," "onion future," "each future," and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

4. By inserting "or onions" after "potatoes" in the first and third sentences of § 6.01.

5. By inserting "and onions" after "potatoes" in the second sentence of § 6.01.

6. By amending § 6.01 (c) and (d) to read, respectively, as follows:

(c) The quantity of potatoes and onions bought and the quantity sold on such contracts during the period covered by the report; and

(d) The quantity of potatoes and onions delivered and the quantity received on such contracts during the period covered by the report.

7. By inserting "or onion" after "potato" in the first sentence of § 6.04, the first sentence of § 6.10, the first sentence of § 6.14, the first sentence of § 6.22, and wherever the word "potato" appears in the first sentence of § 6.23.

8. By inserting "or onion" after "any potato" wherever such words appear in the proviso in § 6.10.

9. By striking out "open contracts in potato futures" in the proviso in § 6.10 and inserting "open contracts in such potato or onion futures" in lieu thereof.

10. By striking out "potato futures" in § 6.11 (a) and inserting "such potato or onion futures" in lieu thereof.

11. By striking out "potatoes" in § 6.11 (c) and inserting "such potatoes or onions" in lieu thereof.

12. By striking out "such potatoes" in § 6.11 (d) and inserting "such vegetable" in lieu thereof.

Public Law 174, 84th Congress, approved July 26, 1955, adds onions to the commodities regulated by the Commodity Exchange Act. This amendment will extend the regulations under the Act to onions.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than the tenth day following the publication of this notice in the FEDERAL REGISTER.

Issued this 8th day of August 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-6531; Filed, Aug. 10, 1955; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-452]

PROPOSED TRADE PRACTICE RULES FOR FROZEN FOOD INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Frozen Food Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 8, 1955. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., September 8, 1955, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the production and/or marketing of vegetables, fruits, juices, fish and shellfish, baked goods, and other miscellaneous prepared foods, which are packed, marketed, and delivered to the ultimate consumer in a frozen state. Not included as products of the industry are meats and poultry, and frozen dairy products including ice cream and sherbets.

These proceedings were instituted pursuant to an industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in Washington, D. C., and this announced hearing constitutes a further step in the proceedings.

Issued: August 8, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-6528; Filed, Aug. 10, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 17]

NAVIGATIONAL LIGHT WAIVERS FOR CERTAIN NAVAL VESSELS

All ships are warned that, if U. S. naval vessels are met on the high seas or on navigable waters of the United States during periods when navigational lights may be displayed, they may expect that certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U. S. Code, sections 144 to 147d, and Rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights and the two white lights on even larger naval vessels, such as some battleships, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light signals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

33 U. S. Code, sections 143a and 360, provides that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules and the Western River Rules as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

Waiver Certificate No. 15 published in the FEDERAL REGISTER, volume 18, No. 250 on December 24, 1953, as amended by Waiver Certificate No. 16 published in the FEDERAL REGISTER, volume 19, No. 154 on August 10, 1954, lists certain naval vessels unable to comply with certain requirements as to navigational lights. The instant waiver certificate further amends Waiver Certificates Nos. 15 and 16 by correcting certain data promulgated therein and by finding and certifying that additional naval vessel types and classes are unable to comply with these navigational light requirements by reasons of special construction, and in the manner indicated by appropriate modification of the Tables of Waiver Certificate No. 15, as amended by Waiver Certificate No. 16, as follows:

TABLE 1

Change as follows, under the column entitled "Vessel type and Class as defined in 'Naval Vessel Register' dated 1 July 1953":

(1) Change "AGB–1, 3, & 4" to "AGB–2, 3, 5" and change the succeeding columns to read "35", "54", "19", "23".

(2) Add "AGB–1" and also add in succeeding columns "34", "54", "20", and "24".

(3) Add "AGB–4" and also add in succeeding columns "43", "59", "16", and "28".

TABLE 2

Change as follows, under the column entitled "Vessel type and Class as defined in 'Naval Vessel Register' dated 1 July 1953":

(1) Add "CVA–59" and also add in succeeding columns "47", "76", "29", "36", "86", "2", "22".

(2) After CVL–48 add in succeeding columns "65", "82", "16", "19", "42".

TABLE 5

Change as follows, under the column entitled "Vessel type and Class as defined in 'Naval Vessel Register' dated 1 July 1953":

(1) Change "CA–122" to "CA–122 except CA–123".

TABLE 6

Delete the information in this table and substitute in lieu thereof:

U. S. Submarines.

(a) One, twenty-point white light is generally carried in the forward part of the vessel. This light is visible 10 points from each side of the vessel, that is, from right ahead to two points abaft the beam on either side. While in all but the smaller submarines of less than 40 tons, this light is located over the keel and at a height of not less than 15 feet above the hull, in the smaller submarine types this light may be displayed horizontally from the center line of the vessel by several feet and may not be visible over 3 miles.

(b) A second, twenty-point or other white light is not installed.

(c) Side lights may be visible simultaneously across the bows at close ranges.

(d) Not-under-command lights are not installed.

(e) A twelve-point white light showing to the stern is not installed on the smaller submarine types of less than 40 tons. This light is installed, however, on larger types of submarines but is not located at the stern. It may be located from 20 to 190 feet forward of the stern.

(f) In larger submarine types the forward anchor light is carried at a height not less than six feet above the hull, and the after anchor light is carried at a height of not less than five feet lower than the forward anchor light. Smaller submarine types of less than 40 tons may not have any anchor lights installed.

The above navigational lights, as well as those listed in Waiver Certificate No. 15, are positioned approximately in accordance with the stated dimensions which may vary by at least several feet in certain instances.

The above modifications hereby become a part of Waiver Certificates No. 15 and No. 16 and shall have force and effect as if originally incorporated therein.

Dated: August 4, 1955.

THOMAS S. GATES,
Acting Secretary of the Navy.

[F. R. Doc. 55–6506; Filed, Aug. 10, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 61]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 40

AUGUST 3, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), the following-described lands totaling 90 acres located in Pinal County, Arizona, are hereby classified as suitable for lease and sale for residence and/or business purposes 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. 8 S., R. 17 E.,
Sec. 19: E½SW¼, SW¼SW¼SE¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located immediately to the southwest of the town of Mammoth and access is by roads from Mammoth. The topography is from gently rolling to moderately rough and the area is cut by numerous sandy washes which drain northeasterly into the San Pedro River. Electric power is available in Mammoth and power lines have been extended to within 220 yards of the lands involved. Culinary water is not available from any presently developed source but can be developed from underground sources at a reasonable depth. Schools, stores and other public facilities are available in the town of Mammoth. The elevation is approximately 2,400 feet above sea level. The climate is semi-arid with an average annual precipitation of

about 15 inches. The soil grades from sandy to coarse gravelly loam and supports a fair vegetative growth which include cholla and saguaro cacti, mesquite, catclaw, paloverde and annual grasses and weeds.

4. The tracts in the NW¼NE¼SW¼, E½E½SW¼ and SW¼SW¼SE¼ of said Section 19, contain approximately 2½ acres and are described by legal subdivisions. The tracts in the SW¼NE¼SW¼ and W½SE¼SW¼ contain approximately 5 acres, with the longer dimension east and west, and are described by legal subdivisions.

(a) The appraised price of each tract is $100 regardless of size. The advance three year rental for a residence site is $30. The advance three year rental for a business site is $60.00, however, if the gross income exceeds $2,000 per annum the rental will be calculated in accordance with the schedule incorporated in the lease.

(b) Rights of way 33 feet in width for street, road and public utilities will be reserved on the exterior of all tracts, on the section line, and quarter, sixteenth and sixty-fourth subdivision lines.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

(a) The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to April 17, 1950, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after April 17, 1950, and prior to 10:00 a. m. September 8, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m. September 8, 1955, will be considered in the order of filing. All valid applications from all other persons filed after April 17, 1950, and prior to 10:00 a. m. December 8, 1955, will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m. December 8, 1955, will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 55–6503; Filed, Aug. 10, 1955; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 3, 1955.

Department of Agriculture, United States Forest Service, has filed an application, Serial No. Idaho 05778, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws. The applicant desires the land for recreational purposes, within the Nezperce National Forest.

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.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

NORTH FORK OF SLATE CREEK RECREATION AREA

T. 27 N., R. 3 E.,
Sec. 31, E½NE¼NE¼;
Sec. 32, W½NW¼NW¼.

RED RIVER HOT SPRINGS RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 28 N., R. 10 E.,
A tract of land described by metes and bounds as follows: Beginning at corner No. 8 of H. E. S. No. 242, thence S. 1° 01' E. 396 feet, thence N. 52° 00' E. 3,118.5 feet, thence N. 32° 00' E. 2,062.5 feet, thence N. 820 feet, thence W. 329 feet, thence S. 51° 00' W. 1,740 feet, thence S. 43° 00' W. 3,393 feet, thence S. 20° 00' E. 686.4 feet, thence S. 66° 50' E. 33 feet, more or less, to the place of beginning and containing 142.13 acres, more or less.

Total area: 182.13 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55–6504; Filed, Aug. 10, 1955; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 3, 1955.

Department of Agriculture, United States Forest Service has filed an application, Serial No. Idaho 05366, for the withdrawal of the lands described below, from all forms of appropriation, under the General Mining laws, subject to existing valid claims. The applicant desires the land for administrative sites, within Payette National Forest.

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.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 22 N., R. 2 E.
Sec. 5, Lots 3, 4.

Containing 85.63 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55–6505; Filed, Aug. 10, 1955; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1955, Supp. 110]

RIVERSIDE INSURANCE CO. OF AMERICA

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $62,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury De-

partment Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Arkansas; Riverside Insurance Company of America, Little Rock.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

AUGUST 4, 1955.

[F. R. Doc. 55-6521; Filed, Aug. 10, 1955; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-57]

STATES MARINE LINES

NOTICE OF HEARING ON APPLICATION FOR SUBSIDY AGREEMENT

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon an application of States Marine Corporation and States Marine Corporation of Delaware (Trading as States Marine Lines) for an operating-differential subsidy agreement, under which it would be permitted to operate a minimum of 108 and a maximum of 168 subsidized sailings per year in the services described as follows:

TRI-CONTINENT SERVICE

I. Westbound:

From. (A) U. S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West), via Panama Canal, with privilege of calling at Mexican and Canal Zone ports, completing at California ports on one sailing per month—24 to 38 sailings per year; and

(B) U. S. Gulf ports (Key West-Mexican border), via Panama Canal, with privilege of calling at Mexican and Canal Zone ports, completing at California ports on two sailings per month on which sailings westbound intercoastal cargo may be carried—36 to 48 sailings per year;

To. Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive, with privilege of calling at Okinawa);

II. Eastbound:

From. Far East to U. S. Pacific Coast with cargo for discharge at U. S. Pacific and U. S. Gulf ports or for discharge at U. S. Pacific and U. S. Atlantic ports;

To. (A) United Kingdom and Continental Europe (North of Portugal) with cargo loaded at U. S. Pacific ports, with privilege of calling at British Columbia, West Coast of Mexico and Canal Zone ports and Iceland, via Panama Canal, completing at U. S. North Atlantic ports—thence return either to U. S. Atlantic or Gulf ports with cargo for discharge at those ports and/or U. S. Pacific ports—24 to 36 sailings per year; and

(B) Havana, Cuba, and U. S. Gulf ports or U. S. Atlantic ports with cargo loaded at U. S. Pacific ports, via Panama Canal—36 to 48 sailings per year.

Applicant also requests permission to continue its U. S. Pacific-Mediterranean Service on an unsubsidized basis, with such frequency of sailings as traffic warrants.

CALIFORNIA PORTS—FAR EAST SERVICE (TRADE ROUTE NO. 29)

Itinerary. Between California ports and Yokohama, Osaka, Kobe, other Japanese ports (as traffic offers), Shanghai, other North China ports and ports in Manchuria and Korea (as traffic offers), Hong Kong, Manila, Philippine Islands outports, French Indo-China and Siam (as traffic offers); with privilege of calls at West Coast of Mexico ports, Okinawa and U. S. S. R. in Asia.

Frequency. Minimum of 24 and maximum of 36 sailings per year.

WASHINGTON AND OREGON PORTS—FAR EAST SERVICE (TRADE ROUTE NO. 30)

Itenerary. Between a port or ports in Oregon and/or Washington and a port or ports in Japan, China, Hong Kong, Manchuria, Korea, Philippine Islands, ports in French Indo-China and Siam (as traffic offers); with privilege of calling at British Columbia ports and Okinawa.

Frequency. Minimum of 12 and maximum of 24 sailings per year.

U. S. GULF—MEDITERRANEAN SERVICE (TRADE ROUTE NO. 13)

Freight Service 1 on Trade Route No. 13 (U. S. South Atlantic and Gulf ports Cape Hatteras-Texas, inclusive)—Mediterranean Sea, Black Sea, Atlantic Spain, Portugal, Atlantic Morocco (Casablanca-Tangiers, inclusive).

Itinerary. Between a U. S. Gulf port or ports and a port or ports in Spain and/or Portugal and/or the Mediterranean and/or the Black Sea, with the privilege of calling at Casablanca, Spanish Morocco, the Azores, and/or ports in the United States South Atlantic, south of Norfolk, and at ports in the West Indies and Mexico.

Sailing frequency. Minimum of 12 and maximum of 24 sailings per year.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service or services and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate and in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry.

The hearing will be conducted before an Examiner at a time and place to be announced, in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board within ten (10) days from publication hereof in the FEDERAL REGISTER and should promptly file petitions for leave to intervene in accordance with said Rules of Practice and Procedure.

Dated: August 8, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-6526; Filed, Aug. 10, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8288, etc.]

SUN OIL CO. ET AL.

ORDER FURTHER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Sun Oil Company, Docket No. G-8288; E. J. Hudson, et al., Docket No. G-4335; Maracaibo Oil Exploration Corporation, Docket No. G-6279; Sohio Petroleum Company, Docket No. G-8488.

Sohio Petroleum Company (Sohio), Applicant for a rate increase in Docket No. G-8488, requests the Commission to consolidate the proceeding upon its rate proposal with the proceedings in Docket Nos. G-8288, G-4335, and G-6279, which have heretofore been consolidated for the purpose of hearing by notice of the Secretary of the Commission issued July 15, 1955. It appears that each of the four rate increase proceedings involve the sale of natural gas produced from the Egan Field in Louisiana to Transcontinental Gas Pipe Line Corporation. The Secretary, by notice issued June 30, 1955, postponed the hearing upon the rate increase of Sohio to September 12, 1955.

Sun Oil Company, Applicant for a rate increase in Docket No. G-8288, requests the Commission to continue the hearing heretofore set to commence on September 7, 1955.

It appears proper and in the public interest to consolidate the proceeding in Docket No. G-8488 with the proceedings heretofore consolidated with Docket No. G-8288 for the purpose of hearing. Inasmuch as a hearing is now scheduled to commence on September 12, 1955, in Docket No. G-8488, we find it desirable and appropriate in the public interest to postpone the proceedings consolidated with Docket No. G-8288 from September 7, 1955, to September 12, 1955.

The Commission orders:

(A) The proceeding upon the rate increase application of Sohio Petroleum Company in Docket No. G-8488 be and it is hereby consolidated with the proceedings upon the rate increase propos-

als in Docket Nos. G–8288, G–4335, and G–6279 for the purpose of hearing.

(B) The public hearing heretofore scheduled to commence in Washington, D. C., on September 7, 1955, in Docket Nos. G–8288, G–4335, and G–6279 be and it is hereby postponed, and a public hearing upon the rate increase proposals in Docket Nos. G–8288, G–4335, G–6279, and G–8488 be and it is hereby fixed to commence in Washington, D. C., on September 12, 1955 at the time and place heretofore designated in the notices issued July 15, 1955, and June 30, 1955, by the Secretary of the Commission.

Adopted: August 3, 1955.

Issued: August 5, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–6507; Filed, Aug. 10, 1955; 8:48 a. m.]

[Docket No. G–3902, etc.]

GORDON M. CONE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 5, 1955.

In the matters of Gordon M. Cone, Docket No. G–3902; Warren Petroleum Corporation, Docket No. G–4140; Warren Petroleum Corporation, Docket No. G–4148; Warren Petroleum Corporation, Docket No. G–4164; Frank Hopkins, Trustee, Herbert L. Brown, Jr., Trust Estate, Mary Jane Brown Courtney, Trust Estate, Docket No. G–4596; Texas Gas Products Corporation, Docket No. G–4721; Barnett, Sears and Young, Docket No. G–5190.

There have been filed with the Federal Power Commission applications as hereinafter specified:

Applicant	Address	Date filed	Docket No.
Gordon M. Cone	P. O. Box 597, Lorington, N. Mex.	Oct. 1, 1954	G–3902
Warren Petroleum Corp	P. O. Box 1589, Tulsa, Okla.	Oct. 5, 1954	G–4140
Do	do	do	G–4148
Do	do	do	G–4164
Frank Hopkins, trustee; Herbert L. Brown, Jr., trust estate; Mary Jane Brown, Courtney, trust estate.	505 Fort Worth National Bank Bldg., Fort Worth, Tex.	Oct. 27, 1954	G–4596
Texas Gas Products Corp	P. O. Box 1408, Tulsa, Okla.	Nov. 8, 1954	G–4721
Barnett, Sears and Young	Box 670, Roswell, N. Mex.	Nov. 22, 1954	G–5190

each, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

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

Docket No.	Applicant	Address	Buyer
G–3902	Gordon M. Cone	Spraberry Field, Upton County, Tex.	Texas Gas Products Corp.
		Monument Field, Lea County, N. Mex.	Permian Basin Pipeline Co.
G–4140	Warren Petroleum Corp	Delhi, Big Creek, and South Delhi Fields, Franklin, Richland, and Madison Parishes, La.	Texas Eastern Transmission Corp.
G–4148	do	Slaughter Field, Cochran, Terry, and Hockley Counties, Tex.	El Paso Natural Gas Co.
G–4164	do	Cumberland Field, Marshall and Bryan Counties, Okla.	Lone Star Gas Co.
G–4596	Frank Hopkins, trustee; Herbert L. Brown, Jr., trust estate; Mary Jane Brown Courtney, trust estate.	New Roeder Field, Borden County, Tex.	Reef Fields Gas Corp.
G–4721	Texas Gas Products Corp	Spraberry Field, Glasscock and Upton Counties, Tex.	El Paso Natural Gas Co.
G–5190	Barnett, Sears and Young	Spraberry Field, Upton, Glasscock, and Reagan Counties, Tex.	Texas Gas Products Corp.

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 September 7, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

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 August 26, 1955. 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] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–6508; Filed, Aug. 10, 1955; 8:48 a. m.]

[Docket No. G–4406]

H. L. HAWKINS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 5, 1955.

In the matters of H. L. Hawkins, H. L. Hawkins, Jr. and Frank S. Kelly, Jr., Docket No. G–4406.

Take notice that H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., hereinafter referred to as "Applicant" whose principal address is 202 Whitney Bank Building, New Orleans, Louisiana, filed on October 13, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service 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 for public inspection.

Applicant produces natural gas in the Carthage Field, Panola County, Texas, which it sells to Texas Gas Transmission Corporation at 9.5 cents per Mcf for transportation in interstate commerce for resale.

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 September 9, 1955, at 9:30 a. m. e. d. s. t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

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 August 29, 1955. 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] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–6509; Filed, Aug. 10, 1955; 8:48 a. m.]

[Docket No. G-9012]

KANSAS NATURAL GAS, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 5, 1955.

Take notice that Kansas Natural Gas Inc. (Applicant), a Kansas corporation, whose address is 105 West 13th Street, Hays, Kansas, filed on June 7, 1955, an application in its own behalf and as operator for other working interests[1] an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service 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 for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton Field, Kearny County, Kansas, to Kansas-Nebraska Natural Gas Company, Inc. at 11 cents per Mcf for transportation in interstate commerce for resale.

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 September 9, 1955, at 9:15 a. m. e. d. s. t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

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 August 29, 1955. 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] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6512; Filed, Aug. 10, 1955; 8:49 a. m.]

[Docket No. G-4788, G-4804]

L. D. NUTTER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 5, 1955.

In the matters of L. D. Nutter, Agent for A. J. Heater Lease, O. N. Singleton Leases Nos. 1 & 2, and Bert Prunty Lease, Docket No. G-4788; L. D. Nutter, Agent for A. W. Carter and Lucy Ball Leases, Docket No. G-4804.

There have been filed with the Federal Power Commission applications as hereinafter specified:

Applicant	Address	Date filed	Docket No.
L. D. Nutter, agent for A. J. Heater lease, O. N. Singleton leases Nos. 1 and 2 and Bert Prunty.	Apartment 200E, E. 3d St., Weston, W. Va.	Nov. 10, 1954	G-4788
L. D. Nutter, agent for A. W. Carter and Lucy Ball leases.	Weston, W. Va.	Nov. 12, 1954	G-4804

each, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas from the Salt Lick District, Braxton County, West Virginia, to Equitable Gas Company for transportation in interstate commerce for resale, as indicated below:

Docket No.	Applicant	Rate of delivery	Price
G-4788	L. D. Nutter, agent for A. J. Heater lease, O. N. Singleton leases Nos. 1 and 2 and Bert Prunty lease.	100 Mcf/Day	16 cents per Mcf.
G-4804	L. D. Nutter, agent for A. W. Carter and Lucy Ball leases	100 Mcf/Day	20 cents per Mcf.

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 September 8, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

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 August 26, 1955. 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] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6510; Filed, Aug. 10, 1955; 8:48 a. m.]

[Docket No. G-5188]

BARNETT AND RECTOR

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 5, 1955.

Take notice that Barnett and Rector by John A. Barnett, applicant, an individual whose address is Roswell, New Mexico, filed on November 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service 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 for public inspection.

Applicant proposes to sell in interstate commerce natural gas produced in or from Spraberry Trend Gas Field in Texas to the Pecos Company for resale. The price of the gas is 6.86 cents per Mcf.

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 September 8, 1955 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

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 August 26, 1955. 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] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6511; Filed, Aug. 10, 1955; 8:49 a. m.]

[1] C. L. Roberts, Grover M. Simpson, Mrs. Ross Beach, Sr., H. C. Bennett and Bennett & Roberts Drilling Company, owners of Lawrence #1 well Dienst #1 well and Dienst #2 well.

INTERNATIONAL JOINT COMMISSION

CRESTON RECLAMATION CO., LTD., AND DUCK LAKE DYKING DISTRICT OF CRESTON, B. C.

NOTICE OF PUBLIC HEARINGS

The Creston Reclamation Company, Limited, and the Duck Lake Dyking District of Creston, British Columbia, have made Application to the International Joint Commission requesting an Order Amending the Commission's Order of October 12, 1950. The Applicants desire to be relieved of their responsibility under said Order of October 12, 1950, to maintain a gauge in Duck Lake and to operate their outlet structure as required by said Order.

Public hearings will be held at Creston, British Columbia, September 7, 1955, in the Canadian Legion Hall, at 10:30 a. m., local time, and at Bonners Ferry, Idaho, September 8, in the County Court Room, at 10:00 a. m., local time. All interested parties will be given full and convenient opportunity to be heard at these Hearings.

JESSE B. ELLIS,
Secretary, United States Section.

AUGUST 5, 1955.

[F. R. Doc. 55-6523; Filed, Aug. 10, 1955; 8:50 a. m.]

SOURIS (MOUSE) RIVER AND LONG CREEK

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the International Joint Commission will hold public hearings in the matter of its contemplated recommendations to the Governments of the United States and Canada with respect to apportionment of the waters of the Souris (Mouse) River to the Province of Saskatchewan, the State of North Dakota, and the Province of Manitoba, and also with respect to feasible methods of control and operation to regulate the use and flow of such waters. The public hearings will be held at places and dates as follows: At Winnipeg, Manitoba, September 12, 1955, in the Public Hearing Room 200, Legislative Building, at 10:30 a. m., local time; at Minot, North Dakota, September 15, in the County Court House, at 10:00 a. m., local time; and at Estevan, Saskatchewan, September 17, in the Legion Memorial Hall, at 10:30 a. m., local time.

Notice is also given that the International Joint Commission has received an Application dated 30 May 1955 from the Government of the Province of Saskatchewan for permission to construct a dam and reservoir on Long Creek, a tributary of the Souris River in Townships 1 and 2, Range 8W2 of the said Province in order to ensure a water supply for the town of Estevan.

At the public hearings, all interested persons will be given full opportunity to present testimony and express their views on the Souris River Reference and the Long Creek reservoir application.

JESSE B. ELLIS,
Secretary, United States Section.

AUGUST 5, 1955.

[F. R. Doc. 55-6524; Filed, Aug. 10, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 55]

LOUISVILLE AND NASHVILLE RAILROAD CO.

REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Louisville and Nashville Railroad Company, because of work stoppage, is unable to transport traffic destined to points between and including Brentwood, Tennessee, and Montgomery, Alabama: *It is ordered*, That:

(a) Rerouting traffic: The Louisville and Nashville Railroad Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., August 4, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., August 20, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the FEDERAL REGISTER.

Issued at Washington, D. C., August 4, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-6517; Filed, Aug. 10, 1955; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 55-A]

LOUISVILLE AND NASHVILLE RAILROAD CO.

ORDER VACATING REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 55 and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 55, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a. m., August 5, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the FEDERAL REGISTER.

Issued at Washington, D. C., August 5, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-6518; Filed, Aug. 10, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3389]

AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

ORDER PERMITTING EFFECTIVENESS OF AMENDMENT TO DECLARATION SETTING FORTH SUBSCRIPTION PRICE OF COMMON STOCK OFFERING

AUGUST 5, 1955.

American Natural Gas Company ("American Natural"), a registered holding company, having previously filed its applications and declaration, pursuant to sections 6 (a), 6 (b), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-43 and U-50 thereunder, concerning various proposed transactions, including, among other things, the sale by American Natural of 736,856 shares of additional common stock, such stock to be offered to its stockholders by means of

an underwritten rights offering, but which declaration as so filed did not state the subscription price for such shares; and

The Commission having previously, by order dated July 29, 1955, granted said applications and permitted such declaration to become effective, subject, as to such sale of common stock by American Natural, to the provisions of Rule U-50, and subject also to the condition that the sale of common stock should not be made until after the filing of an amendment to such declaration setting forth the subscription price for such common stock offering and after the entry of a further order by the Commission; and

American Natural having this day filed an amendment to its declaration setting forth that it proposes to offer such common stock to its stockholders at a subscription price of $48.50 per share, such offering to be made in all other respects in accord with the declaration as heretofore filed, and pursuant to competitive bidding procedures, as authorized by previous order of the Commission; and

It appearing to the Commission that the declaration with respect to such common stock offering, to be made at such subscription price as so fixed, meets the statutory standards of section 7, and that an order should be entered permitting such declaration to become effective on the basis of such subscription price, subject to the reservation of jurisdiction heretofore made over fees and expenses;

It is ordered, That the declaration of American Natural Gas Company, with respect to the sale of 736,856 shares of common stock, for the subscription price as set forth in said amendment, be and the same hereby is permitted to become effective, subject to the reservation of jurisdiction heretofore made with respect to fees and expenses.

By the Commission.

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

[F. R. Doc. 55-6513; Filed, Aug. 10, 1955; 8:49 a. m.]

[File No. 70-3398]

UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE IN RESPECT OF PROPOSED ACQUISITION BY PARENT REGISTERED HOLDING COMPANY OF ASSETS OF PUBLIC UTILITY SUBSIDIARY

AUGUST 5, 1955.

Union Electric Company of Missouri ("Union Electric"), a registered holding-operating company, and its wholly owned public utility subsidiary, Union Electric Power Company ("Union Power"), have filed a joint application-declaration, pursuant to sections 9 (a), 10, 12 (b), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules U-42, U-43, U-44, U-45, and U-46, thereunder, in respect of the following proposed transactions:

Union Electric owns all of the outstanding securities of Union Power, and proposes to acquire all of the property and assets of Union Power. The acquisition is to be accomplished by (1) the transfer for cash, at the book value thereof ($1,250,000), by Union Power to Union Electric of all of the outstanding capital stock (12,500 shares of the par value of $100 each) of Union Colliery Company, a wholly owned non-utility subsidiary of Union Power; (2) the dissolution of Union Power pursuant to the Business Corporation Act of the State of Illinois, the distribution to Union Electric of all the property and assets of Union Power, including a demand note of Union Colliery Company (in the original amount of $929,541.16 which has been reduced to $429,541.16), and the assumption by Union Electric of all of the liabilities of Union Power, and (3) the substitution under the indenture securing Union Electric's bonds of the physical property being acquired for the capital stock of Union Power now pledged thereunder.

The Illinois Commerce Commission has approved the disposition by Union Power of its properties, the acquisition thereof by Union Electric, and the mortgaging of such properties by Union Electric; and the Public Service Commission of the State of Missouri has approved the acquisition by Union Electric of the properties of Union Power, and the mortgaging of such properties by Union Electric.

The record is not complete with respect to the services rendered by counsel and independent engineers, and

Notice of the filing of the application-declaration was given in the manner provided by Rule U-23 of the Rules and Regulations promulgated under the Act, and no hearing has been requested of, or ordered by, the Commission; and

The Commission observes no basis for adverse findings, and further finds that the applicable provisions of the Act, and of the Rules and Regulations thereunder, have been satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application and permit the declaration to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and to the reservation of jurisdiction over the fees and expenses of counsel and of independent engineers, and to the further condition that nothing in this order shall be construed as in any manner affecting the reservation of jurisdiction (contained in the orders of April 14, 1942 (Holding Company Act Release No. 3405) and May 4, 1945 (Holding Company Act Release No. 5776)) over the retainability of the gas properties being acquired by Union Electric.

By the Commission.

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

[F. R. Doc. 55-6514; Filed, Aug. 10, 1955; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

EDIBLE TREE NUTS

NOTICE OF CANCELLATION OF HEARING

The United States Tariff Commission, on the 5th day of August 1955, at the direction of the President, canceled the public hearing in the above-entitled investigation which had been scheduled for August 30, 1955 (20 F. R. 5110). Investigation No. 4 will be continued.

I hereby certify that the above action was taken by the United States Tariff Commission on the 5th day of August 1955.

Issued: August 5, 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 6515; Filed, Aug. 10, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

WILDE LIVESTOCK AUCTION

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Wilde Livestock Auction, Huron, South Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 4th day of August 1955.

[SEAL] H. E. REED, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 55-6464; Filed, Aug. 9, 1955; 8:48 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AUGUST 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

AUGUST 1955 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Dairy products:	F. a. s. U. S. port of export, or "in store" [2] at location of stocks at f. a. s. price less export freight rate to agreed port of export.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only), 273,000,000 pounds.	U. S. Grade A: 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Nonfat dry milk solids [1] (in carloads only); spray, 147,000,000 pounds; roller, 10,000,000 pounds (includes 4,000,000 pounds of spray in 100-pound bags).	Spray process: In barrels and drums, U. S. Extra Grade, 11.75 cents per pound basis port of export; in bags, U. S. Extra Grade, 10.90 cents per pound basis port of export. Roller process: In barrels and drums, U. S. Extra Grade, 10.00 cents per pound basis port of export; in bags, U. S. Extra Grade, 9.15 cents per pound.
7,000,000 pounds	Written bid basis in accordance with Announcement LD-5. Offers to be considered daily until sold or program is terminated.
Salted creamery butter [1] (in carloads only) 179,000,000 pounds.	U. S. Grade A: Not less than 41.0 cents per pound basis port of export. U. S. Grade B: Not less than 39.0 cents per pound basis port of export.
8,000,000 pounds	Written bid basis in accordance with Announcement LD-7. Offers to be considered daily until sold or program is terminated.
	Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.
Corn, bulk [1]	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Kansas City, Minneapolis, Dallas, and Chicago CSS Commodity Offices.[3]
Rye [1]	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Minneapolis, Kansas City, Dallas, Chicago and Portland CSS Commodity Offices.[3]
Oats [1]	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Minneapolis, Chicago, or Dallas CSS Commodity Offices.[3]
Grain sorghums, bulk [1]	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Dallas or Portland CSS Commodity Offices.[3]
Wheat, bulk [1]	Sales made for export pursuant to Announcement GR-261 and 262 at prices announced daily. Available Dallas, Chicago, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
	Sales also made under GR-212 at market price at time of sale at point of delivery. Sales may be made for export of wheat as flour. Sales under Title I, P. L. 480 may be made on terms and conditions of GR-301 and 302. Available Dallas, Chicago, Minneapolis, and Portland CSS Commodity Offices.
Barley [1]	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Minneapolis, Chicago, Dallas, or Portland CSS Commodity Offices.[3]
Flaxseed [1] (as available)	Competitive bid basis as may be announced by the Chicago and Minneapolis CSS Commodity Offices.
Cotton [1]	Sales will be made on a competitive bid basis at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Sales may also be made at the above pricing standards under the provisions of Title I of the Agricultural Trade Development and Assistance Act (P. L. 480, 83d Congress.)
	Detailed terms and conditions under which the cotton will be offered for sale will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from that office.
Cottonseed oil,[1] crude (limited quantities as may be announced).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. Announced offerings are subject to the terms and conditions of NO-CS-12. Sales under Title I, P. L. 480 may also be made on terms and conditions of NO-CS-12. Available New Orleans CSS Commodity Office.
Cottonseed oil,[1] refined (limited quantities as may be announced).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. In addition, domestic processors may submit bids at any time when the oil purchased is to be further processed into a finished product for export. Announced offerings are subject to the terms and conditions of NO-CS-12. Sales under Title I, P. L. 480 may also be made on terms and conditions of NO-CS-12. Available New Orleans CSS Commodity Office.
Cottonseed cake or meal [1] (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office.

See footnotes at end of table.

AUGUST 1955 EXPORT PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Pink beans [1] 1954 crop (as available).	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Baby lima beans,[1] 1954 crop (as available).	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Small red beans,[1] 1954 crop (as available).	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Pinto beans,[1] 1954 crop (as available).	Competitive bid basis as may be announced by the Kansas City CSS Commodity Office.
Rice, rough,[1] 1954 crop	The 1954 support rate for each lot less 30 cents per 100 pounds basis f. o. b. warehouse with amount of paid-in freight to be added as applicable. Available Dallas CSS Commodity Office.
Rice, milled: [1]	
Head, well, milled (1954 crop)	The following prices are basis U. S. No. 2 head [4] per 100 pounds, f. a. s. Gulf Ports (CCC's option).
1955 price support program groups:	
I	Patna and Rexora, $10.50 per hundredweight.
II	Bluebonnet, Nira and Rex Ark, $10.50 per hundredweight.
III	Century Patna, Fortuna, Rex Nira and Edith, $9 per hundredweight.
IV	Zenith, Magnolia, Lady Wright and the Roses, $9 per hundredweight.
V	Pearl, Calrose, Early Prolific, Calady, etc., $8.75 per hundredweight.
	For other grades deduct from U. S. No. 2 as follows: U. S. No. 3, 25 cents per hundredweight; U. S. No. 4, 50 cents per hundredweight; U. S. No. 5, $1 per hundredweight.
U. S. No. 5 (35 percent broken)	Groups I and II: 1954 crop, $8.10 per hundredweight; 1953 crop, $6.50 per hundredweight.
	Groups III, IV, and V: 1954 crop, $6.80 per hundredweight; 1953 crop, $6.50 per hundredweight.
Second heads	Groups I and II: U. S. No. 3 or better, $4.75 per hundredweight; U. S. No. 4 or better, $4.50 per hundredweight.
	Groups III, IV, and V: U. S. No. 3 or better, $4.50 per hundredweight; U. S. No. 4 or better, $4.25 per hundredweight.
	Available Dallas CSS Commodity Office.
Rice, broken [1] (as available)	Competitive bid basis as may be announced by the Dallas CSS Commodity Office.
Soybeans, bulk [1] (as available	Market price, basis in store, but not less than the applicable 1954 loan rate. The minimum price applicable to soybeans which have been moved from point of production will reflect the cost of transportation and handling charges.
	Available Minneapolis, Chicago, Kansas City, and Dallas CSS Commodity Offices.
Cotton linters [1]	Sales will be made from CCC's inventory of 1.2 million bales on a competitive bid basis in car-lot quantities as purchased from crushers as follows: (a) first cut linters and mill run linters catalogued on U. S. Grades, (b) second cut linters and hull fiber catalogued on cellulose content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent.
	Detailed terms and conditions under which the linters are offered for sale are available from the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from that office.
Hay and pasture seeds:	Limited quantities will be offered on a competitive bid basis by the following offices:
Birdsfoot trefoil seed [1]	Portland CSS Commodity Office.
Alfalfa seed (Northern) [1]	Portland CSS Commodity Office.
Alfalfa seed (certified): [1]	
Ladak	Kansas City CSS Commodity Office.
Buffalo	Portland CSS Commodity Office.
Tall fescue seed [1] (common)	Chicago, Kansas City, Portland and Dallas CSS Commodity Offices.
Tall fescue seed [1] (certified)	Portland, Kansas City, Chicago and Dallas CSS Commodity Offices.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantity available is indefinite.

[2] At the processor's plant or warehouse but with any prepaid storage and out-handling charges for the benefit of the buyer.

[3] Sales under Title I, P. L. 480, may be made on terms and conditions of GR-301 and GR-302.

[4] Includes not in excess of 7 percent broken rice.

AUGUST 1955 DOMESTIC SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids [1] (in car loads only); spray, 147,000,000 pounds; roller, 10,000,000 pounds (includes 4,000,000 pounds of spray in 100-pound bags).	Spray process: U. S. Extra Grade, in barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process: U. S. Extra Grade, in barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Prices apply "in store" at locations of stocks.[2]
For animal and poultry feed	11½ cents per pound delivered in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound delivered in all other States and in the District of Columbia. Sales to be made under Announcement LD-14 and Supplements. Available through Cincinnati and Portland CSS Commodity Offices.
Salted creamery butter [1] (in carloads only), 179,000,000 pounds.	U. S. Grade A and higher: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at locations of stocks.[2] Available Cincinnati and Portland CSS Commodity Offices.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only), 273,000,000 pounds.	U. S. Grade and higher: 36¼ cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 35¼ cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store at locations of stocks.[2] Available Cincinnati and Portland CSS Commodity Offices.
Cottonseed oil,[1] crude (as available).	Market price, but not less than 15 cents per pound, prime Valley basis, f. o. b. tankcars or tankwagons at producer's mills, subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 Crop Cottonseed Price Support Program. Price will not be reduced during the period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office.
Cottonseed oil,[1] refined, 49,000,000 pounds.	Market price but not less than the minimum crude price with appropriate adjustments for refining, location, and quality f. o. b. tankcars or tankwagons at points of storage locations. Prices will not be reduced during the period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office; and Oils and Peanut Division, CSS, USDA, Washington 25, D. C.
Tung oil	Competitive bid basis as may be announced by the Cincinnati CSS Commodity Office. Announced offerings will be subject to the terms and conditions of CT-OP-7 and amendments thereto. Available Cincinnati CSS Commodity Office.
Wool, shorn and pulled grease (including small quantities of scoured), 151,000,000 pounds.	Prices as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound, plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. This policy will remain in effect through Oct. 31, 1955. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity Office.
Cotton [1]	Sales for unrestricted use will be made from CCC's inventory on a competitive bid basis, at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Detailed terms and conditions under which the cotton is offered for sale is available from the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from that office.
Cotton linters [1]	Sales will be made from CCC's inventory of 1.2 million bales on a competitive bid basis in carlot quantities as purchased from crushers as follows: (a) first cut linters and mill run linters catalogued on U. S. Grades, (b) second cut linters and hull fiber catalogued on cellulose content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent. Detailed terms and conditions under which the linters are offered for sale are available from the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from that office.
Corn, bulk,[1] 50,000,000 bushels	Commercial corn-producing area: The market price, basis in store,[3] but not less than the domestic minimum prices. Minimum price: 1954 loan rate basis point of production for class, grade, and quality plus 32 cents per bushel. Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 yellow, $2.13; Minneapolis, No. 3 yellow, $2.04; Kansas City, No. 3 yellow, $2.11. For other classes, grades and quality, market differentials will apply. Available Chicago, Kansas City, and Minneapolis CSS Commodity Offices. Noncommercial corn-producing area: The market price, basis in store,[3] but not less than 133 percent of applicable 1954 county loan rate, plus 32 cents per bushel.

See footnotes at end of table.

AUGUST 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Wheat: [1]	
(Unrestricted use)	Commercial wheat-producing area: The market price, basis in store,[3] but not less than the domestic minimum price. Minimum price: 1955 loan rate for class, grade, quality and location, plus 15 cents per bushel. Examples of minimum price per bushel: Chicago, No. 1 RW $2.53; Minneapolis, No. 1 DNS $2.56; Kansas City, No. 1 HW $2.53. Noncommercial wheat-producing area: The market price, basis in store,[3] but not less than 133 percent of applicable 1955 county loan rate plus 15 cents per bushel. Available Dallas, Kansas City, Chicago, Minneapolis and Portland CSS Commodity Offices.
(For feed only), Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Wheat not suitable for storage may be sold for feed at the market price. Small quantities may be available at Dallas and Chicago CSS Commodity Offices.
Barley, bulk: [1]	
Unrestricted use	The market price, basis in store,[3] but not less than the domestic minimum price. Minimum price: 1955 applicable loan rate for class, grade, quality and location, plus 9 cents per bushel. Example of minimum price per bushel: Minneapolis No. 2 barley, $1.23. Available Minneapolis, Chicago, Dallas, and Portland CSS Commodity Offices.
(For feed only), Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Mississippi, Louisiana, Maine, New Jersey, New York, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.	Market price, for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
Rye, bulk: [1]	
(Unrestricted use)	The market price, basis in store,[3] but not less than the domestic minimum price. Minimum price: 1955 applicable loan rate for class, grade, quality and location, plus 10 cents per bushel. Example of minimum price per bushel: Minneapolis No. 2 or better, $1.49.
(For feed only)	Market price for feed, basis in store. Available Minneapolis, Kansas City, Chicago, Portland and Dallas CSS Commodity Office.
Oats, bulk: [1]	
(Unrestricted use)	The market price, basis in store,[3] but not less than the domestic minimum price. Minimum price: 1955 loan rate basis point of production for class, grade, and quality plus 6 cents per bushel. Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, $0.80; Minneapolis, No. 3 oats or better, $0.75.
(For feed only), Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Maine, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee-Virginia, and West Virginia.	Competitive bid basis as may be announced by the Minneapolis, Chicago, Portland, Dallas, and Kansas City CSS Commodity Offices. Available Chicago and Dallas CSS Commodity Offices.
Grain sorghums, bulk [1]	The market price, basis in store,[3] but not less than the domestic minimum price. Minimum price: 1955 applicable loan rate for class, grade, quality and location plus 16 cents per hundred weight. Example of minimum price per hundredweight: Kansas City, No. 2 or better $2.38. Available Dallas and Kansas City CSS Commodity Offices.
Soybeans, bulk [1] (for crushing only) (as available).	Market price, basis in store, but not less than the applicable 1954 loan rate. The minimum price applicable to soybeans which have been moved from point of production will reflect the cost of transportation and handling charges. Available Minneapolis, Chicago, Kansas City, and Dallas CSS Commodity Offices.
Flaxseed, bulk [1] (for crushing only) (as available).	On LCL lots, market price on date of sale, basis in store. On all other storable lots market price but not less than the 1954 support price. No sales will be made at a lower price through the period ending Oct. 31, 1955. Available Minneapolis and Chicago CSS Commodity Offices.

AUGUST 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Offer and acceptance basis, "as is" in the stated quantities and on the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine bulk in tanks	Offer and acceptance basis, "as is" in the stated quantities and in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 and Supplements thereto as may be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Cottonseed meal or cake [1] (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office but not less than the 1954 Cottonseed Bulletin 3 prices.
Rice, rough,[1] 1954 crop	The market price as determined by CCC, but not less than the domestic minimum price. The domestic minimum price for rough rice—the applicable 1955 loan rate basis point of production plus 5 percent plus 11 cents per hundredweight pursuant to Announcement DL-RR-100/55. Available Dallas CSS Commodity Office.
Rice, milled [1] (as available):	Prices listed below are f. o. b. cars warehouse at point of production with applicable paid-in freight to be added.
Head rice, 1954 crop	Quotations on head rice are basis U. S. No. 2 (4 percent brokens).
1955 price support group:	
I	Patna (except Century Patna), Rexora, $11.36 per hundredweight.
II	Bluebonnet, Nira and Rexark, $11 per hundredweight.
III	Century Patna, Fortuna, Rexnira, and Edith, $10.45 per hundredweight.
IV	Zenith, Magnolia, Lady Wright, and the Roses, $9.28 per hundredweight.
V	Pearl, Calrose, Early Prolific, Calady, etc., $9 per hundredweight. For other grades deduct from U. S. No. 2 (4 percent brokens) as follows: U. S. No. 3, 25 cents per hundredweight; U. S. No. 4, 40 cents per hundredweight; U. S. No. 5, 60 cents per hundredweight.
U. S. No. 5 (35 percent brokens) 1953 and 1954 crops.	For milled head rice (7 percent brokens) deduct 15 cents per hundredweight. Varieties in Group I, $9.10 per hundredweight; varieties in Group II, $8.86 per hundredweight; varieties in Group III, $8.48 per hundredweight; varieties in Group IV, $7.68 per hundredweight; varieties in Group V, $7.31 per hundredweight.
Second heads, 1954 crop	Varieties in Groups I, II, and II: U. S. No. 3, $7 per hundredweight; U. S. No. 4, $6.50 per hundredweight. Varieties in Groups IV and V: U. S. No. 3, $6.50 per hundredweight; U. S. No. 4, $6 per hundredweight. Available Dallas CSS Commodity Office.
Rice, broken [1] (for feed only) (as available).	Competitive bid basis as may be announced by the Dallas CSS Commodity Office.
Dry edible beans: (Bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials.
Baby lima beans,[1] 1954 crop, 150,000 hundredweight.	$7.01 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Great Northern beans, 1954 crop, 35,000 hundredweight.	$8.98 per 100 pounds for U. S. No. 1, f. o. b. Denver rate area. For other areas adjust by price support differentials. Available Kansas City and Minneapolis CSS Commodity Offices.
Large lima beans, 1954 cro 90,000 hundredweight.	$12.16 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Pink beans,[1] 1954 crop, 40,000 hundredweight.	$8.96 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Pinto beans,[1] 1954 crop, 500,000 hundredweight.	$8.18 per 100 pounds for U. S. No. 1, f. o. b. point of production Denver rate area. For other areas adjust by the 1954 price support differentials. Available Minneapolis, Kansas City, Dallas and Portland CSS Commodity Offices.
Small red beans,[1] 1954 crop, 100,000 hundredweight.	$9.07 per 100 pounds for U. S. No. 1, f. o. b. points of production. Available Portland CSS Commodity Office.
Hay and pasture seeds: (Bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specifications. On all seeds: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Birdsfoot trefoil seed,[1] 1,000 hundredweight.	$65 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa seed, Northern,[1] 46,000 hundredweight.	$35 per 100 pounds. Available Portland CSS Commodity Office.[4]
Alfalfa seed,[1] (certified), Ladak, 2,500 hundredweight; Grimm, 200 hundredweight; Buffalo, 21,000 hundredweight.	$40 per 100 pounds. Ladak available at Portland and Kansas City; Grimm and Buffalo at Portland CSS Commodity Office.[4]
Tall fescue seed [1] (common), 32,000 hundredweight.	$18 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Tall fescue seed [1] (certified), 84,000 hundredweight.	$20 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Winter cover crop seed: (Bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for basic specifications.
Hairy vetch seed (as available).	1953 county support rate, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland and Chicago CSS Commodity Offices.

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.
[2] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangement with the warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 15 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: August 8, 1955.

[SEAL]

EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-6530; Filed, Aug. 10, 1955; 8:51 a. m.]

Commodity Stabilization Service

GEORGIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

REDELEGATION OF FINAL AUTHORITY WITH RESPECT TO PEANUTS

The Marketing Quota Regulations for the 1955 Crop of Peanuts (20 F. R. 3819), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U. S. C. 1301–1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Georgia State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which such authority appears and the person of the Agricultural Stabilization and Conservation to whom the authority has been redelegated.

GEORGIA

Sections 729.648 (d), 3 and 729.661 (b), 2—J. L. Morgan, Chairman, State ASC Committee; W. B. Sexton, Member, State ASC Committee; and W. H. Weaver, Member, State ASC Committee.

Sections 729.653 (b), 729.653 (c), and 729.662 (d)—John F. Bradley, State Administrative Officer, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 8th day of August 1955.

[SEAL]

EARL M. HUGHES,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-6534; Filed, Aug. 10, 1955; 8:52 a. m.]

Office of the Secretary

NORTH DAKOTA

DESIGNATION OF AREA FOR EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress, as amended, it is determined that in Sargent County in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority as set forth above, such loans will not be made in Sargent County, North Dakota, after June 30, 1956, except to indebted bor-

rowers who previously received such assistance.

Done at Washington, D. C., this 5th day of August 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-6468; Filed, Aug. 9, 1955; 8:49 a. m.]

Rural Electrification Administration

[Administrative Order 5066]

IDAHO

LOAN ANNOUNCEMENT

JULY 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 4 AA Bonner	$1,739,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6536; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5067]

KANSAS

LOAN ANNOUNCEMENT

JULY 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 45 F Ellsworth	$125,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6537; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5068]

MISSOURI

LOAN ANNOUNCEMENT

JULY 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 69 K Barry	$270,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6538; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5069]

OKLAHOMA

LOAN ANNOUNCEMENT

JULY 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 33 P Latimer	$300,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6539; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5070]

TEXAS

REALLOCATION OF FUNDS FOR LOANS

JULY 8, 1955.

I hereby amend:

(a) Administrative Order No. 743, dated February 6, 1943, as amended by Administrative Order No. 1871, dated February 17, 1949, by reducing the allocation of $33,685.37 therein made for "Texas 3120GM2 Travis" by $4,650.29 so that the reduced allocation shall be $29,035.08; and

(b) Administrative Order No. 985, dated November 14, 1945, by reducing the allocation of $142,000 therein made for "Texas 120D Travis" by $10,500 so that the reduced allocation shall be $131,500.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6540; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5071]

MONTANA

LOAN ANNOUNCEMENT

JULY 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 9U Yellowstone	$350,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6541; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5072]

KENTUCKY

LOAN ANNOUNCEMENT

JULY 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 58R Floyd	$145,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6542; Filed, Aug. 10, 1955; 8:53 a. m.]

[Administrative Order 5073]

OREGON

LOAN ANNOUNCEMENT

JULY 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 37 B Wheeler	$151,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6543; Filed, Aug. 10, 1955; 8:54 a. m.]

[Administrative Order 5074]

MONTANA

LOAN ANNOUNCEMENT

JULY 13, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 28 N McCone	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6544; Filed, Aug. 10, 1955; 8:54 a. m.]

[Administrative Order 5075]

INDIANA

REALLOCATION OF FUNDS FOR LOANS

I hereby amend:

(a) Administrative Order No. 428, dated January 13, 1940, as amended by Administrative Order No. 457, dated May 10, 1940, by reducing the allocation of $5,000 therein made for "Indiana O-7007W1 Whitley" by $4,024 so that the reduced allocation shall be $976.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6545; Filed, Aug. 10, 1955; 8:54 a. m.]

[Administrative Order 5076]

NORTH DAKOTA

LOAN ANNOUNCEMENT

JULY 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 11Z Cass	$548,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6546; Filed, Aug. 10, 1955; 8:54 a. m.]

[Administrative Order 5077]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JULY 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 23G Sanborn	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-6547; Filed, Aug. 10, 1955; 8:54 a. m.]

[Administrative Order 5078]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JULY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 22T Fairfield	$225,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6548; Filed, Aug. 10, 1955; 8:54 a. m.]

[Administrative Order 5079]

IOWA

LOAN ANNOUNCEMENT

JULY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 43U Greene	$310,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6549; Filed, Aug. 10, 1955; 8:55 a. m.]

[Administrative Order 5080]

FLORIDA

LOAN ANNOUNCEMENT

JULY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 34N Bay	$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6550; Filed, Aug. 10, 1955; 8:55 a. m.]

[Administrative Order 5081]

MISSOURI

LOAN ANNOUNCEMENT

JULY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 24 V Callaway	$235,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6551; Filed, Aug. 10, 1055; 8:55 a. m.]

[Administrative Order 5082]

NEW MEXICO

LOAN ANNOUNCEMENT

JULY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 8Z Roosevelt	$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6552; Filed, Aug. 10, 1955; 8:55 a. m.]

[Administrative Order 5083]

ARKANSAS

LOAN ANNOUNCEMENT

JULY 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 27 N Ouachita	$10,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6553; Filed, Aug. 10, 1955; 8:55 a. m.]

[Administrative Order 5084]

NEBRASKA

REALLOCATION OF FUNDS FOR LOANS

JULY 27, 1955.

Inasmuch as (1) Wheat Belt Electric Membership Association has transferred all of its properties and assets to Wheat Belt Public Power District, and Wheat Belt Public Power District has assumed all of the indebtedness of Wheat Belt Electric Membership Association to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Wheat Belt Electric Membership Association with the consent of United States of America, has assigned to Wheat Belt Public Power District, and Wheat Belt Public Power District has accepted the assignment of certain rights and obligations of Wheat Belt Electric Membership Association arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1439, dated February 12, 1948, by changing the project designation appearing therein as "Nebraska 95B Cheyenne" in the amount of $475,000 to read "Nebraska 100 TP1 Cheyenne District Public (Nebraska 95B Cheyenne)";

(b) Administrative Order No. 1830, dated February 9, 1949, as amended by Administrative Order No. 4781, dated November 5, 1954, and Administrative Order No. 4926, dated April 1, 1955, by changing the project designation appearing therein as "Nebraska 95C Cheyenne" in the Amount of $822,709.45 to read "Nebraska 100TP1 Cheyenne District Public (Nebraska 95C Cheyenne)";

(c) Administrative Order No. 1093, dated June 13, 1946, as amended by Administrative Order No. 2650, dated May 8, 1950, by changing the project designation appearing therein as "Nebraska 95 Cheyenne (Wyoming 14K Laramie)" in the amount of $222,503.60 to read "Nebraska 100TP1 Cheyenne District Public (Nebraska 95 Cheyenne [Wyoming 14K Laramie])";

(d) Administrative Order No. 1266, dated May 2, 1947, as amended by Administrative Order No. 2650, dated May 8, 1950, by changing the project designation appearing therein as "Nebraska 95 Cheyenne (Wyoming 14L Laramie)" in the amount of $138,000 to read "Nebraska 100TP1 Cheyenne District Public (Nebraska 95 Cheyenne [Wyoming 14L Laramie])";

(e) Administrative Order No. 1541, dated June 18, 1948, as amended by Administrative Order No. 2650, dated May 8, 1950, by changing the project designation appearing therein as "Nebraska 95A Cheyenne" in the amount of $34,496.40 to read "Nebraska 100TP1 Cheyenne District Public (Nebraska 95A Cheyenne [Wyoming 14M Laramie])";

(f) Administrative Order No. 2764, dated June 6, 1950, by changing the project designation appearing therein as "Nebraska 95D, E Cheyenne" in the amount of $632,000 to read "Nebraska 100TP1 Cheyenne District Public (Nebraska 95D, E Cheyenne)"; and

(g) Administrative Order No. 4308, dated July 10, 1953, by changing the project designation appearing therein as "Nebraska 95G Cheyenne" in the amount of $1,085,000 to read "Nebraska 100TP1 Cheyenne District Public (Nebraska 95G Cheyenne)" in the amount of $256,335.42 and "Nebraska 100TA1 Cheyenne District Public (Nebraska 95G Cheyenne)" in the amount of $828,664.58.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6554; Filed, Aug. 10, 1955; 8:55 a. m.]

[Administrative Order 5085]

TEXAS

LOAN ANNOUNCEMENT

JULY 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 21P Milam	$475,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6555; Filed, Aug. 10, 1955; 8:55 a. m.]

[Administrative Order 5086]

TEXAS

LOAN ANNOUNCEMENT

JULY 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 41W Panola	$250,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6556; Filed, Aug. 10, 1955; 8:56 a. m.]

[Administrative Order 5087]

ARIZONA

LOAN ANNOUNCEMENT

JULY 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arizona 14W Cochise	$815,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-6557; Filed, Aug. 10, 1955; 8:56 a. m.]