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Title 7—AGRICULTURE

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

PART 900—GENERAL REGULATIONS

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and by Executive Order No. 10199, Dec. 22, 1950 (15 F.R. 9217), the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders are hereby amended as follows:

§ 900.4 [Amendment]

1. Delete the heading of paragraph (b) of § 900.4 reading "Giving notice of hearing." and insert in lieu thereof "Giving notice of hearing and supplemental publicity."

2. Paragraph (c) of § 900.4 is revised to read as follows:

§ 900.4 Institution of proceeding.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the presiding officer at the hearing an affidavit or certificate of the person giving the notice provided in (b) (1) (iii) and (iv) of this section. In regard to the provisions relating to mailing in (b) (1) (ii) of this section, a determination by the Deputy Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the presiding officer at the hearing. In the alternative, if notice is not given in the manner provided in (b) (1) (ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the presiding officer at the hearing a determination by the Deputy

Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Deputy Administrator as herein provided shall be final.

Done at Washington, D.C., this 27th day of January 1960, to be effective on and after publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-1010; Filed, Feb. 1, 1960; 8:48 a.m.]

[Milk Order 102]

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AUTHORITY: §§ 1002.0 to 1002.111 Issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1002.0 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 of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe for each hundredweight of butterfat and skim milk contained in (a) producer milk (except producer milk received by a cooperative association as a handler pursuant to § 1002.12(c)), (b) milk received from a cooperative association as a handler pursuant to § 1002.12(c), (c) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued December 29, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 18, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

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

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

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

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

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

DEFINITIONS

§ 1002.1 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.).

§ 1002.2 Secretary.

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

§ 1002.3 Department of Agriculture.

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

§ 1002.4 Person.

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

§ 1002.5 Greater Wheeling marketing area.

"Greater Wheeling marketing area", hereinafter called the "marketing area", means all territory included within the boundaries of (a) Jefferson, Belmont, Harrison, and Monroe counties, Ohio, (b) Hancock, Brooke, Ohio, and Marshall counties, West Virginia, (c) Liverpool, St. Clair, Wellsville, Yellow Creek, Madison, and Washington Townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

§ 1002.6 Producer.

"Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1002.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants) in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 1002.8 Distributing plant.

"Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1002.6 and from a cooperative association as a handler pursuant to § 1002.12(c) is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 1002.9 Supply plant.

"Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1002.6 and from a cooperative association as a handler pursuant to § 1002.12(c) are shipped to distributing plants or plants described in § 1002.10(c) which during the month dispose of as Class I milk on routes described in § 1002.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1002.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1002.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 1002.10 Pool plant.

"Pool plant" means:

(a) A distributing plant;
(b) A supply plant; or
(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants), is so disposed of in the marketing area.

§ 1002.11 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

§ 1002.12 Handler.

"Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1002.6;
(b) Any person in his capacity as the operator of one or more approved plants; or
(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck.

§ 1002.13 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 1002.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 1002.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1002.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 1002.63.

§ 1002.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1002.16 Other source milk.

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

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

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

§ 1002.17 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

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

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1002.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago

as reported during the month by the Department of Agriculture.

§ 1002.19 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90 multiplied by the number of days of milk production delivered in such month.

§ 1002.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months of April through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1002.90.

MARKET ADMINISTRATOR

§ 1002.25 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.

§ 1002.26 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations; and
- (d) To recommend amendments to the Secretary.

§ 1002.27 Duties.

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

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds received pursuant to § 1002.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1002.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, 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 handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

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

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

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

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice, of the following:

- (1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and
- (2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1002.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

- (a) The quantities of skim milk and butterfat contained in:
 - (1) Producer milk;
 - (2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 1002.12(c);
 - (3) Other source milk;

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

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1002.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of May through August the aggregate quantity of base milk received for the preceding month,

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of April through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

(3) On or before the day prior to diverting producer milk pursuant to § 1002.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

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

§ 1002.32 Records and facilities.

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

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

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

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

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

§ 1002.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar

month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1002.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1002.30 (a) shall be classified each month pursuant to the provisions of §§ 1002.41 through 1002.46.

§ 1002.41 Classes of utilization.

Subject to the conditions set forth in §§ 1002.42 through 1002.46, the classes of utilization shall be as follows:

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

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and

(5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6), milk received from a cooperative association for which it is a handler pursuant to § 1002.12(c), milk caused to be delivered to the plant pursuant to § 1002.63, and other source milk received in the form of fluid milk products: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6), milk received from a cooperative association for which it is the handler pursuant to § 1002.12(c), milk caused to be delivered to the plant pursuant to § 1002.63, and other source milk received in the form of fluid milk products.

§ 1002.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction

of the market administrator that it should be classified as Class II milk.

§ 1002.43 Transfers.

(a) Skim milk and butterfat transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 1002.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 1002.63) shall be classified as Class I milk unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II milk does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 1002.45: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk: *And provided further*, in no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Wheeling, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(4) The skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved by a duly constituted health authority for the production of Grade A milk who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded fluid milk products) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products transferred or diverted from a pool plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which

were transferred or diverted during the month to such nonpool plant from all plants fully regulated by this order and other orders issued pursuant to the Act is more than the skim milk and butterfat in fluid milk products disposition at the nonpool plant assignable pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant pursuant to this computation shall be not less than that obtained by prorating the assignable fluid milk product disposition at the nonpool plant over the receipts at such plant from all plants fully regulated by this and other orders issued pursuant to the Act; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1002.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1002.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1002.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1002.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the act and classified as Class I pursuant to such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk.

(5) Subtract the pounds of skim milk in fluid milk products received from other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1002.43(a).

(6) Add to the pounds of skim milk, remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph.

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 1002.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1002.45(a)(4) and the corresponding step in § 1002.45(b) subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 1002.45 in:

- (a) Producer milk, and
- (b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1002.50 Basic formula price.

The higher of the prices computed pursuant to paragraph (a), (b), or (c) of

this section, rounded to the nearest whole cent, shall be known as the basic formula price.

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

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., New Glarus, Wis.
- Pet Milk Co., Wayland, Mich.
- White House Milk Co., Manitowoc, Wis.
- White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed.

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

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

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1002.51 Class prices.

Subject to the provisions of §§ 1002.52 and 1002.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add the amount for the month indicated:

Month	Amount
April, May, June and July-----	\$1.42
All others-----	1.88

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the Northeastern Ohio Federal milk order (Part 975 of this chapter);

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January-----	November-December..	117	120
February-----	December-January....	117	120
March-----	January-February....	115	118
April-----	February-March.....	115	118
May-----	March-April.....	117	120
June-----	April-May.....	129	132
July-----	May-June.....	136	139
August-----	June-July.....	126	129
September-----	July-August.....	117	120
October-----	August-September....	113	116
November-----	September-October....	113	116
December-----	October-November....	117	120

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1002.50.

§ 1002.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1002.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1002.53 Location differentials to handlers.

For milk disposed of from a pool plant located 60 miles or more from the city halls of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 1002.63 at such plant, the price specified in § 1002.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city hall of Wheeling, W. Va., East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	Rate per hundredweight (cents)
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to the quantity of Class II milk in the transferee plant as determined by the calculations prescribed in § 1002.45(a) (1) through (4), and the comparable steps in § 1002.45(b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to the other pool plants.

§ 1002.54 Rate of compensatory payments.

The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 1002.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 1002.53 for the location of the plant at which the milk was received from farmers.

§ 1002.55 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1002.60 Producer-handlers.

Sections 1002.40 through 1002.46, 1002.50 through 1002.53, 1002.61 through

1002.63, 1002.70 through 1002.75, and 1002.80 through 1002.87 shall not apply to a producer-handler.

§ 1002.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1002.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Greater Wheeling marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part, unless the Secretary determines otherwise;

(b) Any plant qualified pursuant to § 1002.10(b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

§ 1002.62 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1002.54: *Provided*, That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 1002.63 Milk caused by a handler to be delivered to another handler's pool plant.

Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 1002.7(a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 1002.7(a), shall be considered, for purposes of reporting, classification, and payment, to be received, by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 1002.70 Computation of the obligation of each handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1002.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45(a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1002.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1002.45(a) (7) and (b) by the applicable class price; and

(d) Add (1) any amount obtained by multiplying any plus amount resulting from the calculations pursuant to § 1002.46(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) any amount obtained by multiplying any plus amount remaining after the calculation pursuant to § 1002.46(b) by the rate of compensatory payment pursuant to § 1002.54(a).

§ 1002.71 Computation of the uniform price.

For each of the months of August through March, the marketing administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1002.70 for all handlers who submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1002.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1002.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1002.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

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

§ 1002.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1002.30, and who are not in default of payments pursuant to §§ 1002.80 or 1002.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1002.71 (a) through (d) then add the total amount of payments due pursuant to § 1002.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

§ 1002.73 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1002.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1002.74 Location differential to producers.

The applicable uniform prices to be paid for producer milk, as defined in § 1002.14 (a) and (b), received at a pool plant located 60 miles or more from the city hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 1002.63, to a pool plant so located shall

be reduced at the rates set forth in § 1002.53 according to the location of such plant.

§ 1002.75 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1002.30 at his last known address, a statement showing:

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

(b) For the months of April through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1002.71 and 1002.72 and the butterfat differential computed pursuant to § 1002.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1002.82, 1002.85 and 1002.86, or 1002.62 and the amount due such handler pursuant to § 1002.83.

PAYMENTS

§ 1002.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section:

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

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1002.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1002.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipts of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members

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

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1002.12(c) at not less than the value of such milk at the applicable class prices: *Provided*, That to this amount shall be added one-half of one percent of any amount due such association pursuant to this paragraph for each month or any portion thereof that such payment is overdue.

(d) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

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

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of April through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1002.84.

§ 1002.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1002.62, 1002.82 and 1002.84, and out of which he shall make all payments pursuant to §§ 1002.83 and 1002.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1002.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1002.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 1002.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1002.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1002.84 Adjustment of accounts.

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

§ 1002.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1002.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

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

§ 1002.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary

may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 1002.12 (c), (b) milk received from a cooperative association as a handler pursuant to § 1002.12(c), (c) other source milk allocated to Class I milk pursuant to § 1002.45(a)(2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

§ 1002.87 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation.

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

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

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

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order 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; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the

payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1002.90 Computation of daily average base for each producer.

Subject to the rules set forth in § 1002.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September-December period to such plant.

§ 1002.91 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1002.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) A base which is assigned pursuant to the proviso of § 1002.90 shall be non-transferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer as received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1002.92 Announcement of established bases.

On or before February 15 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1002.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may

declare and shall continue in force until suspended or terminated.

§ 1002.101 Suspension or termination.

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

§ 1002.102 Continuing obligations.

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

§ 1002.103 Liquidation.

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

MISCELLANEOUS PROVISIONS

§ 1002.110 Agents.

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

§ 1002.111 Separability of provisions.

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

Issued at Washington, D.C., this 27th day of January 1960, to be effective on and after the 1st day of February 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-1012; Filed, Feb. 1, 1960; 8:49 a.m.]

[Milk Order 109]

PART 1009—MILK IN THE CLARKSBURG, WEST VIRGINIA, MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1009.0 to 1009.111 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1009.0 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 of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued December 29, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 18, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c) Administrative Procedure Act, 5 U.S.C. 1001-1011.)

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

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

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

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

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

DEFINITIONS

§ 1009.1 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.).

§ 1009.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers

or to perform the duties of the said Secretary of Agriculture.

§ 1009.3 Department of Agriculture.

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

§ 1009.4 Person.

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

§ 1009.5 Clarksburg marketing area.

"Clarksburg marketing area", hereinafter called the "Marketing Area" means all territory included within the boundaries of (a) Monongalia, Marion and Harrison Counties, (b) Grafton magisterial district in Taylor County, (c) Philippi magisterial district in Barbour County, (d) Leadsville magisterial district in Randolph County, (e) the City of Buckhannon in Upshur County, (f) the City of Weston in Lewis County and (g) the Town of Kingwood in Preston County, all in the State of West Virginia.

§ 1009.6 Producer.

"Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a non-pool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants) in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 1009.8 Distributing plant.

"Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1009.6 and from a cooperative association as a handler pur-

suant to § 1009.12(c) is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 1009.9 Supply plant.

"Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1009.6 and from a cooperative association as a handler pursuant to § 1009.12(c) are shipped to distributing plants or plants described in § 1009.10(c) which during the month dispose of as Class I milk on routes as described in § 1009.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1009.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1009.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 1009.10 Pool plant.

"Pool plant" means:

- (a) A distributing plant;
- (b) A supply plant; or
- (c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants) is so disposed of in the marketing area.

§ 1009.11 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

§ 1009.12 Handler.

"Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a non-pool plant in accordance with the provisions of § 1009.6; (b) any person in his capacity as the operator of one or more approved plants; or (c) a cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant; *Provided*, That such milk

shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck.

§ 1009.13 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 1009.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 1009.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1009.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 1009.63.

§ 1009.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1009.16 Other source milk.

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

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

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

§ 1009.17 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

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

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

in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1009.18 Chicago butter price.

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

§ 1009.19 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90 multiplied by the number of days of milk production delivered in such month.

§ 1009.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months of April through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

MARKET ADMINISTRATOR

§ 1009.25 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.

§ 1009.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1009.27 Duties.

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

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

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

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

(d) Pay out of the funds received pursuant to § 1009.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1009.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, 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 handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1009.30 and 1009.31 or payments pursuant to §§ 1009.80 through 1009.86;

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

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

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

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

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

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1009.71 and 1009.72, and the producer butterfat differential, both for the preceding month.

RULES AND REGULATIONS

REPORTS, RECORDS, AND FACILITIES

§ 1009.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

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

(1) Producer milk;
(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 1009.12(c);

(3) Other source milk;
(4) Inventories of fluid milk products on hand at the beginning of the month;
(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1009.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of May through August the aggregate quantity of base milk received for the preceding month,

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of April through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

(3) On or before the day prior to diverting producer milk pursuant to § 1009.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

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

§ 1009.32 Records and facilities.

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

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

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

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

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

§ 1009.33 Retention of records.

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

CLASSIFICATION OF MILK

§ 1009.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1009.30(a) shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.46.

§ 1009.41 Classes of utilization.

Subject to the conditions set forth in §§ 1009.42 through 1009.46, the classes of utilization shall be as follows:

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

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) In shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6), milk received from a cooperative association for which it is a handler pursuant to § 1009.12(c), milk caused to be delivered to the plant pur-

suant to § 1009.63, and other source milk received in the form of fluid milk products: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6), milk received from a cooperative association for which it is the handler pursuant to § 1009.12(c), milk caused to be delivered to the plant pursuant to § 1009.63, and other source milk received in the form of fluid milk products.

§ 1009.42 Responsibility of handlers.

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

§ 1009.43 Transfers.

(a) Skim milk and butterfat transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 1009.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 1009.63) shall be classified as Class I milk unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II milk does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 1009.45: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk: *And provided further*, In no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Clarksburg, West Virginia, by the shortest hard-surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(4) The skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved by a duly constituted health authority for the production of Grade A milk who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded fluid milk products) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products transferred or diverted from a pool plant and shall be classified as Class I milk; *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants fully regulated by this order and other orders issued pursuant to the Act is more than the skim milk and butterfat in fluid milk products disposition at the nonpool plant assignable pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant pursuant to this computation shall be not less than that obtained by prorating the assignable fluid milk product disposition at the nonpool plant over the receipts at such plant from all plants fully regulated by this and other orders issued pursuant to the Act; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1009.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1009.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or dis-

posed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1009.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1009.41(b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act and classified as Class I pursuant to such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1009.43(a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the

percentage of butterfat in the producer milk allocated to each class.

§ 1009.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1009.45(a)(4) and the corresponding step in § 1009.45(b) subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 1009.45 in:

- (a) Producer milk, and
- (b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1009.50 Basic formula price.

The higher of the prices computed pursuant to paragraph (a), (b) or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

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

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., New Glarus, Wis.
- Pet Milk Co., Wayland, Mich.
- White House Milk Co., Manitowoc, Wis.
- White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

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

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5, and

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago

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area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1009.51 Class prices.

Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundred-weight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That the Class I price shall not be more than 35 cents in excess of, nor less than 15 cents in excess of, the Class I price effective for the same month under the terms of the Greater Wheeling Federal milk order (Part 1002 of this chapter):

(1) Add the amount for the month indicated:

Month	Amount
April, May, June and July	\$1.67
All others	2.13

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	117	120
February	December-January	117	120
March	January-February	115	118
April	February-March	115	118
May	March-April	117	120
June	April-May	129	132
July	May-June	136	139
August	June-July	126	129
September	July-August	117	120
October	August-September	113	116
November	September-October	113	116
December	October-November	117	120

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1009.50.

§ 1009.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1009.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1009.53 Location differentials to handlers.

For milk disposed of from a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by shortest hard-surfaced highway distance, as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 1009.63 at such plant, the price specified in § 1009.51(a) shall be reduced at the rate set forth in the following schedule:

Distance from the City Hall of Clarksburg, W. Va., (miles):	Rate per hundredweight (cents)
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to Class II milk in the transferee plant as determined by the calculations prescribed in § 1009.45(a) (1) through (4), and the comparable steps in § 1009.45(b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to other pool plants.

§ 1009.54 Rate of compensatory payments.

The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 1009.10 (a) and (b):

(a) Subtract the Class I milk price, adjusted by the Class II butterfat differential, from the Class I milk price ad-

justed by the Class I butterfat differential and the location differential rates set forth in § 1009.53 for the location of the plant at which the milk was received from farmers.

§ 1009.55 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1009.60 Producer-handlers.

Sections 1009.40 through 1009.46, 1009.50 through 1009.53, 1009.61 through 1009.63, 1009.70 through 1009.75, and 1009.80 through 1009.87 shall not apply to a producer-handler.

§ 1009.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1009.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Clarksburg marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part unless the Secretary determines otherwise.

(b) Any plant qualified pursuant to § 1009.10(b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

§ 1009.62 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1009.54: *Provided*, That such pay-

ments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 1009.63 Milk caused by a handler to be delivered to another handler's pool plant.

Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 1009.7(a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 1009.7(a), shall be considered, for purposes of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 1009.70 Computation of the obligation of each handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1009.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45(a)(2) and (b) by the rate of compensatory payment as determined pursuant to § 1009.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1009.45(a)(7) and (b) by the applicable class price; and

(d) Add (1) any amount obtained by multiplying any plus amount resulting from the calculations pursuant to § 1009.46(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) any amount obtained by multiplying any plus amount remaining after the calculation pursuant to § 1009.46(b) by the rate of compensatory payment pursuant to § 1009.54(a).

§ 1009.71 Computation of the uniform price.

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1009.70 for all handlers who submit reports prescribed in § 1009.30 and who are not in default of payments pursuant to § 1009.80 or § 1009.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than

3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1009.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1009.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1009.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

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

§ 1009.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1009.30, and who are not in default of payments pursuant to § 1009.80 or § 1009.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1009.71 (a) through (d) then add the total amount of payments due pursuant to § 1009.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

§ 1009.73 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5

percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1009.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1009.74 Location differential to producers.

The applicable uniform prices to be paid for producer milk, as defined in § 1009.14 (a) and (b), received at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by the shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 1009.63 to a pool plant so located shall be reduced at the rates set forth in § 1009.53 according to the location of such plant.

§ 1009.75 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1009.30 at his last known address, a statement showing:

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

(b) For the months of April through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1009.71 and 1009.72 and the butterfat differential computed pursuant to § 1009.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1009.82, 1009.85, and 1009.86, or § 1009.62 and the amount due such handler pursuant to § 1009.83.

PAYMENTS

§ 1009.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section:

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

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1009.85, (iii) plus or minus adjustments for errors

made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1009.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

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

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1009.12(c) at not less than the value of such milk at the applicable class prices: *Provided*, That to this amount shall be added one-half of one percent of any amount due such association pursuant to this paragraph for each month or any portion thereof that such payment is overdue.

(d) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

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

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of April through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1009.84.

§ 1009.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1009.62, 1009.82 and 1009.84, and out of which he shall make all payments pursuant to §§ 1009.83 and 1009.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1009.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1009.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 1009.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1009.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1009.84 Adjustment of accounts.

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

§ 1009.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1009.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the

payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1009.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk (except producer milk received by a cooperative association as a handler pursuant to § 1009.12(c)), (b) milk received from a cooperative association as a handler pursuant to § 1009.12(c), (c) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

§ 1009.87 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation,
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-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 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the

market administrator or his representative;

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1009.90 Computation of daily average base for each producer.

Subject to the rules set forth in § 1009.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a non-pool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September-December period to such plant.

§ 1009.91 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1009.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) A base which is assigned pursuant to the proviso of § 1009.90 shall be non-transferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the

receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1009.92 Announcement of established bases.

On or before February 15, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1009.100 Effective time.

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

§ 1009.101 Suspension or termination.

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

§ 1009.102 Continuing obligations.

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

§ 1009.103 Liquidation.

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

MISCELLANEOUS PROVISIONS

§ 1009.110 Agents.

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

§ 1009.111 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances,

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

Issued at Washington, D.C. this 27th day of January 1960, to be effective on and after the 1st day of February 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-1011; Filed, Feb. 1, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 455.1]

PART 371—CHattel SECURITY

Subpart B—Liquidations

WITHDRAWAL OF SET-OFF

Paragraph (b) in § 371.39, Title 6, Code of Federal Regulations (24 F.R. 11070) is revised to permit the withdrawal of a request for set-off when a borrower has had his debt settled, and to read as follows:

§ 371.39 Agricultural Stabilization and Conservation Service set-offs.

(b) The State Director may withdraw a request for set-off by giving notice to the Agricultural Stabilization and Conservation State Office at any time prior to the processing of set-off voucher. However, set-offs may be withdrawn only if the borrower pays his indebtedness in full, makes substantial payment on his debt, the debt is settled, or it is determined that future collections can be made through ordinary methods.

(5 U.S.C. 22, Order of Acting Sec. of Agr., 23 F.R. 3757, 7 CFR Part 13)

Dated: January 26, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-1013; Filed, Feb. 1, 1960; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (g) of § 6.313 is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-1024; Filed, Feb. 1, 1960; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (13) of § 6.342 is revoked and paragraph (a) (24) is added as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(24) One Assistant Commissioner for Redevelopment, Urban Renewal Administration.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-1023; Filed, Feb. 1, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 192; Amdt. 95]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of the latches on the cowl over the tail pipe, was published in 24 F.R. 9746.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model L-188 aircraft.

Compliance required by April 1, 1960.

Loss of the top cowl panel over the engine tail pipe has occurred in flight due to insecurity of the cowl latches. To prevent recurrence of this difficulty, the following modifications must be accomplished:

(a) Modify latch assemblies by replacement of snap ring retention with clevis or shoulder pin design and safety in place.

(b) Install position pins and locators to provide more positive alignment of the cowl with the latches when in the closed position.

(Lockheed Service Bulletins No. 188/295 and 188/365 cover this same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 27, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-970; Filed, Feb. 1, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-161, Amdt. 160]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On September 23, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (23 F.R. 7649) stating that the Federal Aviation Agency was proposing to modify VOR Federal airways Nos. 24 and 1502 via the relocated Rochester, Minn., VOR.

The longitudinal coordinates of the relocated Rochester VOR were incorrectly described in the preamble of the Notice and are revised to read: Long. 92°35'50'' W. This change is minor in nature in that it represents a correction of only 4 seconds of longitude and necessitates no change in the amendments as proposed in the Notice.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendments are hereby adopted without change and set forth below:

1. In the text of § 600.6024 *VOR Federal airway No. 24 (Aberdeen, S. Dak., to Lone Rock, Wis.)* delete, "Rochester, Minn., omnirange station; intersection of the Rochester omnirange 113° and the Lone Rock omnirange 287° radials; to the Lone Rock, Wis., omnirange station." and substitute therefor, "Rochester, Minn., VOR; to the Lone Rock, Wis., VOR."

2. In the text of § 600.6602 *VOR Federal airway No. 1502 (San Francisco, Calif., to New York, N.Y.)*, delete "Rochester, Minn., omnirange station; intersection of the Rochester omnirange 113° and the Lone Rock, omnirange 287° radials; Lone Rock, Wis., omnirange station;" and substitute therefor "Rochester, Minn., VOR; Lone Rock, Wis., VOR."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-977; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-162, Amdt. 159]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6082 of the regulations of the Administrator is to modify VOR Federal airway No. 82 by designating a south alternate between Minneapolis, Minn., and Rochester, Minn., and revoking the south alternate between Rochester and Nodine, Minn.

Victor 82 presently extends from the Minneapolis VOR to the Nodine VOR via the Farmington, Minn., VOR and the Rochester VOR. The Federal Aviation Agency is modifying Victor 82 by designating a south alternate from Minneapolis to Rochester via the Minneapolis VOR 188° and the Rochester VOR 319° radials. Designation of this alternate will provide an additional route between Minneapolis and Rochester for air traffic operating between these terminals. The south alternate to Victor 82 between Rochester and Nodine is being revoked. The relocation of the Rochester VOR to latitude 43°46'59'' N., longitude 92°35'50'' W., has eliminated the requirement for this alternate. Concurrently with these actions, the Victor 82 main airway will automatically be realigned via the relocated Rochester VOR. Since no change in designation of the airway will result from this realignment, no amendment relating to such realignment is necessary. The control areas associated with Victor 82 are so designated that they will automatically conform to the modified airway. Accordingly no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6082 (14 CFR, 1958 Supp., 600.6082) is amended to read as follows:

§ 600.6082 VOR Federal airway No. 82 (Minneapolis, Minn., to Nodine, Minn.).

From the Minneapolis, Minn., VOR via the Farmington, Minn., VOR; Rochester, Minn., VOR, including a south alternate from the Minneapolis VOR to the Rochester VOR via the INT of the Minneapolis VOR 188° and the Rochester VOR 319° radials; to the Nodine, Minn., VOR.

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-978; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-163, Amdt. 166]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Modification

The purpose of this amendment to § 600.6013 of the regulations of the Administrator is to modify the west alternate to VOR Federal airway No. 13 between Mason City, Iowa and Grantsburg, Minn.

The west alternate to Victor 13 between Mason City and Grantsburg presently extends from the Mason City VORTAC via the Minneapolis, Minn., VOR to the Grantsburg VOR. The segment of this alternate between Mason City and Minneapolis is presently designated via the intersection of the Mason City VORTAC 349° and the Minneapolis VOR 190° radials. The Federal Aviation Agency is modifying this segment of Victor 13 west by realigning it via the intersection of the Mason City VORTAC 349° and the Minneapolis VOR 188° radials to relocate this intersection southward in conjunction with the realignment southward of VOR Federal airway No. 24. Victor 24 is being concurrently realigned via the relocated Rochester, Minn., VOR (Airspace Docket No. 59-WA-161). This realignment of Victor 13 west will provide for the continued use of the intersection of Victor 13 west and Victor 24 as a point for diverting departing air traffic from the Minneapolis terminal area. The control areas associated with Victor 13 west are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6013 (14 CFR 1958 Supp., 600.6013, 24 F.R. 1281) is amended as follows:

In the text of § 600.6013 VOR Federal airway No. 13 (Houston, Tex., to Duluth, Minn.), delete "Grantsburg, Wis., VOR, including a west alternate from the Mason City VOR to the Grantsburg VOR via the INT of the Mason City VOR 349°

and the Minneapolis VOR 190° radials, the Minneapolis, Minn., VOR," and substitute therefor, "Grantsburg, Wis., VOR, including a west alternate from the Mason City VORTAC to the Grantsburg VOR via the INT of the Mason City VORTAC 349° with the Minneapolis, Minn., VOR 188° radials, the Minneapolis VOR;"

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-979; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-195, Amdt. 147]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Modification

On September 23, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7649) stating that the Federal Aviation Agency was considering an amendment to § 600.6072 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 72 which extends from Youngstown, Ohio, to Bradford, Pa.

As stated in the Notice, Victor 72 presently extends from Fayetteville, Ark., to Albany, N.Y. The Federal Aviation Agency is modifying the segment of Victor 72 between the Youngstown VOR and the Bradford VOR by realigning this segment via the Tidioute, Pa., VOR, to provide more precise navigational guidance. This action will result in the segment of Victor 72 from Youngstown to Bradford being designated via the Tidioute VOR. The control areas associated with Victor 72 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6072 (24 F.R. 3226, 8491) is amended as follows:

In the text of § 600.6072 VOR Federal airway No. 72 (Fayetteville, Ark., to Albany, N.Y.), delete "point of INT of the Fitzgerald, Pa., VOR 304° and the Bradford VOR 260° radials;" and substitute therefor "Tidioute, Pa., VOR;"

This amendment shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-980; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-43, Amdt. 188]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Modification

On October 15, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8381) stating that the Federal Aviation Agency was proposing to modify the north alternate to VOR Federal airway No. 138 between Cheyenne, Wyo., and Rock River, Wyo., via the 323° radial of the Cheyenne VOR instead of via the 320° radial.

No comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons set forth in the Notice, the proposed amendment is hereby adopted without change and set forth below:

In the text of § 600.6138 VOR Federal airway No. 138 (Rock River, Wyo., to Fort Dodge, Iowa), delete "the Cheyenne omnirange 320° radials" and substitute therefor "the Cheyenne VOR 323° radials".

This amendment shall become effective 0001 e.s.t. April 7, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-982; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-144, Amdt. 180]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Modification

The purpose of this amendment to § 600.6221 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 221 between Litchfield, Mich., and Salem, Mich.

A segment of Victor 221 presently extends from the Litchfield VOR to the Salem VOR. The Federal Aviation Agency is modifying this segment of Victor 221 by realigning the airway via the Jackson, Mich., VOR, and the intersection of the Jackson VOR 084° and the Salem VOR 254° radials. This action will provide more precise navigational

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guidance on this segment of Victor 221. The control areas associated with Victor 221 are so designated that they will conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6221 (14 CFR, 1958 Supp., 600.6221) is amended as follows:

In the text of § 600.6221 *VOR Federal airway No. 221 (Fort Wayne, Ind., to Erie, Pa.)*, delete "intersection of the Litchfield omnirange 050° True and the Salem omnirange 257° True radials," and substitute therefor "Jackson, Mich., VOR; INT of the Jackson VOR 084° and the Salem, Mich., VOR 254° radials;".

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-988; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-308, Amdt. 158]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6058 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 58, which extends from Imperial, Pa., to Tyrone, Pa.

This segment of Victor 58 is presently designated from the Imperial VOR via the intersection of the Ellwood City, Pa., VOR 102° and the Clarion, Pa., VOR 168° radials, to the Tyrone VOR. This segment of Victor 58 between Imperial and Tyrone is redesignated herein from the Imperial VOR via the Tarentum, Pa., intersection and a new VOR to be commissioned approximately July 1, 1960, near Carrolltown, Pa., at latitude 40°32'45" N., longitude 78°44'40" W., to the Tyrone VOR to provide more precise navigational guidance. The control areas associated with Victor 58 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations.

Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6058 (24 F.R. 2228) is amended as follows:

In the text of § 600.6058 *VOR Federal airway No. 58 (Imperial, Pa., to Hartford, Conn.)*, delete "From the Imperial, Pa., VOR via the point of INT of the Ellwood City, Pa., VOR 102° with the Clarion, Pa., VOR 168° radials; Tyrone, Pa., VOR;" and substitute therefor, "From the Imperial, Pa., VOR via the INT of the Imperial VOR 074° and the Carrolltown, Pa., VOR 274° radials; Carrolltown, Pa., VOR; Tyrone, Pa., VOR;".

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-993; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-309, Amdt. 163]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6276 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 276, which extends from Ellwood City, Pa., to Tyrone, Pa.

This segment of Victor 276 is presently designated from the Ellwood City VOR via the intersection of the Tyrone VOR 281° and the Fitzgerald, Pa., VOR 178° radials, to the Tyrone VOR. The Federal Aviation Agency is redesignating this segment of Victor 276 between the Ellwood City VOR and the Tyrone VOR direct station-to-station to improve navigational guidance by the use of direct VOR radials between the two terminals. The control areas associated with Victor 276 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become ef-

fective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6276 (14 CFR, 1958 Supp., 600.6276, 24 F.R. 2230, 3226) is amended as follows:

In the text of § 600.6276 *VOR Federal airway No. 276 (Navarre, Ohio, to Monmouth, N.J.)*, delete "point of INT of the Tyrone VOR 281° with the Fitzgerald, Pa., VOR 178° radial; to the Tyrone, Pa., VOR;" and substitute therefor "Tyrone, Pa., VOR;".

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-994; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-312, Amdt. 167]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6190 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 190, which extends from Ponca City, Okla., to Springfield, Mo.

This segment of Victor 190 is presently designated from the Ponca City VOR via the intersection of the Ponca City VOR 076° and the Springfield VOR 261° radials to the Springfield VOR. The Federal Aviation Agency is redesignating this segment of Victor 190 from the Ponca City VOR via the intersection of the Ponca City VOR 094° and the Bartlesville, Okla., VOR 256° radials; the Bartlesville VOR; intersection of the Bartlesville VOR 075° radial and the 233° radial of a VOR to be commissioned approximately July 1, 1960, near Oswego, Kans., at latitude 37°09'27" N., longitude 95°12'12" W.; the Oswego VOR; the intersection of the Oswego VOR 085° and the Springfield VOR 261° radials; to the Springfield VOR. This modification will provide more precise navigational guidance over this segment of Victor 190. The control areas associated with Victor 190 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will be-

come effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6190 (14 CFR, 1958 Supp., 600.6190, 24 F.R. 3226) is amended as follows:

In the text of § 600.6190 *VOR Federal airway No. 190 (Phoenix, Ariz., to Evansville, Ind.)*, delete "intersection of the Ponca City omnirange 076° and the Springfield omnirange 261° radials;" and substitute therefor "INT of the Ponca City VOR 094° and the Bartlesville, Okla., VOR 256° radials; Bartlesville VOR; INT of the Bartlesville VOR 075° and the Oswego, Kans., VOR 233° radials; Oswego VOR; INT of the Oswego VOR 085° and the Springfield, Mo., VOR 261° radials;"

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-995; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-329, Amdt. 102]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to 600.6088 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 88 between Vichy, Mo., VORTAC and Crystal City, Mo., intersection via a VOR to be installed near Richwoods, Mo.

VOR Federal airway No. 88 presently extends from Tulsa, Okla., to Crystal City, Mo. The modification of this airway segment between Vichy and Crystal City via a VOR at Richwoods to be commissioned approximately July 1, 1960, at latitude 38°13'27" N., longitude 90°49'26" W. will provide more precise navigational guidance. This facility will be located directly under this airway as presently designated and no realignment of this segment of the airway is involved. This action will result in this segment of Victor 88 being designated from the Vichy VORTAC via the Richwoods VOR to the Crystal City intersection. The control areas associated with Victor 88 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Since this amendment imposes no additional burden on the public, compliance with the Notice, public procedure, and the effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6088 (14 CFR, 1958 Supp., 600.6088) is amended to read as follows:

§ 600.6088 VOR Federal airway No. 88 (Tulsa, Okla., to Crystal City, Mo.).

From the Tulsa, Okla., VOR via the INT of the Tulsa VOR 044° and the Springfield, Mo., VOR 261° radials; Springfield VOR; Vichy, Mo., VORTAC; Richwoods, Mo., VOR; to the INT of the Richwoods VOR 086° and the St. Louis, Mo., VOR 170° radials.

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-996; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-2; Amdt. 187]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 211]

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

Modification of Federal Airway and Associated Control Areas

On October 24, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8655) stating that the Federal Aviation Agency, at the request of the Department of Transport of the Canadian government, was proposing to extend VOR Federal airway No. 300 westerly from Sault Ste. Marie, Mich., to Lakehead, Ont., via a VOR to be installed approximately June 15, 1960, near Whitefish, Mich., at latitude 46°42'30" N., longitude 85°02'30" W., including a north alternate between the Whitefish VOR and the Sault Ste. Marie VOR.

The geographical coordinates of the Whitefish VOR were incorrectly described in the preamble of the Notice and are revised to read, latitude 46°42'29" N., longitude 85°02'39" W. This change is minor in nature in that it represents a correction of only one second of latitude and nine seconds of longitude and necessitates no change in the proposed amendments.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in

the Notice, the proposed amendments are hereby adopted without change and set forth below:

§ 600.6300 VOR Federal airway No. 300 (Lakehead, Ont., to Toronto, Ont.).

From the Lakehead, Ont., VOR via the Whitefish, Mich., VOR; Sault Ste. Marie, Mich., VOR, including a north alternate via the INT of the Whitefish VOR 084° and the Sault Ste. Marie VOR 328° radials; Warton, Ont., VOR, including a north alternate; to the Toronto, Ont., VOR. The portion of this airway which would lie outside the United States is excluded.

§ 601.6300 VOR Federal airway No. 300 control areas (Lakehead, Ont., to Toronto, Ont.).

All of VOR Federal airway No. 300 including north alternates.

These amendments shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-981; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-44]

[Amdt. 158]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 193]

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

Revocation of a Segment of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6097 and 601.6097 of the Regulations of the Administrator is to revoke the segment of VOR Federal airway No. 97 from the Lake City, Minn., intersection to Minneapolis, Minn.

A segment of Victor 97 presently extends from the Lake City intersection (intersection of the Nodine, Minn., VOR direct radial to the Minneapolis VOR with the Minneapolis-St. Paul, Minn., International Airport ILS 121° localizer course) to the Minneapolis-St. Paul International Airport localizer. The Federal Aviation Agency is revoking this segment of Victor 97 and its associated control areas. Procedures associated with the implementation of radar departure service at the Minneapolis Air Route Traffic Control Center have eliminated the requirement for this portion of Victor 97 as an assignment of airspace, therefore, the revocation thereof is in the public interest.

This action has been coordinated with the Army, the Navy, the Air Force, and

interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6097 (14 CFR, 1958 Supp., 600.6097, 23 F.R. 10338, 24 F.R. 2228) and § 601.6097 (14 CFR, 1958 Supp., 601.6097) are amended as follows:

1. Section 600.6097 *VOR Federal airway No. 97 (Miami, Fla., to Minneapolis, Minn.)*:

(a) In the caption, delete "(Miami, Fla., to Minneapolis, Minn.)" and substitute therefor "(Miami, Fla., to Lake City, Minn.)."

(b) In the text, delete "point of intersection of the Nodine omnirange direct radial to the Minneapolis omnirange station with the Minneapolis-St. Paul International Airport ILS 121° localizer course; to the Minneapolis-St. Paul, Minn., International Airport ILS localizer." and substitute therefor, "to the INT of the Nodine VOR direct radial to the Minneapolis, Minn., VOR with the Minneapolis-St. Paul, Minn., International Airport ILS 121° localizer course."

2. Section 601.6097 *VOR Federal airway No. 97 control areas (Miami, Fla., to Minneapolis, Minn.)*:

In the caption, delete "(Miami, Fla., to Minneapolis, Minn.)" and substitute therefor "(Miami, Fla., to Lake City, Minn.)."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-983; Filed, Feb. 1, 1960;
8:45 a.m.]

[Airspace Docket No. 59-WA-71]

[Amdt. 174]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 199]

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

Modification and Revocation of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6161 and 601.6161 of the regulations of the Administrator is to modify

the segment of VOR Federal airway No. 161 which extends from Rochester, Minn., to Diamond Bluff, Minn., and also to revoke the segment of Victor 161 from Diamond Bluff to Alexandria, Minn.

Victor 161 presently extends in part between Rochester and the Diamond Bluff Intersection which is described as the intersection of the Rochester VOR 346° True radial and the Minneapolis-St. Paul, Minn., Airport ILS localizer 121° True course. Because of the relocation of the Rochester VOR to a new site at latitude 43°46'59" N., longitude 92°35'50" W., it is necessary to redesignate this segment of Victor 161 and associated control areas from Rochester to a newly located Diamond Bluff Intersection (Intersection of the Farmington, Minn., VOR 077° True and the Minneapolis, Minn., VOR 131° True radials). This redesignation will form a common intersection at Diamond Bluff with VOR Federal airways No. 2 and 26.

In addition, the Federal Aviation Agency is revoking the segment of Victor 161 between the Diamond Bluff Intersection and the Alexandria, Minn., VOR as the airway segment overlies the Minneapolis-St. Paul International Airport ILS localizer course thereby conflicting with the terminal air traffic at the International Airport, and because adequate route coverage exists between the Diamond Bluff Intersection and the Alexandria VOR utilizing VOR Federal Airways No. 2 and 71.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of Section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6161 (24 F.R. 10519) and 601.6161 (24 F.R. 10602) are amended as follows:

1. Section 600.6161 *VOR Federal airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.)*:

(a) In the caption, delete "(Fort Worth, Tex., to Alexandria, Minn.)" and substitute therefor "(Fort Worth, Tex., to Diamond Bluff, Minn.)."

(b) In the text, delete "INT of the Rochester VOR 346° T radial and the Minneapolis-St. Paul International Airport ILS localizer 121° T course; Minneapolis-St. Paul, Minn., International Airport ILS localizer; INT of the Minneapolis-St. Paul International Airport ILS localizer 301° T course and the Alexandria VOR 139° T radial; to the Alexandria, Minn., VOR." and substitute therefor, "to the INT of the Farmington, Minn., VOR 077° T and the Minneapolis, Minn., VOR 131° T radials."

2. In the caption of § 601.6161 *VOR Federal airway No. 161 control areas (Fort Worth, Tex., to Alexandria, Minn.)* delete "(Fort Worth, Tex., to Alexandria, Minn.)" and substitute therefor

"(Fort Worth, Tex., to Diamond Bluff, Minn.)."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-984; Filed, Feb. 1, 1960;
8:45 a.m.]

[Airspace Docket No. 59-WA-83]

[Amdt. 198]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 217]

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

Designation of Federal Airway and Associated Control Areas

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to designate VOR Federal airway No. 496 and its associated control areas from Utica, N.Y., to Glens Falls, N.Y.

At the present time, aircraft flying airways between Utica and Glens Falls are required to proceed via the Albany, N.Y., VOR, an indirect routing involving a distance of 113 statute miles. Therefore, the Federal Aviation Agency is designating an airway from the Utica VOR via the intersection of the Utica VOR 091° and the Glens Falls VOR 234° radials, which will not only provide a western bypass to the Albany terminal area and an improved routing between Utica and Glens Falls, but it will also shorten the airway mileage by approximately 28 miles between these terminals. This action will result in Victor 496 and its associated control areas extending from the Utica VOR to the Glens Falls VOR via the intersection of the Utica VOR 091° and the Glens Falls VOR 234° radials.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended by adding the following:

§ 600.6496 VOR Federal airway No. 496 (Utica, N.Y., to Glens Falls, N.Y.).

From the Utica, N.Y., VOR via the INT of the Utica VOR 091° and the Glens Falls VOR 234° radials to the Glens Falls, N.Y., VOR.

§ 601.6496 VOR Federal airway No. 496 control areas (Utica, N.Y., to Glens Falls, N.Y.).

All of VOR Federal airway No. 496.

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-985; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-95]

[Amdt. 179]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 207]

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

Modification of Federal Airway

The purpose of these amendments to §§ 600.6045 and 601.6045 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 45.

A segment of Victor 45 presently extends from the Moscow intersection, (intersection of the Litchfield, Mich., VOR 081° and the Lansing VOR 159° radials), to the Lansing VOR. The Federal Aviation Agency is modifying this segment of Victor 45 by realigning it via the Jackson, Mich., VOR. This action will provide more precise navigational guidance on this segment of Victor 45. In addition, this segment is being extended southward to the Tipton, Mich., intersection (intersection of the Litchfield VOR 098° and the Salem VOR 227° radials). This action will provide an additional transition route for traffic from the northwest to connect with a main route, VOR Federal airway No. 10, for inbound traffic to the Detroit, Mich., terminal area. Concurrently with this action, the caption of § 601.6045 relating to control areas for Victor 45 is amended to reflect this extension and, additionally, the actual terminals of the airway.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedure provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate

changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6045 (14 CFR, 1958 Supp., 600.6045, 24 F.R. 2228, 3870) and § 601.6045 (14 CFR, 1958 Supp., 601.6045) are amended as follows:

1. Section 600.6045 VOR Federal airway No. 45 (New Bern, N.C., to Saginaw, Mich.):

(a) In the caption, delete "(New Bern, N.C., to Saginaw, Mich.);" and substitute therefor "(New Bern, N.C., to Charleston, W. Va., Lexington, Ky., to Waterville, Ohio, and Tipton, Mich., to Saginaw, Mich.)."

(b) In the text, delete "From the point of intersection of the Litchfield, Mich., omnirange 081° True and the Lansing omnirange 159° True radials;" and substitute therefor, "From the INT of the Litchfield, Mich., VOR 098° and the Salem, Mich., VOR 227° radials via the Jackson, Mich., VOR;"

2. In the caption of § 601.6045 VOR Federal airway No. 45 control areas (New Bern, N.C., to Saginaw, Mich.), delete "(New Bern, N.C., to Saginaw, Mich.);" and substitute therefor "(New Bern, N.C., to Charleston, W. Va., Lexington, Ky., to Waterville, Ohio, and Tipton, Mich., to Saginaw, Mich.)."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-986; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-143]

[Amdt. 101]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 115]

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

Modification of Federal Airways and Redesignation of Reporting Points

On September 4, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7167) stating that the Federal Aviation Agency proposed to amend §§ 600.6100, 600.6116 and 601.7001 of the regulations of the Administrator by modifying segments of VOR Federal airways No. 100 and 116 between Keeler, Mich., and Salem, Mich., via the Jackson, Mich., VOR and redesignating the Jackson, Mich., reporting point.

As stated in the Notice, VOR Federal airway No. 100 presently extends from Rock River, Wyo., to Detroit, Mich. VOR Federal airway No. 116 presently extends from Kansas City, Mo., to New York, N.Y. The Federal Aviation Agency is modifying the segments of Victor 100 and 116 between Keeler and Salem via a VOR to be commissioned approximately December 17, 1959, near Jackson at latitude 42°15'33" N., longitude 84°27'30" W. to provide more precise navigational guidance. Subsequent to the publication of the Notice, the commissioning date indicated therein has been rescheduled. Such action will result in the segments of Victor 100 and 116 between Keeler and Salem being redesignated from the Keeler VOR to the Jackson VOR, thence via the intersection of the Jackson VOR 084° and the Salem VOR 254° radials to the Salem VOR. These radials reflect a correction from those stated in the Notice.

The control areas associated with these airways are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary. With the modification of Victor 100 and 116, and the commissioning of the Jackson VOR, the domestic VOR reporting point at the Jackson intersection will be redesignated to the Jackson VOR.

No adverse comment was received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6100 (14 CFR, 1958 Supp., 600.-6100); 600.6116 (24 F.R. 2646) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. In the text of § 600.6100 VOR Federal airway No. 100 (Rock River, Wyo., to Detroit, Mich.), delete "point of intersection of the Litchfield, Mich., omnirange 050° True and the Salem omnirange 257° True radials;" to the Salem, Mich., omnirange station." and substitute therefor "Jackson, Mich., VOR; INT of the Jackson VOR 084° and the Salem, Mich., VOR 254° radials; to the Salem VOR."

2. In the text of § 600.6116 VOR Federal airway No. 116 (Kansas City, Mo., to New York, N.Y.), delete "point of INT of the Litchfield, Mich., VOR 050° and the Salem VOR 257° radials;" and substitute therefor "Jackson, Mich., VOR; point of INT of the Jackson VOR 084° and the Salem VOR 254° radials;"

3. In § 601.7001 Domestic VOR reporting points, delete "Jackson Intersection: The intersection of the Litchfield, Mich., omnirange 050° True and the Salem, Mich., omnirange 257° True radials." and substitute therefor "Jackson, Mich., VOR."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-987; Filed, Feb. 1, 1960;
8:45 a.m.]

[Airspace Docket No. 59-WA-194]

[Amdt. 58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 64]

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

Modification and Designation of Fed- eral Airways and Associated Con- trol Areas

The purpose of these amendments to §§ 600.6170, 600.6600, 600.6602, 601.6170, 601.6600 and 601.6602 of the regulations of the Administrator is to modify VOR Federal airways No. 170, 1500 and 1502, between Bradford, Pa., and Selinsgrove, Pa., and to designate a segment of VOR Federal airway No. 1500 between Pocatello, Idaho, and Sheridan, Wyo.

A segment of Victor 170 presently extends from the Bradford, Pa., VOR to the Selinsgrove, Pa., VOR. Victor 1500 and Victor 1502 coincide with Victor 170 between these points. The Federal Aviation Agency is redesignating these segments of Victor 170/1500/1502 via an intermediate VOR to be commissioned in January 1960 near Slate Run, Pa., at latitude 41°30'46" N., longitude 77°58'13" W., to provide more precise navigational guidance.

Two segments of Victor 1500 presently extend from the Burley, Idaho, VOR to the Pocatello, Idaho, VOR, and from the Sheridan, Wyo., VOR to the White Cloud, Mich., VOR. The Federal Aviation Agency is designating a segment of Victor 1500 and its associated control areas from the Pocatello VOR via the Du Noir, Wyo., VOR to the Sheridan VOR. This will provide continuity of Victor 1500 between Burley and White Cloud.

Coincident with these actions, the captions relating to these airways and their associated control areas are revised to reflect the actual terminals.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator (24 F.R. 4530) §§ 600.6170, 600.6600 and 600.6602 (14 CFR, 1958 Supp., 600.6170, 23 F.R. 10339, 24 F.R. 2229; 600.6600, 24 F.R. 2230, 2647; 600.6602, 24 F.R. 2230) and §§ 601.6170, 601.6600 and 601.6602 (14 CFR, 1958 Supp., 601.6170, 601.6600, 601.6602) are amended as follows:

1. Section 600.6170 VOR Federal airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.):

(a) In the caption delete "(Milwaukee, Wis., to Philadelphia, Pa.)" and substitute therefor "(Milwaukee, Wis., to Salem, Mich., and Erie, Pa., to West Chester, Pa.)"

(b) In the text delete "Selinsgrove, Pa., VOR;" and substitute therefor "Slate Run, Pa., VOR; Selinsgrove, Pa., VOR;"

2. Section 600.6600 VOR Federal airway No. 1500 (San Francisco, Calif., to New York, N.Y.):

(a) In the caption delete "(San Francisco, Calif., to New York, N.Y.)" and substitute therefor "(Half Moon Bay, Calif., to Lovelock, Nev.; Burley, Idaho, to White Cloud, Mich.; and Erie, Pa., to New York, N.Y.)"

(b) In the text, delete "From the Burley, Idaho, omnirange station to the Pocatello, Idaho, omnirange station. From the Sheridan, Wyo., VOR via the Dupree, S. Dak., VOR;" and substitute therefor "From the Burley, Idaho, VOR via the Pocatello, Idaho, VOR; Du Noir, Wyo., VOR; Sheridan, Wyo., VOR; Dupree, S. Dak., VOR;" additionally, delete "Selinsgrove, Pa., omnirange station;" and substitute therefor "Slate Run, Pa., VOR; Selinsgrove, Pa., VOR;"

3. Section 600.6602 VOR Federal airway No. 1502 (San Francisco, Calif., to New York, N.Y.):

(a) In the caption delete "(San Francisco, Calif., to New York, N.Y.)" and substitute therefor "(Half Moon Bay, Calif., to Lovelock, Nev.; Burley, Idaho, to Pocatello, Idaho; and Rapid City, S. Dak., to New York, N.Y.)"

(b) In the text delete "Selinsgrove, Pa., omnirange station;" and substitute therefor "Slate Run, Pa., VOR; Selinsgrove, Pa., VOR;"

4. In the caption of § 601.6170 VOR Federal airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.), delete "(Milwaukee, Wis., to Philadelphia, Pa.)" and substitute therefor "(Milwaukee, Wis., to Salem, Mich., and Erie, Pa., to West Chester, Pa.)"

5. In the caption of § 601.6600 VOR Federal airway No. 1500 control areas (San Francisco, Calif., to New York, N.Y.), delete "(San Francisco, Calif., to New York, N.Y.)" and substitute therefor "(Half Moon Bay, Calif., to Lovelock, Nev.; Burley, Idaho, to White Cloud, Mich.; and Erie, Pa., to New York, N.Y.)"

6. In the caption of § 601.6602 VOR Federal airway No. 1502 control areas (San Francisco, Calif., to New York, N.Y.): delete "(San Francisco, Calif., to New York, N.Y.)" and substitute therefor "(Half Moon Bay, Calif., to Lovelock, Nev.; Burley, Idaho, to Pocatello, Idaho; and Rapid City, S. Dak., to New York, N.Y.)"

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-989; Filed, Feb. 1, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-196]

[Amdt. 85]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 94]

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

Modification of Federal Airway and Associated Control Areas; Revoca- tion of Reporting Point

The purpose of these amendments to §§ 600.6188, 601.6188 and 601.7001 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 188, which extends from Jefferson, Ohio, to Williamsport, Pa., and to revoke the North Bend, Pa., reporting point.

The segment of Victor 188 from Jefferson to Williamsport is presently designated from Jefferson, via the point of intersection of the Bradford, Pa., VOR 260° and the Fitzgerald, Pa., VOR 304° radials, to the Fitzgerald VOR, to the Williamsport VOR. The Federal Aviation Agency is realigning this segment from Jefferson to Williamsport over an existing VOR at Tidioute, Pa., and a new VOR to be commissioned in January of 1960 near Slate Run, Pa., at latitude 41°30'46" N., longitude 77°58'13" W., to provide more precise navigational guidance. This action will result in this airway segment being designated from Jefferson direct to the Tidioute VOR direct to the Slate Run VOR, direct to the Williamsport VOR. Coincident with this action, the captions to §§ 600.6188 and 601.6188 are being amended to show the actual beginning and termination points of Victor 188 as Carleton, Mich., and Stroudsburg, Pa., respectively, rather than Detroit, Mich., and New York, N.Y. The North Bend, Pa., intersection (intersection of the Phillipsburg, Pa., VOR 014° and the Bradford, Pa., VOR 127° radials), is being revoked as this intersection is eliminated with the modification of Victor 188.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will

become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6188 (14 CFR, 1958 Supp., 600.6188) and §§ 601.6188 and 601.7001 (14 CFR, 1958 Supp., 601.6188; 601.7001 (24 F.R. 3874), are amended as follows:

1. Section 600.6188-VOR Federal airway No. 188 (Detroit, Mich., to New York, N.Y.):

(a) In the caption delete "(Detroit, Mich., to New York, N.Y.)" and substitute therefor "(Carleton, Mich., to Stroudsburg, Pa.)"

(b) In the text delete "point of INT of the Bradford, Pa. VOR 260° and the Fitzgerald VOR 304° radials; Fitzgerald, Pa., VOR;" and substitute therefor "Tidioute, Pa., VOR; Slate Run, Pa., VOR;"

2. In the caption of § 601.6188 VOR Federal airway No. 188 control areas (Detroit, Mich., to New York, N.Y.), delete "(Detroit, Mich., to New York, N.Y.)" and substitute therefor "(Carleton, Mich., to Stroudsburg, Pa.)"

3. In the text of § 601.7001 Domestic VOR reporting points delete: "North Bend INT: The INT of the Philipsburg, Pa., VOR 014° T and the Bradford, Pa., VOR 127° T radials."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-990; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-207]

[Amdt. 161]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 194]

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

Modification of Federal Airway and Revocation of Reporting Point

The purpose of these amendments to §§ 600.6184 and 601.7001 of the regulations of the Administrator is to amend a segment of VOR Federal airway No. 184 from Erie, Pa., to Fitzgerald, Pa., and to revoke the Titusville, Pa., intersection as a Domestic VOR reporting point.

This segment of Victor 184 is presently designated from the Erie VOR via the intersection of the Bradford, Pa., VOR 260° and the Fitzgerald VOR 304° radials, to the Fitzgerald VOR. The Federal Aviation Agency is redesignating this segment of Victor 184 via the Tidioute, Pa., VOR in lieu of the Titusville inter-

section, to provide more precise navigational guidance. The control areas associated with Victor 184 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas will be necessary. Concurrently with this action, the Titusville intersection is revoked as a Domestic VOR reporting point.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6184 (14 CFR, 1958 Supp., 600.6184) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. Section 600.6184 is amended to read:

§ 600.6184 VOR Federal airway No. 184 (Erie, Pa., to Philipsburg, Pa.)

From the Erie, Pa., VOR via the Tidioute, Pa., VOR; Fitzgerald, Pa., VOR, to the Philipsburg, Pa., VORTAC.

§ 601.7001 [Amendment]

2. In the text of § 601.7001 Domestic VOR reporting points, delete: "Titusville intersection: The intersection of the Fitzgerald, Pa., omnirange 304° True and the Bradford, Pa., omnirange 260° True radials."

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-991; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-211]

[Amdt. 162]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 195]

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

Modification of Federal Airway and Associated Control Areas

On September 24, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7704) stat-

ing that the Federal Aviation Agency was proposing to modify the segment of VOR Federal airway No. 1508 between Jefferson, Ohio, and Idlewild, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendments are hereby adopted without change and set forth below:

1. Section 600.6608 VOR Federal airway No. 1508 (Los Angeles, Calif., to New York, N.Y.):

(a) In the caption, delete "(Los Angeles, Calif., to New York, N.Y.)" and substitute therefor "(Los Angeles, Calif., to Caldwell, N.J.)"

(b) In the text, delete "point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; Philipsburg, Pa., omnirange station; Selmsgrove, Pa., omnirange station; East Texas, Pa., VOR; Colts Neck, N.J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N.Y., omnirange station" and substitute therefor, "Tidioute, Pa., VOR; Slate Run, Pa., VOR; Williamsport, Pa., VOR; Thornhurst, Pa., VOR; Stillwater, N.J., VOR; to the INT of the Stillwater VOR 113° and the Solberg N.J., VORTAC 051° radials"

2. In the caption of § 601.6608 VOR Federal airway No. 1508 control areas (Los Angeles, Calif., to New York, N.Y.) delete "(Los Angeles, Calif., to New York, N.Y.)" and substitute therefor, "(Los Angeles, Calif., to Caldwell, N.J.)"

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-992; Filed, Feb. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-77]

[Amdt. 168]

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

Modification of Control Area Extension

The purpose of this amendment to § 601.1263 of the regulations of the Administrator is to modify the description

of the Rochester, Minn., control area extension.

The Rochester control area extension is presently designated within a 15-mile radius of the Rochester VOR. The Rochester VOR is being relocated to a site approximately 11 miles south-southwest of its present location. Based on the present description, the Rochester control area extension will automatically move to this new location. This shift of location of the control area extension will not provide sufficient control area for the protection of aircraft executing missed approach procedures associated with the prescribed standard radio range instrument approach procedure at Rochester. The Federal Aviation Agency is, accordingly, redesignating the Rochester control area extension within a 15-mile radius of latitude 43°56'18" N., longitude 92°31'17" W., which is the center of the relocated 15-mile radius control area extension. This redescription will provide the same control area airspace as formerly afforded.

Since this amendment imposes no additional burden on the public, compliance with the Notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1263 (14 CFR, 1958 Supp., 601.1263) is amended to read:

§ 601.1263 Control area extension (Rochester, Minn.).

That airspace within a 15-mile radius of latitude 43°56'18" N., longitude 92°31'17" W.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-976; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-145]

[Amdt. 206]

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

Modification of Control Zone

On October 21, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 8505) stating that the Federal Aviation Agency was proposing to modify the Jackson, Mich., control zone by adding two new control zone extensions.

The VOR radials, on which the control zone extensions will be based, were incorrectly described in the text of the pro-

posed amendment of the Notice and are revised to 044° for the northeast extension, and 238° for the southwest extension. These changes are minor in nature in that they represent corrections of only seven degrees, however, appropriate revisions in the proposed amendment will be necessary.

No comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendment with the changes herein described is hereby adopted and set forth below:

§ 601.2297 Jackson, Mich., control zone.

Within a 5-mile radius of Reynolds Airport, Jackson, Mich.; within 2 miles either side of a line bearing 313° from the Jackson RBN extending from the 5-mile radius zone to a point 12 miles NW of the RBN; within 2 miles either side of the 044° radial of the Jackson VOR extending from the 5-mile radius zone to a point 12 miles NE of the VOR; and within 2 miles either side of the 238° radial of the Jackson VOR extending from the 5-mile radius zone to a point 12 miles SW of the VOR.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-975; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-135]

[Amdt. 36]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On October 22, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8554) stating that the Federal Aviation Agency was proposing to establish VOR/VORTAC Jet route No. 84 between Oakland, Calif., and the United States/Canadian Border in the vicinity of Windsor, Ont.

A segment of the proposed route to the United States/Canadian Border was described in the Notice as from the "Pullman, Mich., VOR; thence via the Pullman VOR 091° True radial to the United States/Canadian Border." The extension of this radial would place the airway approximately 5 miles north of the Windsor, Ont., VOR. It was intended that the extension of the route would be aligned over the Windsor VOR,

and would provide for the transition between the jet route structure and the Victor airways for operations in the Detroit area. Accordingly, the segment of jet route No. 84 between Pullman and the United States/Canadian Border, will be established so it extends from the Pullman VOR; intersection of the Pullman VOR 091° True and the Windsor, Ont., VOR 278° True radials; thence via the Windsor 278° True radial to the United States/Canadian Border. The text of this amendment is changed accordingly.

The Department of the Navy stated it would interpose no objection provided radar coverage exists for the segment of this jet route within the confines of the Federal Aviation Agency Fourth Region, referring specifically to the portions of the route adjacent to the Sahwawe Mountains, Nev., Restricted Area (R-430), where Navy aircraft conduct air-to-air gunnery, and in the San Francisco/Sacramento area where numerous military aircraft operate at altitudes between 24,000 and 35,000 feet. Radar coverage will exist on these portions of the route.

The Department of the Air Force objected to the establishment of any segment of the proposed route not having radar coverage, and in addition, submitted the following specific objection: "The proposed route would conflict with the FAA approved High Life high altitude refueling area on a front about 70 miles long in the vicinity of the Scottsbluff, Nebr., VOR, and would extend into this refueling area approximately 4 miles at the VOR."

The normal jet route width is 16 miles either side of the center line of the route and as such would slightly overlap the High Life high altitude refueling area in the vicinity of the Scottsbluff, Nebr., VOR. However, radar flight advisory service is available in the vicinity of the Scottsbluff VOR. Accordingly, aircraft flying jet route No. 84 in the vicinity of the Scottsbluff VOR will be vectored so that they will not be flying within the high altitude refueling area when it is in use.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendment with the corrections described herein is hereby adopted and set forth below:

§ 602.584 VOR/VORTAC jet route No. 84 (Oakland, Calif., to United States/Canadian Border).

From the Oakland, Calif., VORTAC via the Sacramento, Calif., VOR; Reno, Nev., VOR; INT of the Reno VOR 060° T and the Elko, Nev., VOR 255° T radials; Elko VOR; Bonneville, Utah, VOR; Salt Lake City, Utah, VOR; Rock Springs, Wyo., VORTAC; Scottsbluff, Nebr., VOR; Wolbach, Nebr., VOR; Des Moines, Iowa, VORTAC; INT of the Des Moines

VORTAC 067° T and the Northbrook, Ill., VOR 276° T radials; Northbrook VOR; Pullman, Mich., VOR; INT of the Pullman VOR 091° T and the Windsor, Ont., VOR 278° T radials; thence via the Windsor VOR 278° T radial to the United States/Canadian Border.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-973; Filed, Feb. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-320]

[Amdt. 35]

PART 602—ESTABLISHMENT OF OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On October 31, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8907) stating that the Federal Aviation Agency proposed to establish VOR/VORTAC jet route No. 93 from Seattle, Wash., to Newport, Oreg.

The U.S. Air Force objected to the proposal initially. However, subsequently, they withdrew their objections and indicated that they concurred with the designation of the jet route as proposed in the notice. Although not mentioned in the notice, radar coverage will be provided on this route.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for reasons set forth in the notice, the proposed amendment is hereby adopted without change and set forth below:

§ 602.593 VOR/VORTAC jet route No. 93 (Newport, Oreg., to Seattle, Wash.).

From the INT of the Medford, Oreg., VOR 339° and the Portland, Oreg., VORTAC 222° radials via the Portland VORTAC; INT of the Portland VORTAC 353° and the Seattle, Wash., VOR 197° radials; to the Seattle VOR.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-974; Filed, Feb. 1, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7411]

PART 13—PROHIBITED TRADE PRACTICES

Curtis Brothers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: 13.155-40 Exaggerated as regular and customary; 13.155-45 Fictitious marking. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 Exaggerated as regular and customary; § 13.1810 Fictitious marking.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Curtis Brothers, Inc., et al., Washington, D.C., Docket 7411, December 23, 1959]

In the Matter of Curtis Brothers, Inc., a Corporation, and George T. Curtis, Harry H. Curtis, Arthur B. Curtis, and Charles W. Curtis, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Washington, D.C., furniture dealers with representing falsely in advertising that excessive fictitious prices were their usual retail prices, and with misrepresenting the amount of savings available to purchasers at purportedly reduced prices.

After the usual hearings, the hearing examiner made his initial decision and order to cease and desist which became on December 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Curtis Brothers, Inc., a corporation, and its officers, and Charles W. Curtis, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That any amount is the regular retail price of respondents' merchandise when such amount is in excess of the price at which said merchandise was regularly sold at retail by respondents in the recent normal course of their business.

2. That any savings are afforded in the purchase of respondents' merchandise unless the prices at which it is offered constitute a reduction from the prices at which said merchandise was regularly and customarily sold by respondents in the recent normal course of their business.

B. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of said mer-

chandise is reduced from the price at which said merchandise was regularly and customarily sold by respondents in the recent normal course of their business.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to George T. Curtis, Harry H. Curtis and Arthur B. Curtis in their individual capacities but not in their capacities as officers of respondent Curtis Brothers, Inc., a corporation.

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

It is ordered, That respondents Curtis Brothers, Inc., a corporation, and its officers, and Charles W. Curtis, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 23, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-997; Filed, Feb. 1, 1960; 8:47 a.m.]

[Docket 7569 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

J. & H. Stolow, Inc., and Julius Stolow

Subpart—Advertising falsely or misleadingly: § 13.95 Identity of product. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Simulating another or product thereof: § 13.2217 Government insignia, stamps, etc.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, J. & H. Stolow, Inc., et al., New York, N.Y., Docket 7569, Dec. 19, 1959]

In the Matter of J. & H. Stolow, Inc., a Corporation, and Julius Stolow, Individually and as President of J. & H. Stolow, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of postage stamps to dealers for resale to collectors with such misrepresentations as listing in their catalogs and circulars—bearing the statement "All stamps are guaranteed to be genuine"—various groups of postage stamps and adhesive labels resembling stamps purporting to be foreign postage stamps, which either were not postage stamps officially issued by the nations depicted or were not issued by a then existing government.

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

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December 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents J. & H. Stolow, Inc., a corporation, and its officers, and Julius Stolow, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of postage or other stamps or of adhesive labels having the appearance of postage stamps, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that stamps and adhesive labels having the appearance of postage stamps are valid stamps, unless such stamps and labels are, or were, valid for the payment of some type of internal or external mail service, or were produced under the authority of authorized officials of a recognized or existing government.

2. Failing to clearly and conspicuously reveal in advertising that no representation is made that the stamps offered are presently valid for postal use or were originally issued primarily for postal use, or that they are stamps of a government recognized by the United States.

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

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

Issued: December 18, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-998; Filed, Feb. 1, 1960;
8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55034]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

Notices to Importers of Probable Unpaid Duties or Taxes

The purpose of this amendment is to make the withholding of the completion of appraisement of invoices, when a notice of advance in rate or value has been issued, discretionary with the appraiser. This will permit the appraiser to complete appraisement in instances where no purpose will be served by a delay.

Section 8.29(c) of the Customs Regulations is amended to read as follows:

(c) If the examiner believes that the entered rate or value of any merchan-

dise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties in the shipment exceeds \$15, he shall promptly notify the importer of record on every shipment, on such form as may be appropriate at the port, and specify the nature of the difference on the notice. The report of appraisement shall not be withheld unless in the judgment of the appraiser there are compelling reasons that would warrant such action.

(R.S. 161, as amended, sec. 499, 46 Stat. 728, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1499, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: January 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-1028; Filed, Feb. 1, 1960;
8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

PART 214—ANNUITY BEGINNING DATE

PART 216—RELINQUISHMENT OF RIGHTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228(j)), §§ 210.2(a), 210.4, and 210.6 of Part 210, §§ 214.2, 214.3, and 214.7 (b) and (c) of Part 214, and § 216.4(b) of Part 216, (20 CFR 210.2(a), 210.4, 210.6, 214.2, 214.3, 214.7 (b) and (c), and 216.4) of the regulations under such act are amended by Board Order 60-7, dated January 18, 1960, to read as follows:

§ 210.2 Application to be filed.

(a) No individual, irrespective of his qualifications, shall receive an annuity unless he has, on or before the date of his death, either (1) filed with an office of the Board a duly executed application upon such form as the Board may from time to time prescribe, or (2) delivered for the purpose of transmission to the Board's main office in Chicago, Ill., such a duly executed application to any field agent of the Board specifically authorized by a regional director to receive custody thereof in the district where delivery is made: *Provided, however,* That a claim or application filed with the Social Security Administration, whether before or after the adoption of this section, for a lump-sum payment under section 204 (a) of title II of the Social Security Act, as approved August 14, 1935, or for monthly insurance benefits under title II of the Social Security Act (except an application for a disability insurance benefit where such benefit was terminated before the 120th month of railroad

service was performed), based in whole or in part on service of an employee for an employer under the Railroad Retirement Act, shall be considered an application for an annuity duly filed with the Board.

§ 210.4 Signature on application form.

The application form shall be signed personally by the applicant in his usual manner: *Provided, however,* That if the applicant is unable to sign his name because of physical inability or illiteracy, he shall then make his mark (X) and a witness shall affix the applicant's name. In every case the signature or mark shall either be executed and authenticated in such manner as the form provided may indicate or shall be executed before and authenticated by an employee of the Board duly designated and authorized to perform such services. In the event that the signature or any written portion of the application form is, within the judgment of the Board, substantially illegible or of doubtful authenticity, or, if in the judgment of the Board there are substantial omissions in the application form, the Board may require its reexecution or correction: *Provided, further,* That an application form that is re-executed because the previous form was either not signed or improperly signed shall be returned and shall be received by the Board within 30 days after notice to correct such deficiency is mailed to the applicant; otherwise, the filing date of the application shall be the date on which such reexecuted application form is received by the Board.

§ 210.6 Application filed with the Social Security Administration.

(a) *By an individual.* (1) The date on which an individual files a claim or application with the Social Security Administration for old-age or disability insurance benefits based on less than ten years (120 months) of railroad service shall be considered the date on which an application is filed with the Board if the individual subsequently acquires 120 months of railroad service.

(2) In any such case, receipt of the following information from the Social Security Administration shall denote the filing of an application under the Railroad Retirement Act: the name and address of the applicant; the name of each employer involved who may be covered by the Railroad Retirement Act; the amount of benefits, if any, paid by the Social Security Administration on the basis of service with such employers; and the date the claim or application was filed with the Social Security Administration.

(3) In determining the date on which a claim or application was filed with the Social Security Administration, the provisions of the proviso in § 210.3 shall be applied.

(4) The payments made by the Social Security Administration on the basis of compensation that had been used as wages are not erroneous for months prior to the time the individual acquired his 120th month of railroad service; such payments, however, if any, made for and subsequent to the individual's 120th month of railroad service shall be re-

covered from accrued annuities under the Railroad Retirement Act.

(b) *By an individual spouse.* (1) The date on which the spouse of the individual described in paragraph (a) of this section files a claim or application with the Social Security Administration for a wife's or husband's insurance benefit, shall be considered the date on which the spouse files an application with the Board for a spouse's annuity.

(2) In any such case, receipt of the following information from the Social Security Administration shall denote the filing of a spouse's application under the Railroad Retirement Act: The name and address of the individual's spouse; the amount of insurance benefits, if any, paid by the Social Security Administration to the individual's spouse; and the date the individual's spouse filed the claim or application with the Social Security Administration.

(3) In determining the date on which a claim or application was filed with the Social Security Administration, the provisions of the proviso in § 210.3 shall be applied.

(4) The payments, if any, made by the Social Security Administration to such individual's spouse for and after the individual's 120th month of railroad service shall be recovered from accrued spouse's annuities under the Railroad Retirement Act.

§ 214.2 Annuity beginning date.

(a) An annuity shall begin to accrue as of the date specified in the application: *Provided, however,* That such date is not earlier than that permitted by the provisions of the act quoted in § 214.1, nor prior to the date upon which the applicant attains eligibility for an annuity.

(b) The filing of an application in accordance with the proviso in § 210.2 (a) of this chapter shall be the specification as an annuity beginning date of the date following the last day of compensated service, or of the date on which the applicant attains eligibility for an annuity, or of the date twelve months before the filing date, whichever date is the latest: *Provided, however,* That where such date falls on the thirty-first day of any month the annuity shall begin to accrue on the first day of the following month, and that where an application is filed on February 28 or 29 the annuity may begin as early as February 28 of the preceding year.

§ 214.3 Beginning date in month of applicant's sixtieth, sixty-second, or sixty-fifth birthday.

When an individual is not eligible for an annuity until the attainment of age 60, 62, or 65, the annuity cannot begin to accrue before the day on which the required age is attained, except that an individual who is eligible for the annuity described in § 208.7(a) (2) of this chapter in the same month in which he attains age 65 may have his annuity begin without reduction as of the first day of such month.

§ 214.7 Effect of service performed through or after designated beginning date.

(b) *Individuals whose eligibility is based upon permanent disability for regular employment.* (1) If such an individual renders compensated service to any person, whether or not an employer, through or after the designated beginning date, such fact must be reconciled with the claim of permanent disability for any regular and gainful employment before eligibility for such a disability annuity is established. Where, however, it is shown that the individual, notwithstanding his rendition of compensated service is disabled, the following shall apply:

(2) If all the individual's compensated service ended before the filing date of his annuity application or if the individual's compensated service continued through such filing date, the annuity cannot begin to accrue earlier than the date following the last day of such compensated service: *Provided, however,* That if the individual relinquished rights to all compensated service before the filing date of his application, his annuity may begin to accrue as early as the day after that on which he ceased such service. (For the effect of a return to service after accrual, see Part 217 of this chapter.)

(c) *An individual whose eligibility is based upon permanent disability for work in his regular occupation.* (1) If an individual renders compensated service through or after the designated beginning date to any person, whether or not an employer, in his regular occupation or in any occupation for which the same occupational disability standards have been established, such fact must be reconciled with the claim of permanent disability for work in his regular occupation. Where, however, it is shown that an individual, notwithstanding his rendition of compensated service in any occupation, is permanently disabled for work in his regular occupation the following shall apply:

(2) If all the individual's compensated service to any person, whether or not an employer, ended before the filing date of his annuity application or if the individual's compensated service to any person, whether or not an employer, continued through such filing date, the annuity cannot begin to accrue earlier than the date following the last day of compensated service to any such person: *Provided, however,* That if the individual relinquished rights to all compensated service before the filing date of his application, his annuity may begin to accrue as early as the day after that on which he ceased such service. (For the effect of a return to service after accrual, see Part 217 of this chapter.)

§ 216.4 What constitutes relinquishment of rights.

(b) That such individual has by a written or oral notice communicated to

the employer a clear and unambiguous intention thereby to terminate any and all rights to return to the service of such employer (such relinquishment of rights shall be presumed to have occurred whenever such individual has certified to the Board that he has relinquished his rights to return to service, the employer has been notified by the Board of such certification, and the employer has expressly confirmed such certification or has failed to reply within ten days following the mailing of the notification); or

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228(j))

By authority of the Board.

Dated: January 26, 1960.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60-1004; Filed, Feb. 1, 1960; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

2,3 - p - DIOXANEDITHIOL S,S-BIS (O,O-DIETHYL PHOSPHORODITHIOATE); RESIDUES PERMITTED IN DRIED CITRUS PULP FOR CATTLE FEED

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Hercules Powder Company, Wilmington, Delaware, and other relevant material, has concluded that residues of 2,3-p-dioxanedithiol S,S-bis (O,O-diethyl phosphorodithioate) present in dehydrated citrus pulp prepared from citrus fruits treated with this pesticide during growth will present no hazard to the health of cattle or to consumers of the edible products thereof, when incorporated in cattle feed, where the amount is as set forth in the following regulation promulgated pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (4), 72 Stat. 1786; 21 U.S.C. 348(c) (4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500). Therefore, Subpart C (24 F.R. 1095) is amended by adding thereto the following new section:

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

§ 121.204 2,3-p-Dioxanedithiol-S,S-bis (O,O-diethyl phosphorodithioate) in dehydrated citrus pulp for cattle feed.

A tolerance of 18 parts per million (0.0018 percent) is established for

residues of 2,3-*p*-dioxanedithiol-*S,S*-bis (O,O-diethyl phosphorodithioate) in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable, and request a public hearing. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 409 (c) (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: January 25, 1960.

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 60-1014; Filed, Feb. 1, 1960; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart E—Substances for Which Prior Sanctions Have Been Granted

SUBSTANCES EMPLOYED IN THE MANUFACTURE OF FOOD-PACKAGING MATERIALS

In accordance with the provisions of section 701(a) of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a) and pursuant to authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), the Commissioner of Food and Drugs, as contemplated by sections 201(s) (3) and 409 of the act (secs. 201 (s), 409, 72 Stat. 1784 et seq.; 21 U.S.C. 321, 348) and the regulations thereunder (§ 121.3(c) (24 F.R. 2435)), has compiled a list of substances in the above-identified category for which prior sanction or approval has been granted. *It is ordered*, That the food additives regulations be amended by adding thereto a list of these substances as set out below:

Subpart E—Substances for Which Prior Sanctions Have Been Granted

§ 121.2001 Substances employed in the manufacture of food-packaging materials.

Prior to the enactment of the food additives amendment to the Federal Food, Drug, and Cosmetic Act, sanctions were granted for the usage of the following substances in the manufacture of packaging materials. So used, these substances are not considered "food additives" within the meaning of section 201(s) of the act, provided that they are of good commercial grade, are suitable for association with food, and are used in

accordance with good manufacturing practice. For the purpose of this section, good manufacturing practice for food-packaging materials includes the restriction that the quantity of any of these substances which becomes a component of food as a result of use in food-packaging materials shall not be intended to accomplish any physical or technical effect in the food itself, shall be reduced to the least amount reasonably possible, and shall not exceed any limit specified herein.

(a) Antioxidants (limit of addition to food, 0.005 percent).

Butylated hydroxyanisole.
Butylated hydroxytoluene.
Dilauryl thiodipropionate.
Distearyl thiodipropionate.
Gum gualac.
Nordihydroguaiaretic acid.
Propyl gallate.
Thiodipropionic acid.
2,4,5-Trihydroxy butyrophenone.

(b) Antimicrobials.

Calcium propionate.
Methylparaben (methyl *p*-hydroxybenzoate).
Propylparaben (propyl *p*-hydroxybenzoate).
Sodium benzoate.
Sodium propionate.
Sorbic acid.

(c) Driers.

Cobalt caprylate.
Cobalt linoleate.
Cobalt naphthenate.
Cobalt tallate.
Iron caprylate.
Iron linoleate.
Iron naphthenate.
Iron tallate.
Manganese caprylate.
Manganese linoleate.
Manganese naphthenate.
Manganese tallate.

(d) Drying oils (as components of finished resins).

Chinawood oil (tung oil).
Dehydrated castor oil.
Linseed oil.
Tall oil.

(e) Plasticizers.

Acetyl tributyl citrate.
Acetyl triethyl citrate.
p-tert-Butylphenyl salicylate.
Butyl stearate.
Butylphthalyl butyl glycolate.
Dibutyl sebacate.
Diethyl phthalate.
Diisobutyl adipate.
Diisooctyl phthalate (for foods of high water content only).
Diphenyl-2-ethylhexyl phosphate.
di-(2-Ethylhexyl) phthalate (for foods of high water content only).
Epoxidized soybean oil (iodine number maximum 6; and oxirane oxygen, minimum, 6.0 percent).
Ethylphthalyl ethyl glycolate.
Glycerol monooleate.
Monoisopropyl citrate.
Mono, di-, and tristearyl citrate.
Triacetin (glycerol triacetate).
Triethyl citrate.
S-(2-Xenoyl)-1,2-epoxypropane.

(f) Release agents.

Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups, no more than 18 percent loss in weight after heating 4 hours at 200° C.; viscosity 300 centistokes, 600 centistokes at 25° C., specific gravity 0.96 to 0.97 at 25° C., refractive index 1.400 to 1.404 at 25° C.)
Linoleamide (linoleic acid amide).
Oleamide (oleic acid amide).
Palmitamide (palmitic acid amide).

Polyethylene glycol 400.
Polyethylene glycol 1500.
Polyethylene glycol 4000.
Stearamide (stearic acid amide).

(g) Stabilizers.

Aluminum mono-, di-, and tristearate.
Ammonium citrate.
Ammonium potassium hydrogen phosphate.
Calcium acetate.
Calcium carbonate.
Calcium glycerophosphate.
Calcium phosphate.
Calcium hydrogen phosphate.
Calcium oleate.
Calcium ricinoleate.
Calcium stearate.
Disodium hydrogen phosphate.
Magnesium glycerophosphate.
Magnesium stearate.
Magnesium phosphate.
Magnesium hydrogen phosphate.
Mono-, di-, and trisodium citrate.
Mono-, di-, and tripotassium citrate.
Potassium oleate.
Potassium stearate.
Sodium pyrophosphate.
Sodium stearate.
Sodium tetrapyrophosphate.

Tin stearate (not to exceed 50 parts per million tin as a migrant in finished food).
Zinc orthophosphate (not to exceed 50 parts per million zinc as a migrant in finished food).

Zinc resinolate (not to exceed 50 parts per million zinc as a migrant in finished food).

Notice and public procedure are not necessary prerequisites to the promulgation of this order since the listing of the substances herein implements the regulation (§ 121.3) previously promulgated, since it relieves the Food and Drug Administration from the necessity of advising of individual sanctions upon request of the affected industry, and since it relieves the industry from the necessity of requesting advice concerning the use of substances for which sanctions have already been granted.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER, since interested persons will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 201(s), 409, 72 Stat. 1784 et seq.; 21 U.S.C. 321(s), 348)

Dated: January 26, 1960.

[SEAL]

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 60-1016; Filed, Feb. 1, 1960; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

Federal Recognition

Section 1101.3 is revised to read as follows:

§ 1101.3 Federal recognition.

(a) *Purpose.* This section prescribes requirements and procedures for Federal recognition of officers appointed or promoted in the Army National Guard.

(b) *Definition and policy*—(1) *Definition*. Federal recognition means acknowledgment by the Federal Government that a person appointed to an authorized grade and position vacancy in the Army National Guard by the Governor of a State, Commonwealth of Puerto Rico, or the Commanding General, District of Columbia National Guard, meets the prescribed Federal standards for such grade and position.

(2) *Policy*—(i) *Appointment*. The appointment of officers in the Army National Guard is a function of the State.

(ii) *Effective date*. The effective date of Federal recognition is that date on which the individual concerned meets the requirements therefor. The instrument for Federal recognition is NGB Form 2a which is issued by the Chief, National Guard Bureau.

(iii) *Duration of recognition*. Recognition will continue in effect as long as the officer continues to meet requirements of his grade and position, or until recognition is withdrawn in accordance with the provisions of regulations, or as otherwise provided by law.

(c) *Temporary Federal recognition*. Temporary Federal recognition may be extended to an officer who has been appointed in the Army National Guard of a State and found qualified by a Federal Recognition Board pending a final determination of his eligibility for, and his appointment as, a Reserve commissioned officer of the Army. Temporary Federal recognition in such cases will be granted by the Federal Recognition Board. Such recognition may be withdrawn at any time, and if not sooner withdrawn or replaced by permanent recognition, shall automatically terminate six months after the effective date (32 U.S.C. 308). The provisions of this paragraph are not applicable to the following:

(1) Applicants for Federal recognition as general officers.

(2) Applicants federally recognized as commissioned officers of the Army National Guard.

(3) Officers of the Army Reserve seeking Federal recognition in the same or lower grade and in the same branch held. Temporary Federal recognition of officers in this category may be extended by the Chief, National Guard Bureau.

(4) Officers eligible for automatic Federal recognition.

(d) *Exemption from Federal Recognition Board processing*—(1) *Automatic Federal recognition*. Individuals shown below, if otherwise qualified, may be extended Federal recognition automatically and are exempt from examination by a Federal Recognition Board:

(i) A member of the Army National Guard of one State appointed to an authorized position vacancy in the Army National Guard of another State in the same grade or lower grade and in the same branch in which he holds an appointment as a Reserve officer of the Army.

(ii) Second lieutenants who are promoted to fill authorized position vacancies, on the date they complete 3 years of promotion service.

(iii) Officers of the Army Reserve in grades above second lieutenant who are appointed in the next higher grade to fill an authorized position vacancy, provided they have been recommended for promotion to the higher grade, and have remained in an active status since being recommended, and further provided that they are appointed in the same branch as that held in the Army Reserve.

(2) *Officers of the Army Reserve*. Army Reserve officers applying for Federal recognition in the same or lower grade and in the same branch as that held as a Reserve commissioned officer of the Army are exempt from examination by a Federal Recognition Board. Officers of the Army Reserve seeking appointment in the Army National Guard of a State and Federal recognition in a branch other than that previously held as a Reserve commissioned officer of the Army must appear before a Federal Recognition Board solely for a determination of their qualifications for the new branch and position involved, and not for an examination of moral and professional fitness.

(3) *Procedure*. (i) The procedure for individuals outlined in the categories in subparagraph (1) (i) and (iii) of this paragraph and officers of the Army Reserve seeking Federal recognition in the same or lower grade and in the same branch, is as follows:

(a) NGB Form 62 (Application for Federal Recognition), together with all allied papers as indicated in paragraph (i) of this section as applicable, will be forwarded by the unit commander concerned to the State adjutant general.

(b) The State adjutant general will review the application and, if approved, will issue the appointment and assignment orders, secure properly executed oaths of office and forward to the Chief, National Guard Bureau, for appropriate action. In addition to NGB Form 337, a properly executed NGB Form 337A will be submitted in the case of Army Reserve officers applying for Federal recognition in the same branch and those outlined in the category in subparagraph (1) (i) of this paragraph.

(c) When Federal recognition is granted, The Adjutant General of the Army will be notified by the Chief, National Guard Bureau, in order that administrative action may be taken to effect the change in status of his Reserve of the Army commission.

(ii) When an individual in this category indicated in subparagraph (1) (ii) of this paragraph is promoted, Federal recognition will be extended automatically by the Chief, National Guard Bureau, in accordance with the procedure outlined in § 1101.4.

(e) *Certificates of eligibility*—(1) *Purpose*. In order that individuals of the Army National Guard for whom there is no position vacancy may be examined to determine their fitness for future appointments or promotions, the State adjutant general may entertain applications for certificates of eligibility. Each application will consist of the records and documents prescribed in paragraph (i) of this section, or § 1101.4, as applicable, except for the oath of office

and appointment orders. Applicants for future appointments will not be ordered before a Federal Recognition Board until evidence of a favorable National Agency Check has been received by the State adjutant general. If found qualified in all respects except position vacancy for a particular grade and branch, the report of board proceedings and allied papers, to include evidence of a favorable National Agency Check in initial appointment cases, will be forwarded with appropriate indorsement by the State adjutant general to the Chief, National Guard Bureau. If approved, NGB Form 89a (Certificate of Eligibility) will be issued to the person concerned.

(2) *Effective for 2 years*. A Certificate of Eligibility is effective for 2 years unless an earlier expiration date is specified on the certificate and provided the holder thereof remains otherwise qualified. If, during this period, the State adjutant general should appoint the holder of the certificate to a position vacancy of the same grade and branch in which qualified, a letter requesting Federal recognition, accompanied by an appointment and assignment order and Oath of Office (NGB Form 337) will be forwarded by the State adjutant general to the Chief, National Guard Bureau. If the original medical examination recorded on Standard Forms 88 and 89 is more than 180 days old, a new medical examination will be required. The Chief, National Guard Bureau, will issue NGB Form 3a effective when each of the requirements contained in this section have been fulfilled.

(3) *Renewal*. Upon expiration, a Certificate of Eligibility may be renewed through the same procedure as provided in subparagraph (1) of this paragraph, except the required records and documents may be limited to a current report of medical examination and the report of board proceedings.

(f) *Appointment as Reserve commissioned officer of the Army*. Upon being federally recognized, an officer who does not hold an appointment as a Reserve commissioned officer of the Army shall be appointed a Reserve officer of the Army in the same grade in which he holds a federally recognized appointment in the Army National Guard and concurrently shall become a member of the Army National Guard of the United States. Term of a Reserve appointment is for an indefinite period, and is not contingent upon continued Federal recognition. (Title 10 U.S.C. secs. 3351, 3352).

(g) *Prerequisites*. Prerequisites for Federal recognition are as follows:

(1) *Residence*. The residence of the applicant must be accessible to the unit to which he is assigned.

(2) *Assignment*. The applicant must be assigned to an existing vacancy in a federally recognized unit or headquarters or an element thereof.

(3) *Age*—(i) *General*. No applicant will be examined for Federal recognition who is less than 21 years of age, except that, when State laws so permit, the minimum age of 18 will apply to the following:

(a) Graduates of accredited officer candidate schools who also have completed the 6 months active duty for training program with the Armed Forces.

(b) Commissioned officers of the Army Reserve who apply for Federal recognition in the Army National Guard.

(i) *Maximum ages*—(a) *Appointment*. Applicants for Federal recognition must not have attained the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the grade in which appointment is desired. Previous service means service in the same or higher grade in an active status in any component of the Armed Forces. An applicant's age must be such that he can serve at least 1 year before recognition will be terminated under age limitations as prescribed in § 1101.5. Provisions of this paragraph are not applicable to applicants for promotion or transfer in branch.

Grade:	Age
2d Lieutenant	28
1st Lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(b) *Exception*. As an exception to the above, applicants selected for participation in the Army Senior Medical or Dental Student Programs and female applicants for assignment to the Army Nurse Corps and Army Medical Specialist Corps may be considered for Federal recognition as second lieutenant, Medical Service Corps, Army Nurse Corps, or Army Medical Specialist Corps as appropriate, provided they have not passed their 30th birthday.

(c) *Termination*. See § 1101.5.

(iii) *Minimum ages*. The following minimum ages will apply for original appointment of officers to the grade indicated (except those initially commissioned prior to age 21 as provided in subparagraph (3) (i) of this paragraph):

Grade:	Age
2d Lieutenant	21
1st Lieutenant	22
Captain	24
Major	26
Lieutenant colonel	26
Colonel	34

(4) *Citizenship*. The applicant must be a citizen of the United States.

(5) *Educational and mental requirements for applicants not previously commissioned in the Armed Forces*. (i) Applicant must be a graduate of a high school or school of similar level or hold a certificate attesting to equivalent education, or must have passed the General Educational Development Test (high school level or higher) of the United States Armed Forces Institute.

(ii) Demonstrated understanding of, and proficiency in, the use of the English language is a prerequisite for appointment.

(iii) Applicant will be administered the Armed Forces Qualification Test AFQT-3 or -4 by the Army advisor, and must achieve a percentile score of 74 or higher thereon except for the following:

(a) Those who previously have been accredited with attaining a percentile score of 74 or higher, or a standard score of 115 or higher on AFQT-1 or -2 or AFQT-3 or -4; or a standard score of 115 or higher on the Army General Classification Test (AGCT), the General Classification Test (GCT), Aptitude Area I, or General Technical Aptitude Area (GT).

(b) Those who have evidence of satisfactory completion of 120 semester credit hours or equivalent quarter hours, at an accredited college or university.

(6) *Examination*. Each individual, except those listed in paragraph (d) of this section, who submits an application for Federal recognition in the Army National Guard must undergo an examination as to his medical, moral, and professional qualifications as determined by a Federal Recognition Board.

(7) *Oath of office*. Applicants not previously commissioned in the Army National Guard of the State concerned must complete an Oath of Office by executing NGB Form 337 (Title 32, U.S.C. Sec. 312). In addition, applicants extended temporary Federal recognition must execute NGB Form 337A. Thereafter, no further oaths are required by the National Guard Bureau for personnel actions.

(8) *Security check*. A favorable security check will be required prior to the granting of Federal recognition.

(h) *Persons eligible*. Individuals will be selected from the following sources:

(1) *General* (i) Army Reserve officers and former officers with previous honorable and creditable service in any component of the U.S. Army or U.S. Marine Corps who have demonstrated their qualifications by service in the grade contemplated.

(ii) Individuals who hold a Certificate of Eligibility (NGB Form 89a), as provided in paragraph (e) of this section, may be appointed to the grade and branch for which qualified as stated in the certificate, provided prescribed medical and age in grade requirements are met at the time of the appointment.

(2) *Initial appointment of second lieutenant*. (i) Former warrant officers and enlisted men of grade E-5 or above with previous honorable and creditable active Federal service of not less than 6 months in those grades in any component of the Armed Forces who are otherwise qualified, and who:

(a) Have completed a minimum of 1 year of honorable and creditable service in a federally recognized Army National Guard unit, and

(b) Have successfully completed the Army Pre-Commission Extension Course and an accredited non-commissioned officer course or leadership course conducted by the Active Army.

(ii) Graduates of accredited officer candidate school courses who have completed a minimum of 2 years of honorable and creditable service in a federally recognized Army National Guard unit, or who have completed a minimum of 18 months of honorable and creditable service with any of the Armed Forces, to include 6 months of active duty or an accredited 6 months active duty for

training program. The provisions of paragraph (g) (3) (i) (a) of this section apply in the case of those individuals who complete an accredited 6 months active duty for training program and otherwise qualify under this requirement.

(3) *Special*. (i) State adjutants general may be federally recognized for their tenure of office in the grade authorized by the respective State code, but not to exceed the grade of major general. Assistant State adjutants general may be federally recognized for tenure of office only in the grade authorized by the State code, but not to exceed the grade of brigadier general.

(ii) Appointment and Federal recognition in the Army National Guard as chaplains, medical officers, dental officers, judge advocates general, nurses and officers to be assigned to the Army Medical Specialist Corps will be based on professional accreditation, education, experience, and determination of grade provisions prescribed in §§ 561.1-561.21 of this title, as applicable. No person in this category who was not a former commissioned officer of an Armed Force will be initially federally recognized in a grade higher than major. Female applicants for Federal recognition with assignment to Army Nurse Corps or Army Medical Specialist Corps branch must not have a dependent or dependents under 18 years of age or other responsibilities for the custody, care, control, maintenance, or support of any child under 18 years of age.

(iii) ROTC graduates may be extended Federal recognition and transferred to an Army National Guard of the United States status during the interim period between their appointment in the Army Reserve and the date of reporting for active duty or active duty for training, subject to the following:

(a) The ROTC graduate, who is obligated for 2 years active duty, must be assigned in the same branch as that in which he holds his appointment in the Army Reserve.

(b) The ROTC graduate, who is obligated for 6 months active duty for training, may be assigned in any branch other than Medical, Dental, Judge Advocates General, Chaplains, Army Nurse Corps, or Army Medical Specialist Corps. If the branch is different from that in which he holds his appointment in the Army Reserve, he should clearly understand that:

(1) It will mean a transfer of branch in his Reserve of the Army status.

(2) His active duty for training orders will be amended to reflect attendance at a service school appropriate to his new branch.

(3) In all probability the date of his entry on active duty for training will be changed to coincide with the schedule of the new service school.

(c) The application for Federal recognition together with the statements required by paragraph (i) (5) (xiv) of this section, must arrive in the National Guard Bureau no later than 30 days prior to the date that the individual is scheduled to report for active duty or active duty for training.

(iv) Applicants for Army National Guard aviator positions who were formerly rated aviators with previous honorable and creditable service in any component of the Armed Forces may be extended Federal recognition in the equivalent grade which they previously served, or below, provided their assignment is to fill an Army aviator position vacancy and they are otherwise qualified.

(v) Officers and former officers with previous honorable and creditable service in a component of the Armed Forces other than the U.S. Army or Marine Corps who have demonstrated their qualifications by service in the grade contemplated may be extended Federal recognition with assignment to an administrative or technical service branch only provided the officer's duty or assignment in the other Armed Force required similar qualifications to those of his contemplated grade and branch

(vi) Individuals enrolled in medical or dental schools approved by the American Medical Association or the American Dental Association, if otherwise qualified, may be extended Federal recognition as second lieutenant, Medical Service Corps, pending attainment of eligibility for appointment in the Medical Corps or Dental Corps.

(i) *Procedures; actions required by individual.* The following actions will be taken by the individuals to initiate Federal recognition. Records and documents required herein will become a part of the record of proceedings by the board, except those indicated otherwise.

(1) *Application for Federal recognition.* Complete NGB Form 62 (Application for Federal recognition) in the number of copies prescribed by the State adjutant general so as to insure that three copies reach the National Guard Bureau.

(2) *Medical examination.* Undergo a medical examination for appointment or a medical examination for flying, as applicable. In the event the applicant for recognition has successfully undergone an appropriate medical examination within a period of 180 days prior to appearance before the examining board, a certified true copy of such examination may be accepted in lieu of undergoing a new medical examination. Submit copy of Report of Medical Examination and Report of Medical History (Standard Forms 88 and 89) or two copies of Report of Medical Examination and Medical History for flying, as applicable.

(3) *Armed Forces Security Questionnaire.* Complete DD Form 98 (Armed Forces Security Questionnaire) in duplicate the duplicate copy to be retained in the unit 201 file.

(4) *Security check.* Applicant will complete DD Form 398 (Statement of Personal History) in quintuplet, and FBI Fingerprint Card, one copy only, unless a National Agency Check was previously completed with favorable results and the requirements fulfilled.

(5) *Other Personal records and documents.* Assemble such personal records and documents listed below under the circumstances prescribed in this subparagraph:

(i) *Birth certificate.* Each applicant not previously commissioned in the Armed Forces of the United States will provide a copy of his birth certificate or other documentary evidence to substantiate date of birth and name shown on application.

(ii) *Discharge certificate or certificate of service.* A candidate with prior service in the armed forces of the United States will present copies of his discharge certificates or certificate of service to the board, or copy of conditional release. In the case of an applicant who has not been previously commissioned in the Army National Guard, copies of these documents will become a part of the record of proceedings.

(iii) *Evidence of satisfactory completion of Army service school courses.* (a) Each applicant for commission under the provision of paragraph (h) (2) (i) of this section, will provide a photostatic copy of evidence indicating satisfactory completion of the Army Pre-Commission Extension Course and the Non-Commissioned Officer Course or Leadership Course.

(b) Each applicant for commission under the provision of paragraph (h) (2) (ii) of this section will provide a photostatic copy of evidence indicating satisfactory completion of the Officer Candidate Course.

(iv) *Evidence of citizenship.* Documentary evidence of citizenship, if a naturalized citizen. This evidence will be in the form of a certificate executed by a commissioned officer or a notary public, as follows:

I certify that I have this date seen the original certificate of citizenship, No. _____, (or certified copy of the court order establishing citizenship) stating that _____ was admitted to United States citizenship by the court of _____ at _____ (City and State) on _____ (Date)

or if citizenship is claimed through naturalization of parent,

I certify that I have this date seen the original certificate of citizenship No. _____ issued by the Immigration and Naturalization Service, Department of Justice, stating that _____ acquired citizenship on _____ (Name of applicant) (Date)

(v) *Evidence of minimum educational and mental requirements.* If applicant has not been previously commissioned in the Armed Forces of the United States, he must have documentary evidence to establish minimum educational requirements as prescribed in paragraph (g) (3) of this section.

(vi) *Chaplains.* Except chaplains of the Army Reserve seeking Federal recognition in the Army National Guard, each applicant for Federal recognition as a chaplain will submit:

(a) An ecclesiastical indorsement of his appropriate denominational indorsing agency, and

(b) Formal transcripts of college and seminary credits.

(vii) *Medical and dental officers.* Each applicant for Federal recognition with assignment to the Medical Corps or Dental Corps will submit:

(a) Documentary evidence that he meets the professional requirements specified in § 561.18 of this title, or

(b) In the case of Medical Corps applicants evidence of permanent certification by the Educational Council for Foreign Medical Graduates. Photostatic or true copy of the required evidence is acceptable.

(c) The following certificate, in duplicate:

I, _____, attended (medical, dental) (Name) (Cross out one) school from _____ to _____ (Day Month Year) I served as a medical (Day Month Year) intern (if equivalent training, explain below) from _____ to _____ (Day Month Year) During the period of (Day Month Year) my schooling and/or internship, I was a member of _____ (Component of the Armed Forces) from _____ to _____ (Day Month Year) _____ (Day Month Year)

(viii) *Army Nurse Corps.* Applicants for Federal recognition with assignment to the Army Nurse Corps will furnish transcripts of grades received in undergraduate and/or graduate schools or universities. In the case of postgraduate clinical courses a certified statement from the hospital or agency concerned will be required. Documentary evidence of current registration and/or license in a State, the District of Columbia, or Puerto Rico is also required.

(ix) *Army Medical Specialist Corps.* Applicants for Federal recognition with assignment to the Army Medical Specialist Corps branch will furnish transcripts of grades received in undergraduate and graduate schools or universities, together with transcripts of grades and certification of completion of an approved dietetic internship or physical or occupational therapy course, whichever is applicable.

(x) *Judge Advocate General.* Applicants for Federal recognition with assignment to the Judge Advocate General Corps branch will submit:

(a) A consolidated transcript of all college or university work completed.

(b) A certificate or photostatic copy thereof from the clerk of the highest court of a State or a Federal court to the effect that the applicant has been admitted to practice law before the said court and is a member of the bar thereof in good standing.

(xi) *Army aviators.* Applicant for Federal recognition who previously has had flying status will make available to the board his individual flight records.

(xii) *Conditional release—(a) Release from other Reserve components.* If applicant is a member of any other Reserve component in a commissioned or enlisted status, he must furnish the board with a written conditional release from such membership. The release will be obtained by the applicant in advance of appearance before the examining board when such appearance is required. This release will be made a part of the record of proceedings.

RULES AND REGULATIONS

(b) *Release from Government agency.* A civilian official or employee of the United States or the District of Columbia, who is appointed an officer of the Army National Guard, will not be federally recognized without the consent of the head of the department or branch in which he is employed.

(xiii) *Waivers of requirements.* Waivers will be obtained prior to the appearance of the applicant before the board. The State adjutant general is charged with furnishing the examining board with the evidence of such waiver prior to the appearance of the applicant.

(xiv) *ROTC graduates.* ROTC graduates seeking Federal recognition in the Army National Guard and transfer to an Army National Guard of the United States status during the interim period between their appointment in the Army Reserve and the date of reporting for active duty or active duty training must execute the following statement, which will accompany their application and allied papers for Federal recognition:

I understand and agree that if I am released from the Army Reserve and appointed in the Army National Guard of the (State, Territory) of _____, such change in status will not effect my previous agreement to serve 6 months active duty for training or 2 years active duty.

In addition, prior to securing a conditional release from their Army Reserve membership, applicants in this category must obtain a statement from the State adjutant general concerned, which will accompany their applications for Federal recognition, stating generally as follows:

If _____ is appointed
(Name) (Rank) (ASN)
in the Army National Guard of the (State, Territory) of _____, consent is hereby granted for him to serve 6 months active duty for training or 2 years active duty in accordance with the prior agreement made by him.

(xv) *Participants in Medical and Dental Student Early Commissioning Program.* An applicant seeking Federal recognition as second lieutenant, Medical Service Corps, under paragraph (h) (3) (vi) of this section, will execute a written agreement that he will accept appointment as a first lieutenant, Medical Corps or Dental Corps, as appropriate, upon graduation from medical or dental school.

(xvi) *Draft age applicants.* All draft age applicants for Federal recognition in the Army National Guard will execute the following statement, which will be included as a document allied to their application for Federal recognition:

STATEMENT

I, _____, am of draft age and am an applicant for Federal recognition in the Army National Guard and appointment as a Reserve commissioned officer of the Army with assignment other than to the Medical Corps or Dental Corps.

I am aware that if I am 1-A, or my deferred status is changed to 1-A, my appointment as an officer in the Army National Guard and as a Reserve commissioned officer of the Army will not preclude my induction as a private in the event my induction is ordered by Selective Service.

I further understand that if my induction is caused as a result of failure to participate

satisfactorily in required training, I will not be eligible to apply for active duty in my commissioned status, and, in such case, my officer status will be terminated.

(Name)

(Grade) (Organization)

[NGR 20-2, 1 January 1960] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-968; Filed, Feb. 1, 1960;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contracting Officers Under Construction and Related Contracts

1. Section 1.751 is revised to read as follows:

§ 1.751 Appeals organization.

(a) *Construction Contract Appeals Board.* By definition, under the general provisions of Veterans Administration construction contracts, the term "head of the department" means the head or any assistant head of the executive department or independent establishment involved, and the term "his duly authorized representative" means any board, committee, official, or other person authorized to act for him other than the contracting officer. There has been established in the office of the Administrator a Construction Contract Appeals Board which is designated as the duly authorized representative of the Administrator for the purpose of hearing and deciding construction and architect-engineer contract appeals and is hereby delegated authority to ascertain the facts and circumstances attending appeals by contractors from decisions of Veterans Administration contracting officers, submitted in accordance with provisions of construction and architect-engineer contracts, and to render final decisions thereon. The Board is further empowered and duly authorized to take all further action required under §§ 1.750-1.756 and to render final decisions upon appeals pending as of February 2, 1960.

(1) The Construction Contract Appeals Board (hereinafter referred to as "the Board") is authorized by the Administrator to conduct such proceedings, to take such other actions and to adopt such rules and procedures as may be necessary and appropriate for accomplishment of its assigned functions and for efficient disposition of matters which may properly come before it.

(2) All Veterans Administration contracting officers and other Veterans Administration officials and employees having responsibility for or official knowledge of the award, administration, or supervision of construction or architect-engineer contracts, or of work performed

thereunder, are required to furnish the Board such information, evidence, technical data, and similar assistance as the Board may properly require from time to time in the performance of its duties.

(3) The Board is authorized to communicate directly with the General Counsel, and other top staff officials of the Veterans Administration for such opinions and information as it may deem necessary for the accomplishment of its assigned functions.

2. In § 1.752, paragraph (a) is amended to read as follows:

§ 1.752 Method of appeals.

(a) *Address.* If the contractor takes issue with a written decision of the Veterans Administration contracting officer upon a dispute concerning a question or questions of fact arising under a construction or architect-engineer contract, he may file a written appeal from the decision, as provided under terms of the contract and within the time specified therein. Appeals should be mailed or otherwise furnished to the contracting officer and addressed to the Administrator of Veterans Affairs, Veterans Administration, Central Office, Washington 25, D.C., Attention: Construction Contract Appeals Board.

3. In § 1.753, paragraph (a), that portion of paragraph (b) preceding subparagraph (1) and paragraph (c) (2) and (6) are amended to read as follows:

§ 1.753 Procedure of appeals board.

(a) *Consideration on basis of record.* Should the appellant indicate that he rests his case upon the record and his notice of appeal, without the filing of a brief or a personal appearance before the Board, the Board will, upon receipt of the information to be furnished by the contracting officer, consider the facts before it, obtaining and including such further data and evidence as the Board may, in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and decisions thereon.

(b) *Consideration on record and written brief.* Should the appellant indicate that he rests his case upon the record as supplemented by his written brief, without personal appearance before the Board, the Board will, upon receipt of the information to be furnished by the contracting officer and the brief to be furnished by the appellant, consider the facts before it, obtaining and including such further data and evidence as the Board may, in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and decisions thereon.

(c) *Personal appearance of appellant.* * * *

(2) *Meetings.* Meetings of the Board for the purpose of such personal appearances will be held normally in Central Office, Washington, D.C., after due notification to appellants by ordinary mail to the latest address of record. Postponements will not be granted except on written application therefor to the Board

and for good and sufficient cause. Applications for postponement must be filed with the Board promptly and must set forth the number of days postponement requested and the reasons therefor.

(6) *Findings.* Upon completion of the proceeding, the Board will consider all of the facts before it, obtaining and including such further data, evidence, or testimony as the Board may, in its judgment, consider to be necessary for a proper adjudication of the issues. As promptly thereafter as the matters involved in the case will admit, the Board will make its determinations and decisions thereon.

4. Sections 1.755 and 1.756 are revised to read as follows:

§ 1.755 Report by appeals board.

(a) *Opportunity for rebuttal.* Unless its conclusions are in accordance with contentions of the appellant, the Board, upon completion of its deliberations, and prior to rendering its final decision, will submit to the appellant, by certified mail, a draft of its proposed findings and decision as to the facts appearing in the case. The appellant will be allowed a period of 30 calendar days from the date of mailing of the draft, or such further time as the Board in its discretion may allow, to submit such further pertinent written evidence, data, and arguments as he may desire in support of his contentions. No further personal appearance by the appellant before the Board will be allowed, unless, in the judgment of the Board, a further development of the facts through this means is necessary.

(b) *Consideration of rebuttal.* If further evidence, data, and arguments in writing are submitted by the appellant,

within the rebuttal time allowed, they will receive consideration by the Board before rendition of its final decision. Requests for reconsideration will not thereafter be entertained.

§ 1.756 Notification of decision.

The formal decision of the Board, upon an appeal will be communicated in writing to the appellant.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective February 2, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-1027; Filed, Feb. 1, 1960; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Statement of Policy, Amdt. 4]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Miscellaneous Amendments

Effective as of January 25, 1960, the appendix to this part is amended, as follows:

I. TRANSFER OF U.S. PRIVATELY-OWNED VESSELS TO FOREIGN OWNERSHIP AND/OR REGISTRY

A. Under the heading *General conditions:*

1. In the second paragraph delete the words "Liberty and" before the words "Victory type dry cargoes."

2. In the third paragraph insert the words "The standard Liberty type vessel as defined in 46 CFR § 299.89 [General Order 60] and" at the beginning of the first sentence.

B. Under the heading "*Trade-out-and-build*" programs:

1. In the first paragraph delete the words "Liberty and" before the words "Victory type (AP2's only)."

2. In item "(1)" under *Transfer Foreign* delete "or 4 U.S. flag Liberty dry cargo vessels" at the end of the series of vessel types.

3. In item "(2)" under *Transfer Foreign* delete the words "Liberty and" inside the parentheses.

C. Under the heading *Transfers to foreign ownership and/or registry (without vessel replacement)—(1) For operation:* Following the words "Under this category are" insert the words "Liberty dry cargo vessels and".

III. CONDITIONS OF APPROVAL OF TRANSFERS TO FOREIGN OWNERSHIP AND/OR REGISTRY

Under the heading *United States privately-owned vessels of 3,000 gross tons and over, regardless of type or age* in the paragraph *Availability*, delete the last sentence and substitute therefor the new sentence "If the transfer of flag is to a country that is a signatory of the North Atlantic Pact (NATO), the Administrator will eliminate this Condition 2."

Dated: January 25, 1960.

CLARENCE G. MORSE,
Maritime Administrator.

[F.R. Doc. 60-1028; Filed, Feb. 1, 1960; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

OFFICIAL COTTON STANDARDS FOR LENGTH OF STAPLE

Proposed Revisions

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is considering the amendment of § 28.303 of the official cotton standards for length of staple pursuant to authority contained in section 10 of the United States Cotton Standards Act, as amended (42 Stat. 1519; 7 U.S.C. 61), and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854).

The proposed amendment would (1) eliminate the practical forms for the staple lengths $1\frac{1}{16}$ and $1\frac{3}{8}$ inches for

American Upland cotton and (2) eliminate the practical forms for the staple lengths $1\frac{1}{16}$, $1\frac{3}{8}$ and $1\frac{3}{4}$ inches for American Egyptian cotton. All of these lengths of staple would remain as descriptive standards and would be used in cotton classing as needed.

The proposed amendment would also change the official staple standards for American Egyptian cotton in the length $1\frac{5}{16}$ inches from a descriptive standard to a practical form.

Under the proposed amendment, § 28.303 would be amended to read as follows:

§ 28.303 Original representations of staple lengths.

The following lengths of staple are each represented by a quantity of cotton in the custody of the United States Department of Agriculture suitably contained and marked "Original Representation of official cotton standards of the United States" followed in each instance

by name of growth, the appropriate designation of staple length, and the effective date:

(a) *American Upland.* $\frac{7}{8}$, $1\frac{1}{16}$, $1\frac{1}{32}$, $1\frac{1}{16}$, $1\frac{3}{32}$, $1\frac{1}{8}$, $1\frac{1}{32}$, $1\frac{3}{16}$, $1\frac{1}{32}$ and $1\frac{1}{4}$ inches (effective date, August 1, 1929); $1\frac{3}{16}$, $2\frac{3}{32}$ and $3\frac{1}{32}$ inches (effective date, August 1, 1933).

(b) *American Egyptian.* $1\frac{5}{16}$ (effective date, August 1, 1961; $1\frac{3}{8}$ and $1\frac{1}{16}$ inches (effective date, August 10, 1943); $1\frac{1}{2}$ inches (effective date, August 1, 1929).

(c) *Sea Island.* $1\frac{1}{2}$, $1\frac{1}{16}$, $1\frac{5}{8}$ and $1\frac{3}{4}$ inches (effective date, August 10, 1939).

It is proposed that the amendments would become effective August 1, 1961.

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, Washington 25, D.C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of January 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-1008; Filed, Feb. 1, 1960;
8:48 a.m.]

[7 CFR Parts 904, 990, 996, 999,
1019]

[Docket Nos. AO-14-A28-RO1; AO-203-A11-RO1; AO-204-A10-RO1; AO-302-A3; AO-305-A2]

MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASS.; SOUTHEASTERN NEW ENGLAND AND CONNECTICUT MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, Springfield and Worcester, Massachusetts, Southeastern New England and Connecticut marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the Greater Boston, Springfield and Worcester tentative marketing agreements and to the orders, were formulated was conducted at Boston, Massachusetts, on April 14 and 15, 1959, pursuant to notice thereof issued on April 1, 1959 (24 F.R. 2623) and reopened at Boston, Massachusetts, on October 19 and 20, 1959, pursuant to notice thereof issued on October 2, 1959 (24 F.R. 8116). The hearing on the record of which the proposed amendments, as hereinafter set forth, to the Southeastern New England and Connecticut tentative marketing agreements and to the orders were formulated, was conducted at Boston, Massachusetts, on October 19 and 20, 1959, pursuant to notice thereof issued on October 2, 1959 (24 F.R. 8116).

The material issues on the record of the hearing all relate to the pricing of

Class I milk and are more specifically defined as follows:

1. Changes needed to restore the New England basic Class I price formula to full operation, and to properly relate such formula price to Class I prices in other federally regulated marketing areas and to the value of milk for manufacturing uses during the immediate months ahead or until modified through further amendatory action.

2. Order provisions needed to insure Class I prices which are properly related to Class I prices in other federally regulated marketing areas and to the value of milk for manufacturing uses during a period after that specified under Issue No. 1.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing including the reopened hearing and the record thereof:

Issue No. 1. The Greater Boston, Springfield and Worcester, Massachusetts, Southeastern New England and Connecticut orders should be amended to provide for (1) updating the base period used in the Class I pricing formula, (2) revision of the weighting of the individual components of the economic index and formula, (3) revision of the supply-demand factor and (4) a provision limiting the Class I price in these markets in relation to the New York-New Jersey Class I-A price.

The Class I price in the five New England markets is determined currently by a formula method which was adopted initially as a part of the Boston order, April 1, 1948, and modified in April and September of 1952. With the advent of Federal regulation in Southeastern New England, effective January 1, 1959, and in Connecticut April 1, 1959, the present supply-demand factor which reflects the supply-demand situation in the Boston, Springfield and Worcester markets in the second and third preceding months no longer appropriately reflected the supply-demand situation in the regulated New England markets. This situation was generally recognized by the interested persons and the hearing held on April 14 and 15, 1959, was called at their request to consider changes in the supply-demand factor to appropriately reflect the situation in the five-market area. Insufficient data on the current supply and demand situation in the Southeastern New England and Connecticut markets precluded amendment of the orders at that time and on recommendation of the witnesses testifying at the hearing the supply-demand factor in each of the months subsequent to April 1959 has been determined by suspension action.

Official notice is taken of the Class I prices announced for the several New England and New York-New Jersey markets for the months of November and December 1959 and of the formula factors used in computing such prices.

In recent years the Greater Boston order Class I price has been closely related to the Class I-A price under the New York-New Jersey order. For the years 1957, 1958, and 1959, the Greater Boston Class I price averaged \$5.83, \$5.67

and \$5.85 while the New York-New Jersey Class I-A prices averaged \$5.72, \$5.67 and \$5.72 (all for 3.7 milk in the 21st zone). The close relationship between the Greater Boston and New York-New Jersey Class I prices is further indicated by the fact that for the ten-year period (1950-1959) the Boston price has been higher by an average of approximately four cents. The range in annual average differences has been from a Boston price exceeding New York-New Jersey by 19 cents (in 1955) to a price 12 cents below New York-New Jersey (in 1953). The Greater Boston Class I price exceeded the New York-New Jersey Class I-A price in six of the last ten years and was the same in one year (1958).

Prices in the other New England orders, except for the Southeastern New England order, are identical to those under the Boston order. The Southeastern New England Class I price is established at a level 7 cents higher than the Boston Class I price. While this hearing was called to consider, among other things, the appropriate level of Class I prices as between markets, nevertheless, the issue of appropriate relationship of Class I prices as between Boston and Southeastern New England was considered at the five-market hearing held in various New England cities from September 9 through October 8, 1959 on which a decision has not yet been issued. Accordingly, the 7-cent differential is not a consideration in this decision.

The five New England and the New York-New Jersey orders use the same basic pricing concept. However, while the New York-New Jersey order provides that the base price shall be adjusted by the U.S. wholesale price index to determine a price which is then adjusted by the supply-demand factor and seasonal factors, the New England orders provide that the base price shall be adjusted by an index consisting of three components of equal weight; i.e., the U.S. wholesale price index, the consumer income index and the grain-labor index. While the consumer income index has been more dynamic than the other two factors, resulting in a higher economic index price than the New York-New Jersey economic index price (the New York-New Jersey Class I price adjusted to remove the effect of the supply-demand and seasonal factors), the action of the supply-demand factor in response to shifting supplies between the New York-New Jersey and the New England markets has resulted in the close price relationship previously indicated.

It is appropriate that this close inter-market price relationship be continued and hence it is desirable that the economic index prices under these orders be maintained in close alignment. While this could be accomplished by use of the same index factor under the two pricing formulas; nevertheless, it must be recognized that the pricing formula under the New England orders over a long period of years has generally resulted in a price appropriately related to prices in other markets and has reflected the local supply-demand situation.

Since the New York-New Jersey and New England basic Class I prices were

identical for the year 1958 on a 3.7 percent butterfat basis, it is appropriate that the components of the economic index be updated using the factors entering into the 1958 Class I prices as the base. This can be achieved by using index numbers constructed on the following basis: Wholesale price index, 119.0; New England per capita consumer income, \$2,050; the New England dairy ration price per ton, \$80.82, and the New England farm wage rate per month, \$198.33. This updating of the components will provide an opportunity for comparison of more recent figures for these components with changes in current periods as generally recommended by witnesses appearing at the hearing and is not intended to change the level of price.

In addition, the economic index should be revised to provide that the wholesale price index be weighted by three, the New England per capita consumer income by one and the grain-labor index by three. The consumer income index is intended to reflect consumer demand and ability to purchase milk. As previously indicated, this component has been the most active in increasing the price level and experience over the years has indicated that, in fact, an increase in consumer income does not bring about a proportionate increase in fluid milk sales. Accordingly, it is appropriate that the weighting of the consumer income component be adjusted to reflect this experience. The recommended weighting retains the equal influence of the wholesale price index and the grain-labor index.

The New England basic Class I price and the New York-New Jersey Class I price can be maintained in appropriate alignment by limiting the New England economic index price (the revised New England base price of \$5.67 multiplied by the economic index) to a range of plus or minus eleven cents in relation to the New York-New Jersey economic index price. This comparison can be appropriately made on the basis of the current month, notwithstanding the fact that the five New England and New York-New Jersey orders require the announcement of the Class I price on the 25th day of the preceding month. The U.S. Wholesale price index and other factors in the New York-New Jersey formula are known in sufficient time prior to the required announcement date to permit their use in determining the Class I price in the New England orders.

The margin of the New England economic index price within a range of plus or minus eleven cents of the New York-New Jersey index price assures a reasonable intermarket price relationship and provides some flexibility to permit the additional components of the New England economic index to exert their influence.

During all months of 1958-1959, the New England economic index price as thus calculated was within plus or minus 11 cents of the New York-New Jersey economic index price. However, when the New York-New Jersey economic index price was adjusted by the recommended snubber for that order, the New

England economic index price was greater by more than eleven cents in all the months of February through September 1959. The snubbing action would have reduced the bracketed Class I price 22 cents only in February 1959 or two cents on an annual basis.

Relating the New York-New Jersey index price and the New England economic index price in this fashion will permit the supply-demand adjustment factor to operate freely to increase or decrease the price in response to changed supply-demand conditions in the five New England markets. The supply-demand factor is recognized as an important tool in adjusting the Class I price in response to changes in fluid sales and producer receipts in New England markets. Some month-to-month variation between New York-New Jersey and New England basic Class I prices also will occur due to differing seasonal factors but will not alter the relationship on an annual basis.

Initial regulation for the Southeastern New England marketing area on January 1, 1959, and Connecticut marketing area on April 1, 1959, caused substantial changes in supply-demand conditions as measured by the present orders' supply-demand factors. Although only minor changes occurred in regional supply-demand conditions, there were substantial changes in supply-sales relationship in the Greater Boston market with the institution of these new orders. The inclusion of data from the Southeastern New England and Connecticut markets in the computation of the supply-demand factor will provide a measure of supply-demand conditions for all New England markets. Further, this action will permit the operation of the New England basic Class I price formula thereby obviating need for further suspension of the supply-demand factor at this time.

Producer receipts and Class I sales of the new Southeastern New England and Connecticut order markets have been added to the Greater Boston, Springfield and Worcester markets, presently used, in the computation of the base Class I percentages to be used in the revised supply-demand factor herein provided. The period used in determining seasonality of producer receipts and Class I sales has been changed to the period 1953-1957 from the period of 1949-1951 as currently used. In addition, the percentages of base supply have been related to the supply-demand adjustment factors so that in general a 1.5 percent change in base supply results in a change in the factor of 1.0 percent thereby making the factor somewhat more sensitive than at present. A 1.0 percent change in the supply-demand adjustment factor would result in a change of approximately 6 cents in the unbracketed price.

In revising the supply-demand factor, daily average producer receipts for each month were computed from available data for the five markets for the period 1953-1957. These averages were used to compute an index of producer receipts for each month by the statistical median link relative method. An index of Class I sales was similarly computed. The respective monthly indexes were used to

adjust the average daily producer receipts and Class I sales for each month for the year 1958. Then, the adjusted Class I sales for each month were divided by producer receipts for the same month to determine the base Class I percentages for each month. This method differs from that used to arrive at the present normal percentages in that no adjustment is made to relate the monthly percentages to an optimum utilization percentage in November.

The recommended base Class I percentages are lower than the present normal percentages under the order in the months of November through March, and higher in the months of April through October. When the revised base percentages are used in the supply-demand adjustment factor table, these lower percentages in November through March operate to change the effect of the supply-demand factor on the Class I price in the months of January through May. The higher base percentages in April through October would be reflected in the pricing months of June through December. The annual average under the present order of the Normal Class I percentages is approximately the same as those herein recommended; i.e., 67.6 as compared to 68.9.

Monthly Class I utilization percentages for the five New England markets averaged 70.5 for the period November 1958-October 1959; up from 68.6 for the comparable period in 1957-1958. Utilization percentages for every month beginning in December 1958, have exceeded the corresponding utilization percentages of the same months in the previous years. There appears to be a tightening of supplies relative to Class I demands in the most recent eleven-month period.

As was expected with the institution of regulation in Southeastern New England and Connecticut, there has been some realignment of supplies to Class I requirements in the New England markets. The supply-demand factor under the revised formula reflects this change in that the factor moved from an annual average of 1.00 in 1958 to 1.02 in 1959. It should be recognized that because of the lag (use of the second and third prior month producer receipts to Class I sales relationship) in the utilization percentages, the relationship existing in the last two months of 1959 will be reflected in the supply-demand factor used for the first three months of 1960.

Under the revised formula as herein proposed the Class I price for the 201-210-mile zone would have averaged \$5.67 per hundredweight for 1958, the identical price which the present formula yielded. However, the July price would have been 22 cents higher and the December price 22 cents lower than the price actually in effect. As previously indicated, the price since April 1959 has been established through suspension action. The price in effect during 1959 averaged \$5.85, eighteen cents over the 1958 price and thirteen cents over the New York-New Jersey price. The revised formula would have provided an annual level of Class I price for this year of \$5.83, two cents less than the level actually in effect. Month-to-month prices would have been

identical to those actually in effect except for September, which would have been 22 cents lower. The combined revised Class I formula with the tie-in provision with the New York-New Jersey Class I price as adjusted by the recommended snubber provision would have reduced the New England basic Class I price approximately four cents on an annual basis in 1959. This relatively minor change may be attributed to the fact that prices have been closely aligned among the markets.

It is concluded that the recommended changes in the pricing formula would have produced prices during the period 1958-1959 which were appropriate in relation to the local supply-demand situation, to prices which actually prevailed, and to prices prevailing in the adjacent New York-New Jersey market and that the revised formula will assure a continuing close relationship of prices between the New England markets and the New York-New Jersey market and Midwestern markets should the New York-New Jersey price be snubbed to such Midwestern prices.

Certain parties recommended in their briefs that the seasonal adjustment factor also be adjusted, contending that changes in seasonality of production and sales suggested the need for some revision in the seasonality of pricing. The record of this hearing does not provide a basis for such a change. However, if desired, consideration can be given to this matter at a subsequent amendment hearing.

Issue No. 2. The findings and conclusions on Issue No. 1 are concluded to be equally appropriate for Issue No. 2 and are not here repeated. However, in conformity with the Department's announcement of October 2, 1959, interested parties will be given opportunity to submit further evidence on any and all phases of Class I pricing mechanisms and the resulting level of price at a reopening of the hearing to consider these matters in all Northeastern federally regulated markets.

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

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

with the findings and determinations set forth herein.

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

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

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

Recommended marketing agreement and order amending the orders. The following order amending the orders regulating the handling of milk in the Greater Boston, Massachusetts, Springfield, Massachusetts, and Worcester, Massachusetts, Southeastern New England and Connecticut marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended.

Amend §§ 904.48, 996.48, 999.48, 990.41 and 1019.41 of the Greater Boston, Springfield, Worcester, Southeastern New England and Connecticut orders, respectively, by deleting all of the present language thereof and substituting therefor the following:

Computation of New England basic Class I price. The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as

published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by \$.0567, expressing the result to the nearest mill;

(2) Divide the Class I-A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201-210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment and the seasonal adjustment factor which entered into the computation thereof, and then add \$.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the base supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of base supply: ¹	Supply-demand adjustment factor
90.5-91.5	1.06
92.0-93.0	1.05
93.5-94.5	1.04
95.0-96.0	1.03
96.5-97.5	1.02
98.0-99.0	1.01
99.5-100.5	1.00
101.0-102.0	.99
102.5-103.5	.98
104.0-105.0	.97
105.5-106.5	.96
107.0-108.0	.95
108.5-109.5	.94

¹ If the percentage of base supply calculated according to (4) above falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the table below opposite the bracket within which the price computed above falls.

Unbracketed price		New England basic Class I price
At least—	But less than—	
\$4.86 ¹	\$5.08	\$4.97
\$5.08	5.30	5.19
\$5.30	5.52	5.41
\$5.52	5.74	5.63
\$5.74	5.96	5.85
\$5.96	6.18	6.07
\$6.18	6.40	6.29
\$6.40	6.62	6.51
\$6.62	6.84	6.73
\$6.84	7.06	6.95

¹ If the unbracketed price computed pursuant to this paragraph is less than \$4.86 or is \$7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

Issued at Washington, D.C., this 27th day of January 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-1009; Filed, Feb. 1, 1960; 8:48 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 89]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Establishment and Administration

Basis and purpose. Notice is hereby given that, pursuant to the authority vested in the United States Civil Service Commission by the Act of September 28, 1959 (73 Stat. 708; 5 U.S.C. 3001, et seq.), it is proposed to amend 5 CFR by adding a new part 89 as hereinafter set forth.

The purpose of this part is to regulate the establishment and administration of the Federal Employees Health Benefits Program. The regulations establish the times and conditions under which employees may enroll to participate; the amount of the Government contribution toward health benefits, and the times and conditions under which participation in the program is terminated. They

also prescribe minimum standards for carriers wishing to participate in the Program, and for health benefits plans to be offered to employees by carriers; and provide a procedure for withdrawing the Commission's approval.

Interested persons may submit written comments, suggestions, or objections to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Chapter I of Title 5 Code of Federal Regulations is amended by adding a new part 89, to read as follows:

PART 89—GROUP HEALTH BENEFITS

Subpart A—Enrollment

- Sec. 89.1 Definitions.
- 89.2 Coverage.
- 89.3 Enrollment.
- 89.4 Effective date of enrollment.
- 89.5 Continuation of enrollment.
- 89.6 Cancellation of enrollment.
- 89.7 Termination of enrollment.
- 89.8 Temporary extension of coverage for conversion.

Subpart B—Approval of Plans and Carriers

- 89.11 Minimum standards for health benefits plans.
- 89.12 Minimum standards for health benefits carriers.
- 89.13 Application for approval of health benefits plans.
- 89.14 Withdrawal of approval of health benefits plans.

Subpart C—Administrative Provisions

- 89.21 Contributions.
- 89.22 Reserves.
- 89.23 Certificates of dependency.
- 89.24 Employee appeals.
- 89.25 Legal actions.

AUTHORITY: §§ 89.1 to 89.25 issued under sec. 10, 73 Stat. 715, 5 U.S.C. 3009.

Subpart A—Enrollment

§ 89.1 Definitions.

For the purposes of this part: (a) Terms defined by section 2 of the Federal Employees Health Benefits Act of 1959 have the meanings there set forth.

(b) "Employing office" means any office of an agency to which jurisdiction and responsibility for health benefits actions for the employee concerned have been delegated. For enrolled annuitants, the office which has authority to approve payment of annuity or workmen's compensation for the annuitant concerned is the employing office.

(c) "Option" means a level of benefits. It does not include distinctions as to the members of the family covered.

(d) "Transfer" means (1) a change from one employing office to another, without a break in service of more than three calendar days, whether the personnel action is designated as a transfer or not, and (2) change from one employing office to another by reason of (i) retirement under conditions making the person eligible to continue enrollment, or (ii) reemployment of an annuitant under conditions terminating his title to annuity.

(e) "Pay period" means the biweekly pay period established pursuant to the Federal Employees Pay Act of 1945 for the employees to whom that Act ap-

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plies; the regular pay period for employees not covered by that Act; and the period for which a single installment of annuity is customarily paid for annuitants.

(f) "Register" means to file with the employing office a properly completed Health Benefits Registration Form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means to be enrolled in a health benefits plan approved by the Commission under this part.

(g) "Family" means the spouse, unmarried children under the age of 19, including (1) an adopted child, and (2) a stepchild or recognized natural child who lives with the employee in a regular parent-child relationship, and children 19 or older who are incapable of self-support because of mental or physical incapacity which existed before the child reached the age of 19, of the registering employee or annuitant.

(h) "Immediate annuity" means an annuity which begins to accrue not later than one month after the date enrollment under a health benefits plan would cease for an employee or member of family if he were not entitled to continue enrollment as an annuitant.

(i) "Eligible" means eligible under the law and this part to be enrolled.

§ 89.2 Coverage.

(a) Each employee, other than those excluded by paragraph (b) of this section, is eligible to be enrolled in a health benefits plan at the times and under the conditions prescribed in this part.

(b) Employees in the following groups are not eligible:

(1) Employees serving under appointments limited to one year or less, except (i) employees so appointed for full-time employment without break in service or after a separation of three days or less, following service in which they were enrolled under this part, and (ii) acting postmasters.

(2) Emergency employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals, and employees who are expected to work less than six months in each year.

(3) Substitutes in the postal field service who are not regularly on call.

(4) Part-time, improve when-actually-employed, or intermittent employees having no regular tour of duty.

(5) Employees whose salary, pay, or compensation on an annual basis is \$12 a year or less.

(6) Beneficiary or patient employees in Government hospitals or homes.

(7) Employees paid on a contract or fee basis.

(8) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.

(9) Annuitants and persons who have received annuity under a retirement system for employees, and who are reemployed under conditions not terminating their titles to annuity, except those annuitants enrolled for health benefits

before reemployment who continue enrollment.

(c) The Commission shall make final determinations on the applicability of this section to specific employees or groups of employees.

§ 89.3 Enrollment.

(a) Each eligible employee, whether or not he wishes to be enrolled, must register before July 1, 1960.

(b) Each eligible employee who is appointed after June 30, 1960, must register before the 32d calendar day after entry on duty, unless he is covered under the enrollment of another employee or annuitant, in which case he must register before the 32d calendar day after the coverage terminates.

(c) Upon a determination by the employing office that an employee was unable, for cause beyond his control, to register to be enrolled within the times prescribed by paragraphs (a) and (b) of this section, the employing office shall accept his registration to be enrolled before the 32d calendar day after his first opportunity. A registration not to be enrolled may be accepted at any time.

(d) An employee who serves in cooperation with non-Federal agencies and is paid in whole or part from non-Federal funds may register to be enrolled within the period prescribed by the Commission for the group of which the employee is a member following approval of arrangements providing (1) that the required withholdings and contributions will be made from federally controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) that the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and will transmit them to the Federal agency for timely deposit into the Employees Health Benefits Fund.

(e) An employee eligible to register before January 1, 1961, who has not registered to be enrolled, or who has cancelled his enrollment, may register to be enrolled between the 1st and 15th, inclusive, of October 1961. An employee or annuitant enrolled before January 1, 1961, may change his enrollment with respect to whether his family is covered, the health benefits plan in which he is enrolled, which of the options he selects, or any combination of these, between the 1st and 15th, inclusive, of October 1961. Employees appointed after December 31, 1960, may, whether or not enrolled under paragraph (b) of this section, register between the 1st to 15th, inclusive, of October of the calendar year following appointment, for any plan or option, and for individual or family coverage.

(f) (1) An enrolled employee or annuitant may change his enrollment from himself alone to himself and family, or the reverse, and an employee, if not registered to be enrolled, may register to be enrolled, at any time during the period beginning 31 calendar days before a change in marital status and ending 60 calendar days, inclusive of the beginning and ending days, after the change in marital status. An enrolled employee or annuitant may change his enroll-

ment from himself alone to himself and family, or the reverse, within 60 calendar days, inclusive of the final day, after any other change in family status.

(2) An employee who is not enrolled, but is covered by enrollment of a spouse, may register to be enrolled within 31 calendar days after termination of the spouse's enrollment, other than by death or cancellation, and within 60 calendar days after termination of the spouse's enrollment by death.

(g) (1) An employee or annuitant who is enrolled in a comprehensive medical plan, and who moves outside the geographic area to which enrollment in that plan is limited, may, if the plan terminates his enrollment, register, before the 32d calendar day after the plan terminates his enrollment to be enrolled in another health benefits plan.

(2) An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may, if the plan terminates his enrollment, register, before the 32d calendar day after termination of his membership in the employee organization, to be enrolled in another health benefits plan.

(h) An employee or annuitant who is enrolled in a health benefits plan which ceases to be an approved health benefits plan may register to be enrolled in another plan at any time before the 32d calendar day after the date set by the Commission for termination of its approval of the plan.

(i) When an employee or annuitant enrolled for himself and family dies, leaving a survivor annuitant who is entitled to continue the enrollment in a health benefits plan, and it is apparent to the employing office from available records that the survivor annuitant is the sole survivor entitled to continue enrollment in the health benefits plan, the employing office shall change the enrollment from family to individual enrollment, effective on the first day of the first pay period thereafter for the survivor annuitant. Upon request of the survivor annuitant made within 31 days after the first installment of annuity is paid, this action shall be rescinded retroactive to the effective date of the action, with corresponding adjustment in withholdings and contributions.

(j) In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

§ 89.4 Effective date of enrollment.

(a) The effective date of enrollment under § 89.3(a) of this part is the first day of the first pay period in which the employee is in pay status and which begins after the employee's Health Benefits Registration Form is received by his employing office, but not earlier than the first day of the first pay period which begins after June 30, 1960.

(b) The effective date of other enrollments or changes of enrollment is the first day of the first pay period in which the employee or annuitant is in pay or annuity status which begins not less than 14 calendar days after the

Health Benefits Registration Form is received by his employing office.

§ 89.5 Continuation of enrollment.

Except as otherwise provided by this part, enrollment of an employee or annuitant eligible to continue enrollment continues without change when he transfers, and the enrollment of a deceased employee or annuitant continues without change for eligible survivor annuitants.

§ 89.6 Cancellation of enrollment.

An enrolled employee or annuitant may register to cancel his enrollment at any time by filing with his employing office a properly completed Health Benefits Registration Form. The cancellation becomes effective on the last day of the pay period following the pay period in which the Health Benefits Registration Form cancelling his enrollment is received by his employing office. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 89.7 Termination of enrollment.

(a) An employee's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The day before he enters on active duty or active duty for training in one of the uniformed services, but "active duty" and "active duty for training" do not include a period in which he is on leave with pay from his civilian position.

(3) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(4) The last day of the pay period in which he dies.

(5) The 365th day of continuous non-pay status, and enrollment during periods of nonpay status before termination is without contribution by the employee or the Government.

(b) An annuitant's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he dies.

(2) The last day of the last pay period for which he is entitled to annuity, unless he receives an appointment under which he is an eligible employee.

(3) The last day of the pay period in which his title to compensation under the Federal Employees Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is entitled to an annuity or he receives or continues an appointment under which he is an eligible employee.

(c) (1) The coverage of a member of the family of an enrolled employee or annuitant ceases, subject to the temporary extension of coverage for conver-

sion, at midnight of the earliest of the following dates:

(i) The last day of the pay period in which he ceases to be a member of the family.

(ii) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor annuitant, to continued enrollment.

(2) The withholdings required from enrolled survivor annuitants shall be taken from the annuity of the surviving spouse, if any. If that annuity is less than the withholding required, the annuity of the youngest child shall be withheld to the extent necessary, and, if necessary, the annuity of each next older child, in succession, until the withholding is satisfied.

(d) If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, the employing office shall notify the annuitant of the plans available at a cost not in excess of the annuity. The annuitant may register to be enrolled in another plan whose cost is no greater than his annuity. If the annuitant does not, or cannot, elect a plan at a cost to him not in excess of the annuity, the enrollment of the annuitant shall cease, effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-calendar-day extension of coverage for conversion.

§ 89.8 Temporary extension of coverage for conversion.

An employee or annuitant whose enrollment is terminated other than by cancellation, and a member of the family whose coverage is terminated other than by cancellation of the enrollment under which he is covered, is entitled to a 31-calendar-day extension of coverage for himself, or himself and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part.

Subpart B—Approval of Plans and Carriers

§ 89.11 Minimum standards for health benefits plans.

(a) To be qualified to be approved by the Commission, a health benefits plan must:

(1) Provide for compliance with the Federal Employees Health Benefits Act of 1959 and this part, as amended from time to time.

(2) Accept enrollment, in accordance with this part, and without regard to age, race, sex, health status, or hazardous nature of employment, of all eligible employees or annuitants except that plans which are sponsored or underwritten by employee organizations may not accept enrollment of persons who are not members of the organization, but may not limit membership in the organization on account of these prohibited factors. The enrollment of an employee or annuitant in a health benefits plan sponsored or underwritten by an employee organization may be ter-

minated by the carrier on account of termination of membership in the organization. A comprehensive medical plan may not enroll employees and annuitants residing outside geographic areas specified by the plan and may terminate the enrollment of employees and annuitants who move outside the geographic areas.

(3) Provide for coverage of enrolled employees and annuitants and covered members of their families wherever they may be.

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier for group conversion purposes, which must, at the option of the employee, annuitant, or member of the family, as the case may be, be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be cancelled for fraud, over-insurance or nonpayment of periodic charges. Conversion must be permitted within the time allowed by the temporary extensions of coverage provided under § 89.8 for each employee, annuitant, and member of family entitled to convert. The contract shall, upon conversion, become effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family, as the case may be, shall pay the entire cost thereof directly to the carrier. The nongroup contract may not deny or delay an obstetrical or other benefit covered by the contract for a person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

(5) (i) Provide that any person who has been granted a temporary extension of coverage in accordance with § 89.8 of this part and who, on the 31st day of the temporary extension, is confined in a hospital or other institution for care or treatment shall be granted continuation of the benefits of the plan during the continuance of the confinement but not beyond the 60th day following the end of the temporary extension.

(ii) Provide that any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, and who is confined in a hospital or other institution on the last day of enrollment under the prior plan or option shall be granted a continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day following the last day of enrollment in the prior plan or option; and that the plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to continuance of benefits under the prior plan or option.

(6) Provide that each employee and annuitant who enrolls in the plan receive evidence of his enrollment, in a form to be approved by the Commission, summarizing the conditions of the plan, including, but not limited to, those concerning benefits, claims, and payment of claims.

(7) Provide a standard rate structure which contains, for each option, one standard individual rate, and one standard family rate, without other variations.

(8) Maintain statistical records regarding the plan, separately from those of any other activities or benefits conducted or offered by the carrier sponsoring or underwriting the plan.

(9) Provide for return to the Employees Health Benefits Fund, at the end of each contract period, of so much of the subscription charges and other income attributable to the plan as exceeds the sum incurred for the year for benefit payments, premium and other taxes attributable to the plan, and other expenses; the risk charge or retention authorized by the Commission for the plan; and a special reserve not to exceed the latest three calendar months' income from the Fund. Amounts so returned shall be credited to the contingency reserve for that plan. Amounts retained by the carrier as reserves for the plan must be maintained and accounted for separately from reserves maintained by the carrier for other plans. For a carrier providing service benefits, the Commission may in its discretion approve the use of other equitable and practicable recording, accounting, reporting, and financial procedures.

(b) To be qualified to be approved by the Commission, a health benefits plan must not:

(1) Deny any covered person a benefit provided by the plan for a service rendered on or after the effective date of coverage solely because of a pre-existing physical or mental condition; or require a waiting period for any covered person for benefits which it provides, except that a plan may, with the approval of the Commission, limit benefits for services rendered to a person who, on the effective date of enrollment, is confined in a hospital or other institution, so long as the person is continuously confined therein.

(2) Have more than two options.

(3) Have an initiation, service, enrollment, or other fee or charge in addition to the rate charged for the plan, except that, notwithstanding subparagraph (1) of this paragraph, comprehensive medical plans may impose an additional charge, to be paid directly by the employee or annuitant for certain medical supplies and services, if the supplies and services on which additional charges are imposed are clearly set forth in advance and are applicable to all employees and annuitants. This subparagraph does not apply to charges for membership in employee organizations sponsoring or underwriting plans.

§ 89.12 Minimum standards for health benefits carriers.

A health benefits plan will not be approved by the Commission unless the carrier of the plan meets, in addition to the requirements of the Federal Employees Health Benefits Act of 1959, the following additional requirements:

(a) It must be lawfully engaged in the business of supplying health benefits.

(b) It must have, in the judgment of the Commission, the financial resources and experience in the field of health

benefits to carry out its obligations under the plan.

(c) It must agree to keep such reasonable financial and statistical records and furnish such reasonable financial and statistical reports with respect to the plan as may be requested by the Commission, which may include but is not limited to:

(1) Number of employees enrolled, by option and family coverage.

(2) Subscription charges received.

(3) Claims incurred, including health benefit payments made, or services rendered, by option and family coverage.

(4) Expense and risk or other retention charges.

(5) Other reserves.

(d) It must agree to permit representatives of the Commission and of the General Accounting Office to audit and examine its records and accounts with respect to the plan at such reasonable times and places as may be designated by the Commission or the General Accounting Office.

(e) It must agree not to advertise a plan approved under the Federal Employees Health Benefits Program, or its participation in the Program, to employees, or solicit enrollment of employees in a plan approved under the Program, other than in accordance with the instructions of the Commission.

(f) It must agree to accept, in payment of its charges for health benefits for all employees and annuitants enrolled in its plan, the enrollment charges forwarded by each employing office to the Employees Health Benefits Fund less the amounts set aside for the administrative and contingency reserves prescribed by this part. The Commission will pay over the amounts due each carrier at such times as are agreed upon by the carrier and the Commission.

§ 89.13 Application for approval of health benefits plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington 25, D.C.

(b) Approvals of all health benefits plans will become effective on May 1, 1960, for those carriers which have applied for approval by December 31, 1959. Thereafter, approval of a plan will become effective on a date to be set by the Commission for the plan.

§ 89.14 Withdrawal of approval of health benefits plans.

(a) The Commissioners may, on application of a carrier or on their own motion, withdraw their approval of a health benefits plan.

(b) Before withdrawing approval of the plan, the Commissioners shall cause to be sent, by certified mail, a notice to the carrier stating that they intend to withdraw their approval, and giving the reasons therefor. The carrier is entitled to reply in writing within 30 days of its receipt of the notice, stating the reasons why approval should not be withdrawn.

(c) On receipt of the reply, or in the absence of a timely reply, the Commissioners shall set a time and place for hearing. The Commissioners shall conduct the hearing or designate a repre-

sentative to do so. The carrier shall be given notice thereof, by certified mail, at least fifteen days in advance of the hearing. The carrier is entitled to appear by representative and present oral and written evidence and argument in opposition to the proposed action.

(d) The Commissioners shall make their decision on the record and communicate it to the carrier by certified mail. The Commissioners may set a future effective date for withdrawal of their approval.

(e) The Commissioners may, in their discretion, reinstate approval of a plan upon a finding that the reasons for withdrawing approval no longer exist.

Subpart C—Administrative Provisions

§ 89.21 Contributions.

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section, for each enrolled employee who is paid biweekly is as follows:

For an employee enrolled for self alone.....	\$1.30
For an employee enrolled for self and family.....	3.12
For a female employee enrolled for self and a family which includes a non-dependent husband.....	1.82

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is fifty percent of the enrollment charge, except that the Government contribution for a female employee who is enrolled for herself and a family including a nondependent husband is thirty percent of the enrollment charge.

(c) The Government contribution for annuitants and for employees who are not paid biweekly is a percentage of that fixed by paragraphs (a) and (b) of this section proportionate to the length of the pay period, rounding fractions of a cent to the nearest cent.

§ 89.22 Reserves.

(a) The enrollment charge consists of the rate approved by the Commission for payment to the plan for each employee or annuitant enrolled, plus four percent, of which one part is for an administrative reserve and three parts are for a contingency reserve for the plan.

(b) The administrative reserve shall be credited with (1) the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve, and (2) income from investment of the reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part.

(c) The contingency reserve for each plan shall be credited with (1) the three one-hundred-and-fourths of the enrollment charge set aside for the contingency reserve from the enrollment charges for employees and annuitants enrolled for that plan, (2) income from investment of the reserve, and (3) all dividends, rate adjustments, or other refunds made by the plan.

§ 89.23 Certificates of dependency.

(a) When an employee enrolls for a family which includes a dependent husband, the employing office shall require a certificate of a physician that the husband is incapable of self-support because of a physical or mental disability that can be expected to continue for more than one year. The certificate must include a statement of the name of the husband, the nature of his impairment, the period of time it has existed, and its probable future course and duration. The certificate must be signed by the physician and show his office address.

(b) When an employee enrolls for a family which includes a child incapable of self-support who has reached the age of 19, the employing office shall require a certificate of the physician that the child is incapable of self-support because of a physical or mental incapacity which existed before the child became 19, and can be expected to continue for more than one year. The certificate must include a statement of the name of the child, the nature of his impairment, the period of time it has existed, and its probable future course and duration. The certificate must be signed by the physician and show his office address. When an employee is enrolled for a family which includes a child under 19 who is incapable of self-support because of a physical or mental incapacity, the certificate must be filed with the employing office on or before the child's 19th birthday, except that a carrier may accept evidence of incapacity not timely filed.

(c) Certificate of incapacity must be renewed upon the expiration of the minimum period of disability certified.

(d) Determinations of incapacity shall be made by the employing office.

§ 89.24 Employee appeals.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll. The appeal shall be made in writing, within 30 calendar days of the refusal, to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement and Insurance to permit him to register to enroll. The appeal shall be made in writing, within 90 calendar days of the refusal, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(c) The Commission may order prospective correction of administrative errors as to enrollment at any time.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

§ 89.25 Legal actions.

Actions to compel enrollment of an employee or annuitant not excluded by § 89.2 should be brought against the employing office. Actions to recover on a claim for health benefits should be

brought against the carrier of the health benefits plan. Actions to review the legality of the Commission's regulations or a decision made by the Commission should be brought against the United States Civil Service Commissioners, whose address is Eighth and F Streets NW., Washington 25, D.C.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-1022; Filed, Feb. 1, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

Bureau of Flight Standards

[14 CFR Part 507]

[Reg. Docket No. 262]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for modification of fuel dump chutes on certain Boeing 707 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 4, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to the following 707-100, 707-300, and VC-137A aircraft only: Serial Numbers 17586 through 17601, 17609 through 17613, 17628 through 17652, 17658 through 17677, 17696 through 17702, 17925 through 17927.

Compliance required by June 1, 1960. When the fuel dump chutes are in the stowed position, the dump chute roller may not be fully engaged and the dump chute not locked in position. This has resulted in nine incidents of the fuel dump chutes inadvertently extending in flight. In five cases all or part of the chute and/or door was lost. In four cases some damage was done to the chute and/or door. In order to provide a means of indicating the posi-

tion of the uplatch assembly when the dump chute is in the stowed position, a new uplatch assembly has been designed which incorporates a position lock for the dump chute roller. A mechanism is also provided to indicate the position of the latch when the dump chute is stowed. As a result of the above, the following modifications shall be accomplished as indicated:

(a) Remove the fuel dump chute uplatch assembly and install new uplatch assemblies 65-12257-7 and 65-12257-8 (707-100 Series airplane) or 65-12291-3 and 65-12291-4 (707-300 Series airplane) in accordance with Boeing Service Bulletin 689 dated November 16, 1959.

(b) After completion of item (a) conduct the pressure checkout procedure as outlined in Boeing Service Bulletin No. 689A dated November 18, 1959. This pressure check procedure must be conducted each time the fuel dump chute is removed and reinstalled.

(c) A placard must be added on the exterior side of the dump chute closure panel adjacent to the indicator hole. For nomenclature and method of fabricating this placard follow procedure outlined in item (z) of Boeing Service Bulletin No. 689A.

Issued in Washington, D.C., on January 26, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-969; Filed, Feb. 1, 1960; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-96]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 1 presently extends in part from Salisbury, Md., to Coyle, N.J. The Federal Aviation Agency has under consideration modification of this segment of Victor 1 by realigning it from the Salisbury VOR via a VOR to be installed approximately June 1, 1960, near Waterloo, Del., at latitude 38°48'35" N., longitude 75°12'38" W., thence via the intersection of the Waterloo VOR 022° and the Coyle VOR 235° True radials, to the Coyle VOR. This modification of Victor 1 would provide more precise navigational guidance for the heavy volume of air traffic using this airway segment. The control areas associated with Victor 1 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 1 from Salisbury, Md., to Coyle, N.J., would be designated via the Waterloo, Del., intersection of the Waterloo VOR 022° and the Coyle VOR 235° True radials to Coyle.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air

PROPOSED RULE MAKING

Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-971; Filed, Feb. 1, 1960;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-81]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of VOR Federal airway No. 1528 from Newberg, Oreg., VOR via a VOR to be installed approximately September 1, 1960, near John Day, Oreg., at latitude 44°38'53" N., longitude 119°42'37" W.; Boise, Idaho, VOR; Pocatello, Idaho, VOR; Big Piney, Wyo., VOR; to the Cherokee, Wyo., VOR. This airway would be utilized for the movement of air traffic operating at intermediate altitudes between the Portland, Oreg., and the Cheyenne, Wyo./Denver, Colo., terminal areas.

If this action is taken, VOR Federal airway No. 1528 and associated control areas would be designated from Newberg, Oreg., via John Day, Oreg., Boise, Idaho, Pocatello, Idaho, Big Piney, Wyo., to Cherokee, Wyo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-972; Filed, Feb. 1, 1960;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Substances Generally Recognized as Safe; Supplementary List

The Commissioner of Food and Drugs, on his own initiative, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701; 72 Stat. 1785 et seq.; 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 348, 371) and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), proposes the promulgation of a regulation listing certain substances generally recognized as safe within the meaning of section 409 of the act,¹ and hereby offers an opportunity to all interested persons to present their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief, and it is requested that all comments be submitted in quintuplicate.

Product ¹	Limits	Conditions
CHEMICAL PRESERVATIVES		
Calcium sorbate.....	.....	.....
Methylparaben (methyl- <i>p</i> -hydroxybenzoate).....	0.1 percent.....	.....
Propylparaben (propyl- <i>p</i> -hydroxybenzoate).....	0.1 percent.....	.....
Stannous chloride.....	0.0015 percent, calculated as tin.....	.....
BUFFERS AND NEUTRALIZING AGENTS		
Adipic acid.....	.....	.....
Hydrochloric acid.....	.....	.....
Malic acid.....	.....	.....
Phosphoric acid.....	.....	.....
Succinic acid.....	.....	.....
NONNUTRITIVE SWEETENERS		
Ammonium saccharin.....	.....	.....
Magnesium cyclohexyl sulfamate.....	.....	.....
Potassium cyclohexyl sulfamate.....	.....	.....
NUTRIENTS		
Choline bitartrate.....	.....	.....
Glycine (aminoacetic acid).....	.....	Animal feeds.
Inositol.....	.....	Do.
Methionine.....	0.0125 percent.....	Do.
Methionine hydroxy analog and its salts.....	0.0125 percent.....	.....

¹ All items listed should, of course, comply with the conditions prescribed in (§ 121.101 (a) and (b)). With reference to the inclusion of items listed as nutrients, see (§ 121.101 (c)).

² This list supplements the list published in the FEDERAL REGISTER of November 20, 1959 (24 F.R. 9369).

Product 1	Limits	Conditions
STABILIZERS		
Acacia (gum Arabic).....		
Ammonium alginate.....		
Calcium alginate.....		
Ghatti gum.....		
Potassium alginate.....		
Sodium alginate.....		
Sterculia gum (karaya gum).....		
Tragacanth (gum tragacanth).....		
ANTICAKING AGENTS		
Sodium aluminosilicate.....	2 percent.....	
Sodium calcium aluminosilicate, hydrated.....	2 percent.....	
MISCELLANEOUS		
Ammonium bicarbonate.....		
Ammonium sulfate.....		
Beeswax (yellow wax).....		
Beeswax, bleached (white wax).....		
Bentonite.....		
Calcium chloride.....		
Dextrans (of average molecular weight below 100,000).....		
Glutamic acid.....		Salt substitute.
Glutamic acid hydrochloride.....		Salt substitute.
Hydrogen peroxide.....		Bleaching agent.
Lecithin.....		
Mannitol.....	5 percent.....	In special dietary foods.
Methylcellulose (U.S.P. methylcellulose, except that the methoxy content shall not be less than 27.5 percent and not more than 31.5 percent on a dry-weight basis).....		
Monopotassium glutamate.....		
Nitrous oxide.....		Propellant for certain dairy and vegetable fat toppings in pressurized containers.
Potassium carbonate.....		
Potassium sulfate.....		
Rennet (rennin).....		
Silica aerogel (finely powdered microcellular silica foam having a minimum silica content of 89.5 percent).....	0.00005 percent.....	Component of antifoaming agent.
Sodium bicarbonate.....		
Sodium carboxymethylcellulose (the sodium salt of carboxymethylcellulose, not less than 99.5 percent on a dry-weight basis, with maximum substitution of 0.95 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 25 centipoises for 2 percent by weight aqueous solution at 25° C.).....		
Sodium caseinate.....		
Sodium sesquicarbonate.....		
Sodium pectinate.....		
Torula yeast, dried.....		

Robin Line (Division of Moore-McCormack). South African Marine Corporation Ltd.; and

It further appearing that the purported agreements referred to above have not been filed for approval under said section 15 nor approved thereunder and may have been carried out;

It further appearing from information before the Board that through agreement or otherwise a vessel or vessels has or have been used in the U.S. Atlantic/South and East Africa trade in 1957 or 1958 or 1959 for the purpose of excluding, preventing or reducing competition by driving another carrier out of said trade by:

Farrell Lines Incorporated.
Robin Line (Division of Moore-McCormack); and

It further appearing that the purported transaction or transactions referred to above may constitute violation of section 14, Second of the Shipping Act, 1916 (46 U.S.C. 812);

Now therefore it is ordered, That an investigation is hereby instituted to determine whether any of the persons named above have carried out before approval under said section 15 any agreements requiring such approval, in violation of said section 15, and to determine whether Farrell Lines Incorporated and Robin Line (Division of Moore-McCormack) or either of them have operated vessels in violation of said section 14, Second; and

It is further ordered, That all persons named above are made respondents in this proceeding which is to be set for hearing before an examiner from the Hearing Examiners' Office at a time and place to be announced; and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: January 28, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-1025; Filed, Feb. 1, 1960; 8:49 a.m.]

See footnote on preceding page.

Dated: January 26, 1960.

[SEAL]

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1015; Filed, Feb. 1, 1960; 8:49 a.m.]

NOTICES

Office of the Secretary

JOHN S. VANDERHEIDE

Statement of Changes in Financial Interests

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

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

This statement is made as of January 23, 1960.

Dated: January 25, 1960.

JOHN S. VANDERHEIDE.

[F.R. Doc. 60-1021; Filed, Feb. 1, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 882]

UNAPPROVED SECTION 15 AGREEMENTS—SOUTH AFRICAN TRADE

Notice of Amended Order

On January 15, 1960, the Federal Maritime Board entered the following order amending its original order in this proceeding, dated January 7, 1960, which was published in the FEDERAL REGISTER of January 21, 1960 (25 F.R. 520):

It appearing from information before the Board that agreements within the contemplation of section 15 of the Shipping Act, 1916 (46 U.S.C. 814), fixing or

regulating transportation rates or fares; or controlling, regulating, preventing, or destroying competition; or pooling or apportioning of traffic; or regulating the number and character of sailings; or in other manners providing for exclusive, preferential or cooperative working arrangements, may have been made during the period 1954 through 1959 affecting trade between the United States and South and East Africa by:

- Louis Dreyfus Lines—joint service of Louis Dreyfus et cie Burles Marques, Ltd. Farrell Lines Incorporated. Lykes Bros. Steamship Co., Inc. Nedlloyd Line—joint service of N. V. Stoomvaart Maatschappij "Nederland" Koninklijke Rotterdamse Lloyd, N.V.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 217]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, U.S. Department of the Army, has filed an application, AR-04855, for the withdrawal of the following described lands from all forms of appropriation including the mining and mineral leasing laws and the grazing regulations:

GILA AND SALT RIVER MERIDIAN	
T. 4 S., R. 7 W.:	Acres
Sec. 7: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ (unsurveyed)	200
Sec. 17: S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ (unsurveyed)	400
Sec. 18: All (unsurveyed)	640
Sec. 19: All (unsurveyed)	640
Sec. 20: All (partially unsurveyed)	640
Sec. 28: All (surveyed)	640
Sec. 29: All (unsurveyed)	640
Sec. 30: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ (unsurveyed)	400
Sec. 32: N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ (unsurveyed)	400
Sec. 33: All (surveyed)	640
T. 4 S., R. 8 W.:	
Sec. 12: All (surveyed)	640
Sec. 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$	360
T. 5 S., R. 7 W.:	
Sec. 5: E $\frac{1}{2}$ W $\frac{1}{2}$ (unsurveyed)	160
Total	6,400

These reserved lands are to be used for the site of construction, a source of borrow, operation and maintenance of a flood control dam across the basin of the Gila River known as the Painted Rock Reservoir Project.

In addition, the Corps of Engineers has requested a limited withdrawal in the following respects only over the lands described below:

1. A permanent flowage easement reserved to the Department of the Army, designed to subordinate the land and all existing and future surface and subsurface developments and operations, to the Government's right of intermittent flooding, including deposition of silt and debris as may be necessary in the furtherance of the construction, operation and maintenance of said reservoir flood control project.

2. A permanent reservation to the Department of the Army to prohibit human habitation thereon and construction of permanent floatable structure thereon.

These lands cover the upstream and downstream portion of the project. Grazing, mining and mineral leasing or other uses of the lands are not precluded, provided that the activities are subordinated to the above easement and reservation. Grazing will continue to be administered by the Bureau of Land Management in accordance with the Taylor Grazing Act and subject to 180-day notice of cancellation.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona. 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 of the Interior on the allowance of the application will be published in the FEDERAL REGISTER. A separate notice will be sent to any interested parties of record.

GILA AND SALT RIVER MERIDIAN	
T. 4 S., R. 4 W.:	Acres
Sec. 20: S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
Sec. 28: W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
Sec. 29: E $\frac{1}{2}$	320.00
Sec. 31: E $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
Sec. 32: S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$	600.00
Sec. 33: W $\frac{1}{2}$ W $\frac{1}{2}$	160.00
T. 4 S., R. 5 W.:	
Sec. 30: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	320.00
Sec. 31: Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$	612.16
Sec. 32: W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	440.00
Sec. 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
T. 4 S., R. 6 W.:	
Sec. 15: SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	200.00
Sec. 16: E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	160.00
Sec. 17: S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	40.00
Sec. 18: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	280.00
Sec. 19: All	640.00
Sec. 20: All	640.00
Sec. 21: All	640.00
Sec. 22: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	560.00
Sec. 23: S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	240.00
Sec. 24: SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	200.00
Sec. 25: All	640.00
Sec. 26: All	640.00
Sec. 27: All	640.00
Sec. 28: All	640.00
Sec. 29: All	640.00
Sec. 30: Lots 1, 2, 3, 4, 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$	639.35
Sec. 31: Lots 1 through 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	566.96
Sec. 32: Lots 1 through 8, S $\frac{1}{2}$	587.47
Sec. 33: Lots 1 through 9, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ (All)	587.48
Sec. 34: Lots 1 through 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$	584.99
Sec. 35: Lots 1 through 10, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	568.97
Sec. 36: Lot 1, SE $\frac{1}{4}$, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	637.90
T. 4 S., R. 7 W.:	
Sec. 13: S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
Sec. 14: S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	200.00
Sec. 15: SE $\frac{1}{4}$	160.00
Sec. 16: W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
Sec. 21: All	640.00
Sec. 22: All	640.00
Sec. 23: All	640.00
Sec. 24: All	640.00
Sec. 25: All	640.00
Sec. 26: All	640.00
Sec. 27: All	640.00
Sec. 34: All	640.00
Sec. 35: All	640.00
Sec. 36: All	640.00
T. 4 S., R. 8 W.:	
Sec. 10: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Sec. 11: S $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	480.00
Sec. 14: All	640.00
Sec. 15: S $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	520.00
Sec. 16: S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	120.00
Sec. 21: E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	440.00
Sec. 22: All	640.00
Sec. 23: W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	400.00
Sec. 26: All	640.00
Sec. 27: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	600.00
Sec. 28: All	640.00
Sec. 29: SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	240.00

GILA AND SALT RIVER MERIDIAN—Continued	
T. 4 S., R. 8 W.—Continued	Acres
Sec. 31: S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	160.00
Sec. 32: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	600.00
Sec. 33: All	640.00
Sec. 34: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	320.00
T. 5 S., R. 4 W.:	
Sec. 4: Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	114.97
Sec. 5: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	639.46
Sec. 6: E $\frac{1}{2}$ E $\frac{1}{2}$	160.00
Sec. 7: Lots 1, 2, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	438.40
Sec. 8: N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	525.00
Sec. 17: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	150.00
Sec. 18: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	587.22
T. 5 S., R. 5 W.:	
Sec. 4: Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$	520.33
Sec. 5: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.78
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	636.29
Sec. 7: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	635.62
Sec. 8: All	640.00
Sec. 9: All	640.00
Sec. 10: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	440.00
Sec. 11: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	520.00
Sec. 12: Lots 4, 5, 6, 7, S $\frac{1}{2}$	490.80
Sec. 13: All	640.00
Sec. 14: All	640.00
Sec. 15: All	640.00
Sec. 16: All	640.00
Sec. 17: All	640.00
Sec. 18: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	637.06
Sec. 19: Lots 1, 2, E $\frac{1}{2}$ of Lot 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$	499.08
Sec. 20: All	640.00
Sec. 21: All	640.00
Sec. 22: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	637.50
Sec. 23: All	640.00
Sec. 24: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	180.00
Sec. 27: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	120.00
Sec. 28: N $\frac{1}{2}$ N $\frac{1}{2}$	160.00
Sec. 29: N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
T. 5 S., R. 6 W.:	
Sec. 1: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.00
Sec. 2: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.00
Sec. 3: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.16
Sec. 4: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.94
Sec. 5: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.74
Sec. 6: Lots 1 through 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	637.00
Sec. 7: Lots 1 through 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	637.72
Sec. 8: All	640.00
Sec. 9: All	640.00
Sec. 10: All	640.00
Sec. 11: All	640.00
Sec. 12: All	640.00
Sec. 13: All	640.00
Sec. 14: All	640.00
Sec. 15: All	640.00

GILA AND SALT RIVER MERIDIAN—Continued

T. 5 S., R. 6 W.—Continued	Acres
Sec. 16: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$	520.00
Sec. 17: All	640.00
Sec. 18: Lots 1, 2, 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$	478.74
Sec. 21: NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
Sec. 22: N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
Sec. 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
Sec. 24: N $\frac{1}{2}$	320.00
T. 5 S., R. 7 W.:	
Sec. 1: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	645.20
Sec. 2: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	643.20
Sec. 3: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	642.40
Sec. 4: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$	474.80
Sec. 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	520.00
Sec. 10: All	640.00
Sec. 11: All	640.00
Sec. 12: All	640.00
Sec. 13: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	520.00
Sec. 14: All	640.00
Sec. 15: All	640.00
Sec. 16: E $\frac{1}{2}$	320.00
Sec. 21: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	400.00
Sec. 22: All	640.00
Sec. 23: W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
Sec. 27: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	200.00
Sec. 28: E $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
T. 5 S., R. 8 W.:	
Sec. 4: Lots 1 through 4	192.00
Sec. 5: Lots 1 through 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	312.24
Sec. 6: Lots 1 through 6, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	536.08
T. 5 S., R. 9 W.:	
Sec. 1: S $\frac{1}{2}$	320.00
Sec. 2: E $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
Sec. 4: S $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
Sec. 5: S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
Sec. 6: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
Sec. 7: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	638.50
Sec. 8: W $\frac{1}{2}$, NE $\frac{1}{4}$	480.00
Sec. 9: N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	200.00
Sec. 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	440.00
Sec. 11: N $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$	520.00
Sec. 12: W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	520.00
Sec. 13: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	280.00
Sec. 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
Sec. 15: N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
Sec. 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Sec. 18: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	159.90
T. 5 S., R. 10 W.:	
Sec. 11: S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	200.00
Sec. 12: S $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	480.00
Sec. 13: W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	400.00
Sec. 14: All	640.00
Sec. 15: S $\frac{1}{2}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	560.00
Sec. 16: SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	240.00
Sec. 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Sec. 19: Lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$	439.52
Sec. 20: All	640.00
Sec. 21: All	640.00
Sec. 22: All	640.00
Sec. 23: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$	400.00
Sec. 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Sec. 27: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	280.00
Sec. 28: All	640.00
Sec. 29: All	640.00
Sec. 30: Lots 1 through 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	637.64

GILA AND SALT RIVER MERIDIAN—Continued

T. 5 S., R. 10 W.—Continued	Acres
Sec. 31: Lots 1 through 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	639.04
Sec. 32: N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	600.00
Sec. 33: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$	120.00
T. 5 S., R. 11 W.:	
Sec. 25: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	560.00
Sec. 26: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	280.00
Sec. 33: S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
Sec. 34: S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	440.00
Sec. 35: All	640.00
Sec. 36: All	640.00
T. 6 S., R. 10 W.:	
Sec. 6: Lots 1, 2, 3, 4, 5	189.55
T. 6 S., R. 11 W.:	
Sec. 1: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	482.26
Sec. 2: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	644.03
Sec. 3: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	643.44
Sec. 4: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	643.00
Sec. 5: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	645.56
Sec. 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	240.00
Sec. 7: Lots 1 through 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	625.34
Sec. 8: All	640.00
Sec. 9: W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	440.00
Sec. 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Sec. 17: N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	520.00
Sec. 18: Lots 1 through 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	625.15
Sec. 19: Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	276.14
Sec. 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
T. 6 S., R. 12 W.:	
Sec. 11: S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	400.00
Sec. 10: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Sec. 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$	600.00
Sec. 13: All	640.00
Sec. 14: All	640.00
Sec. 15: NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$	560.00
Sec. 16: S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	200.00
Sec. 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Sec. 19: Lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	316.32
Sec. 20: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$	600.00
Sec. 21: All	640.00
Sec. 22: N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
Sec. 23: N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
Sec. 24: N $\frac{1}{2}$ N $\frac{1}{2}$	160.00
Sec. 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Sec. 28: N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	520.00
Sec. 29: All	640.00
Sec. 30: Lots 1 through 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	625.42
Sec. 31: Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	312.90
Sec. 32: NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
T. 6 S., R. 13 W.:	
Sec. 23: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
Sec. 24: S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
Sec. 25: All	640.00
Sec. 26: All	640.00
Sec. 27: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	520.00
Sec. 28: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$	480.00
Sec. 29: S $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	240.00
Sec. 31: Lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$	550.40
Sec. 32: All	640.00
Sec. 33: All	640.00
Sec. 34: All	640.00
Sec. 35: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	520.00
Sec. 36: N $\frac{1}{2}$	320.00
T. 6 S., R. 14 W.:	
Sec. 36: SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	240.00
T. 7 S., R. 13 W.:	
Sec. 3: Lots 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	159.10

GILA AND SALT RIVER MERIDIAN—Continued

T. 7 S., R. 13 W.—Continued	Acres
Sec. 4: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	479.78
Sec. 5: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.40
Sec. 6: Lots 1 through 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	624.27
Sec. 7: Lots 1, 2, 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$	427.23
Sec. 8: NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
T. 7 S., R. 14 W.:	
Sec. 1: Lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.32
Sec. 2: Lots 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	400.08
Sec. 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
Sec. 10: E $\frac{1}{2}$	320.00
Sec. 11: All	640.00
Sec. 12: All	640.00
Sec. 14: NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
Sec. 15: NE $\frac{1}{4}$	160.00
Total	106,904.30

The area described totals approximately 113,304.30 acres, of which approximately 51,927.18 acres are Federal lands and 61,469.62 acres are private and State owned.

Dated: January 25, 1960.

E. I. ROWLAND,
State Supervisor.

[F.R. Doc. 60-999; Filed, Feb. 1, 1960; 8:47 a.m.]

Bureau of Reclamation

[Public Announcement 31]

COLUMBIA BASIN PROJECT, WASHINGTON; QUINCY-COLUMBIA BASIN IRRIGATION DISTRICT

Sale of Full-Time Farm Units

JANUARY 18, 1960.

Columbia Basin Project, Washington; Quincy-Columbia Basin Irrigation District. Public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. Offer of farm units for sale. It is hereby announced that certain farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p.m., February 5, 1960. In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. Farm units presently owned. The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

(1) Group A. Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
82	20	138.5	128.7	39.5	63.8	25.4	9.8	\$2,638.70
	22	119.5	109.1	67.5	31.9	9.7	10.4	2,737.90
	73	102.6	96.9	63.0	33.9		5.7	2,185.95
	121	134.0	125.8	99.7	24.2		8.2	3,155.90
83	13	87.7	78.6	50.1	27.8	1.9	9.1	2,001.10
	67	75.7	77.7	61.9	10.4	5.4	0.0	1,554.90
	60	99.5	95.9	57.4	38.2	0.3	3.6	2,411.00
	81	102.0	99.8	26.6	56.3	16.9	2.2	2,247.70
85	126	117.2	106.6	91.0	15.5		10.7	2,680.40

(2) *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high: (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture.)

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
82	4	159.3	123.5	68.5	44.0	11.0	35.8	\$3,353.70
	45	152.0	124.3	27.9	68.4	28.0	27.7	2,337.05
	122	175.6	155.0	86.6	57.0	11.4	20.6	3,225.90
83	47	132.0	130.5	12.5	53.9	64.1	1.5	1,959.00
	63	107.5	104.2	38.0	15.9	50.3	3.3	1,846.60
	14	118.2	100.8	43.8	32.6	24.4	17.4	2,138.70
881	15	144.5	123.0	3.8	81.1	38.1	21.5	1,797.30
	16	132.2	119.7		112.5	7.2	12.5	1,815.20
	17	125.0	114.5		63.2	51.3	10.5	1,760.40
	18	147.4	116.7		83.0	33.7	30.7	1,993.60
	19	203.3	130.1	14.5	107.7	7.9	73.2	2,634.00
	20	181.0	124.7	8.7	65.3	50.7	56.3	2,393.00
	96	175.0	143.3	1.4	15.2	126.7	31.7	2,569.50

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the Quincy-Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1960 irrigation season; such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Grant County in Ephrata, Washington; and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights of way or other causes.

Sec. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that no application for a certificate of qualification shall be received from (1) anyone who then has outstanding a certificate of qualification to select a farm unit on the Columbia Basin Project, (2) anyone who owns another farm unit on that project, or (3) any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act, except those whose farm units have been acquired by the United States for exchange purposes.

A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

Sec. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to persons who submit applications during a 45-day period beginning at 2:00 p.m., February 5, 1960, and ending at 2:00 p.m., March 21, 1960.

QUALIFICATIONS REQUIRED OF PURCHASERS

Sec. 4. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

Sec. 5. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for quali-

fications in excess of the required minimum.

The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To qualify for Group A farms listed in Section 1, applicants must either (1) possess assets amounting to at least \$5,500 in excess of liabilities, of which at least \$3,500 must be in cash; or (2) possess at least \$5,000 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

To qualify for Group B farms listed in Section 1, applicants must either (1) possess assets amounting to at least \$8,500 in excess of liabilities, of which at least \$5,000 must be in cash; or (2) possess at least \$7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the

satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

Assets must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 6. Other qualifications required. Each applicant must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. In addition to the limitations in Section 2, not own outright, or be acquiring under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not a veteran with acceptable service, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 7. Filing application blanks. Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in per-

son or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Boise, Idaho; or Washington, D.C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 8. Priority of applications. All applications, except those received from qualified exchange applicants prior to 2:00 p.m., March 21, 1960, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Group.* All complete applications filed prior to 2:00 p.m., March 21, 1960. Such applications will be treated as simultaneously filed.

b. *Second Group.* All complete applications filed after 2:00 p.m., March 21, 1960. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 9. Public drawing. After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Group as defined in subsection 8.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board will notify each applicant of his respective standing as a result of the drawing.

SEC. 10. Submission of evidence of qualification. After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 5 and 6 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 11. Examination and interview. After the information outlined in section 10 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient

number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Project Manager will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purposes of: (1) Affording the Board any additional information it may desire relative to his qualifications; (2) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (3) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 12. Order of selection. The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of

the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit and if additional applicants remain in the First Group, all said remaining applicants will be advised by the Board as to the number and nature of the unsold units. If any of the applicants so advised wish to be considered for the possible purchase of one of the remaining units, they must so advise the Board in writing within 20 days of the date of the notice. The Board will consider, in the order of their selection priority as established by drawing, only those applicants who make affirmative reply within the period stipulated.

Any farm units remaining unselected after all qualified applicants in the First Group have had an opportunity to select a farm unit will be offered to applicants in the Second Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 9 of this announcement.

SEC. 13. Failure to select. If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 14. Execution of earnest money agreement and land sale contract. When a farm unit is selected by an applicant as provided in section 12 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit \$200 or 5

percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1961, or within six months of the earnest money agreement, whichever is later, and possesses the minimum capital assets required under subsection 5.d., (2) pays the real or estimated amount of the irrigation charges which will be required by the Irrigation District for the first year of the development period following the date of contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under Subsection 5.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit may be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 15. Terms of sale. Contracts for the sale of farm units pursuant to this announcement, will contain, among others, the following principal provisions:

a. **Down payment.** An initial or down payment of \$400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. **Schedule for payment of balance; interest rate.** If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for

relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. **Development requirements.** In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40.....	75			
41 to 60.....	50	75		
61 to 80.....	50	65	75	
81 to 100.....	40	60	65	75
101 to 160.....	35	50	65	75

d. **Residence requirements.** A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. **Speculation and landholding limitations.** Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated

on the Project, whether as lessee or as owner or both.

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 14 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

h. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

Sec. 16. *Water rental charges.* In Irrigation Blocks 82, 83, and 881, some construction activities will be continuing and the system will be tested during the irrigation season of 1960. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Project Manager before the beginning of the irrigation season.

Sec. 17. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the Quincy-Columbia Basin Irrigation District, the Secretary of the Interior will announce a development period of probably ten years during which time payment of construction charge installments will not be required. This period will commence with the calendar year 1960 for Irrigation Block 85 and probably the calendar year 1961 for Irrigation Blocks 82, 83, and 881. The development period began in 1959 for Irrigation Block 79.

During the development period, water rental charges, except as pointed out later in this section, will average an estimated \$6 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Project Manager.

The present plans are: (1) To vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (2) to provide

for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (3) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Project Manager, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the irrigation district will levy a charge to cover administrative costs and probable delinquencies in collections.

Under the terms of the existing repayment contract, drainage works costing not to exceed \$8,176,000 for the entire Project will be built as a part of the irrigation system and charged as a part of the cost of construction of the system. The cost of any drainage works built after this limitation has been reached will be charged as a part of the cost of operation and maintenance of the irrigation system.

It is now apparent that the \$8,176,000 limitation will be reached in the calendar year 1960 and that additional funds will be needed to construct drainage works. It will, therefore, be necessary to charge these additional drainage construction costs to operation and maintenance and, as a result thereof, to increase the average irrigable acre estimated water rental charge mentioned above. However, if the repayment contract is amended in 1960 or some subsequent year to provide an increase in the amount which may be expended for drainage works and charged as a part of the cost of constructing the Project system, it will not be necessary in the years that follow to charge any portion of that increased amount to operation and maintenance.

Sec. 18. *Construction period repayment charges—*a. *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the Project irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation district. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The existing repayment contract between the United

States and the Quincy-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the end of the development period. The average construction charge per irrigable acre for the entire Project will be \$2.12 per year. Thus, under the existing contract, the total construction repayment obligation will average \$85 per irrigable acre. However, that amount is predicated on an estimated total direct investment in irrigation works costing not to exceed \$280,782,180, most of which has already been made. If the existing repayment contract is amended to increase that amount, the construction repayment obligation of the District will be increased as will the average construction charge per irrigable acre. The present contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F.R. Doc. 60-1000; Filed, Feb. 1, 1960;
8:47 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket No. 13288; FCC 60M-192]

EVANSTON CAB CO.

Order Continuing Hearing

In re application of Evanston Cab Co., Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

Upon motion filed January 26, 1960, by the Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, and with the concurrence of counsel for applicant Evanston Cab Company: *It is ordered*, This 26th day of January 1960, that the hearing heretofore scheduled for February 4, 1960, in the above-captioned proceeding is continued to a date to be set by subsequent order, pending Commission action on the petition submitted on December 29, 1959, by Radio Flash Corporation and Chicagoland Radio Taxicab Operators Association to designate for hearing in a consolidated proceeding (with the above-captioned application) the application of Evanston Cab Company filed on December 18, 1959 (File No. 2227-LX-60), or to dismiss the latter application.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1030; Filed, Feb. 1, 1960;
8:50 a.m.]

[Docket No. 13090, etc.; FCC 60M-193]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.**Order Continuing Hearing Conference**

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, et al., Docket No. 13090, File No. BP-11550; Docket Nos. 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13118, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147, 13327; for construction permits.

The Hearing Examiner having under consideration a "Motion for Extension of Time" filed January 26, 1960, in the above matter by E. Anthony & Sons, Inc., licensee of standard broadcast station WOCB, West Yarmouth, Massachusetts, an applicant (Docket No. 13105), which motion requests that the date for exchanging engineering data by Group 7 be advanced for a period of twenty days from February 1, 1960, and that the date for further prehearing conference be advanced from February 15 to March 1, 1960, and

It appearing that all of the applicants in Group 7 are conducting discussions looking toward resolution of the matters in Group 7 and that all of the parties, including the Commission's Broadcast Bureau, and the linking parties in Group 7 have consented to a grant of the motion, and

It further appearing that good cause for granting the motion has been shown but that March 1, 1960, is already committed on the Hearing Examiner's hearing calendar,

It is ordered, This 26th day of January 1960, that the aforesaid motion is granted to the extent that the date for exchanging engineering data by Group 7 is advanced to February 19, 1960, and that the date for further prehearing conference is advanced from February 15, 1960, to March 7, 1960, and is denied in all other respects.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F.R. Doc. 60-1031; Filed, Feb. 1, 1960;
8:50 a.m.]

[Docket No. 13090 etc.; FCC 60M-194]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.**Order Continuing Hearing Conference**

In re applications of Fredericksburg Broadcasting Corporation (WFVA) Fredericksburg, Virginia, et al., Docket No. 13090, File No. BP-11559; Docket Nos. 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113,

13114, 13115, 13116, 13118, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147, 13327; for construction permits.

The Hearing Examiner having under consideration a "Motion of James Broadcasting Company, Incorporated (WJTN) for Extension of Time" from January 25, 1960, to February 8, 1960, for exchanging engineering data in Group 4 of the above-entitled proceeding, and from February 9, 1960, to February 23, 1960 for a further prehearing conference in Group 4, and

It appearing that the said motion was filed January 25, 1960, and that counsel for all parties concerned with Group 4, including the Commission's Broadcast Bureau, have agreed to the extensions and that good cause therefor has been shown,

It is ordered, This 27th day of January 1960, that the aforesaid motion is granted and that, accordingly, the date for exchange of engineering data in Group 4 is changed to February 8, 1960, and the time for the further prehearing conference is changed from February 9, 1960, to 2:00 p.m., February 23, 1960, in the Commission's offices in Washington, D.C.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F.R. Doc. 60-1032; Filed, Feb. 1, 1960;
8:50 a.m.]

[Docket Nos. 13367, 13368; FCC 60M-201]

GREENTREE COMMUNICATIONS ENTERPRISES, INC., AND JERROLD ELECTRONICS CORP.**Order Scheduling Prehearing Conference**

In re applications of Greentree Communications Enterprises, Inc., Flagstaff, Arizona, Docket No. 13367, File No. BPCT-2642; Jerrold Electronics Corporation, Flagstaff, Arizona, Docket No. 13368, File No. BPCT-2670; for construction permits for new television broadcast stations (Channel 9).

On the Hearing Examiner's own motion: *It is ordered*, This 27th day of January 1960, pursuant to the provisions of § 1.111 of the Commission's rules, that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C. at 10:00 a.m. on February 19, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of un-

essentials, so that hearings may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: January 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F.R. Doc. 60-1033; Filed, Feb. 1, 1960;
8:50 a.m.]

[Docket No. 11314; FCC 60M-196]

SPARTAN RADIOCASTING CO. (WSPA-TV)**Order Scheduling Hearing Conference**

In re application of The Spartan Radiocasting Company (WSPA-TV) Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT-2042, for modification of construction permit.

It is ordered, This 27th day of January 1960, that a hearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 9:30 a.m., Thursday, January 28, 1960.

Released: January 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F.R. Doc. 60-1034; Filed, Feb. 1, 1960;
8:50 a.m.]

[Docket No. 13362; FCC 60M-184]

SUPERIOR PACKING CO.**Order Scheduling Hearing**

In the matter of Superior Packing Company, Superior, Alaska, via Tenakee, Alaska, Docket No. 13362, order to show cause why there should not be revoked the license for fixed public; Public Coast Radio Station KWJ-42.

It is ordered, This 25th day of January 1960, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1960, in Washington, D.C.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F.R. Doc. 60-1035; Filed, Feb. 1, 1960;
8:50 a.m.]

[Docket Nos. 13262, 13263; FCC 60M-191]

JAMES J. WILLIAMS AND CHARLES E. SPRINGER**Order Continuing Hearing**

In re applications of James J. Williams, Williamsburg, Virginia, Docket No. 13262,

File No. BP-11148; Charles E. Springer, Highland Springs, Virginia, Docket No. 13263, File No. BP-13122; for construction permits.

The Hearing Examiner having under consideration motion for extension of time, filed by Charles E. Springer on January 25, 1960;

It appearing that counsel for all parties have consented to the extension requested;

It is ordered, This 26th day of January 1960, that the motion is granted; and the dates designated for various procedural steps herein are postponed as follows:

Date for exchange of exhibits constituting direct case: From Feb. 1, 1960, to Feb. 15, 1960.

Notification of witnesses desired for cross-examination: From Feb. 10, 1960, to Feb. 24, 1960.

Hearing date: From Feb. 15, 1960, to Feb. 29, 1960.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1036; Filed, Feb. 1, 1960;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 257]

JANUARY 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62821. By order of January 27, 1960, the Transfer Board approved the transfer to Savannah Trailways, Inc., 746 Wheaton Street, Savannah, Ga., of Certificate in No. MC 114957, issued October 14, 1954, to Joseph A. Booker, doing business as Savannah Beach Bus Line, 746 Wheaton Street, Savannah, Ga., authorizing the transportation of: Passengers and their baggage, and express and mail, in the same vehicle with passengers, between Savannah, Ga., and Savannah Beach, Ga., serving all intermediate points.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-1001; Filed, Feb. 1, 1960;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3847, 30-237]

KEYSTONE PIPE AND SUPPLY CO.

Notice Regarding Proposed Distribution of Stock of Subsidiary Public-Utility Company and Application for Order

JANUARY 26, 1960.

Notice is hereby given that Keystone Pipe and Supply Company ("Keystone"), a registered holding company, has filed a declaration pursuant to the public Utility Holding Company Act of 1935 ("Act"), and has designated sections 7 and 12(d) thereof as applicable to the proposed transactions which are summarized as follows:

Keystone is engaged in the oil well and mine supply business at Butler, Pennsylvania. It currently owns 60,425 shares, or approximately 92%, of the common stock of Public Service Corporation of Texas ("Public Service"), a gas utility company which owns and operates gas distribution facilities primarily in Texas and to some extent in Oklahoma.

Keystone proposes to distribute the 60,425 shares of Public Service stock to the stockholders of Keystone on the basis of 1.329 shares of Public Service stock for each share of Keystone stock so held, provided that the order of the Commission authorizing such transaction contains recitals, to meet the requirements of section 1081 of the Internal Revenue Code, stating that the proposed distribution, which will divest Keystone of all its interest in Public Service, is necessary or appropriate to effectuate the provisions of section 11 of the Act.

Keystone has simultaneously filed an application for an order of the Commission pursuant to section 5(d) of the Act, to be issued upon notification that the distribution has been completed, declaring that Keystone has ceased to be a holding company within the meaning of the Act and that its registration under the Act has ceased to be in effect.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$5,200, consisting of \$200 of stock transfer taxes and a fee of \$5,000 payable to legal counsel.

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

Notice is further given that any interested person may, not later than February 10, 1960 at 5:30 p.m., request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securi-

ties and Exchange Commission, Washington 25, D.C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1005; Filed, Feb. 1, 1960;
8:48 a.m.]

[File No. 24D-2391]

MILE HIGH HOCKEY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 27, 1960.

I. Mile High Hockey, Inc. (issuer), a Colorado corporation, 222 Majestic Building, Denver, Colorado, filed with the Commission on August 6, 1959, a notification and offering circular relating to an offering of 220,000 shares of its 50 cents par value common stock at \$1 per share for an aggregate of \$220,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading concerning, among other things:

1. A failure to reflect a change in the address of the company as set forth in the offering circular.

2. A failure to reflect changes in the officers and directors of the company as set forth in the offering circular.

3. Failure to reflect the changes in the holdings of securities of the company by officers and directors of the company as set forth in the offering circular.

4. Failure to reflect substantial changes in the financial condition of the company as set forth in the offering circular.

5. The failure to reflect the fact that the underwriting agreement with Copley and Company reflected in the offering circular has been terminated.

B. The offering, if made on the basis of the offering circular without appropriate disclosure in the foregoing matters, would be made in such manner as to operate as a fraud and deceit upon purchasers.

III. It is ordered, Pursuant to Rule 261 of the general rules and regula-

tions under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby, is temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1006; Filed, Feb. 1, 1960;
8:48 a.m.]

[File No. 70-3851]

NARRAGANSETT ELECTRIC CO.

Notice of Proposal To Acquire Securities of a Non-Utility Company

JANUARY 26, 1960.

Notice is hereby given that The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary of New England Electric System, has filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 9(c) (3) of the Act as applicable to a proposed transaction which is summarized as follows:

Narragansett, a Rhode Island corporation, proposes to use treasury funds to acquire from an underwriter (G. H. Walker & Co.) 100 units of securities of Business Development Company of Rhode Island ("Development Co."), each unit consisting of 6 percent Subordinated Debentures, due February 1, 1979, in the principal amount of \$500 and 5 shares of common stock, par value \$1 per share. The cost of each unit is \$550 and the total cost of the 100 units to Narragansett will be \$55,000 plus accrued interest on the debentures from the last interest payment date to the date of purchase. The common stock to be owned by Narragansett will represent approximately 2.4 percent of the outstanding stock of Development Co. as at October 31, 1959.

Narragansett represents that the securities of Development Co. are being purchased for investment only, and that the purpose thereof is to help Development Co. to promote, assist, encourage, develop and advance the prosperity and

economic welfare of the State of Rhode Island in which State Narragansett conducts its operations and business as a public-utility company.

According to the filing, Development Co. was incorporated in 1953 for a period of fifty years in accordance with an Act passed by the Rhode Island General Assembly, is a private corporation with wide powers for promoting the business prosperity and economic welfare of the State of Rhode Island, and operates under the supervision of the Rhode Island Banking Commission. At October 31, 1959, Development Co. had total outstanding loans amounting to approximately \$2,017,000, the larger portion of which were made to assist in the expansion of Rhode Island firms or in the purchase of Rhode Island enterprises which, it is believed, would otherwise have been purchased by out of state interests and moved away from Rhode Island. Thus far the loans by Development Co. have been limited almost exclusively to manufacturing concerns and no loans have been made for the purpose of refinancing bank loans.

Apart from its stockholders, Development Co. also has a group of participants, designated in its charter as Members, consisting of financial institutions such as banks and insurance companies authorized to do business in the State of Rhode Island. The Members as a group are empowered to elect a majority of Development Co.'s board of directors (the stockholders electing the remaining members of the board) and are obligated to lend money to Development Co. at the latter's call and within certain limitations specified in its charter. To date, the greater part of the funds which Development Co. lends and invests has been obtained by borrowings from the Members—such borrowings being ordinarily for six months' terms and bearing interest at the prime loan rate in effect on the date of borrowing. At October 31, 1959, such borrowings from Members aggregated \$989,000. On the same date, Development Co. also had outstanding a loan of \$313,750 from the Small Business Administration, \$600,000 principal amount of 6 percent Subordinated Debentures, and 21,200 shares of common stock with a par value of \$1 per share. The debentures and common stock include the respective amounts thereof proposed to be acquired by Narragansett.

The fees and expenses of Narragansett to be incurred in connection with the proposed transactions are estimated not to exceed \$2,500 and relate principally to services, performed at cost, by the Corporate and Treasury Departments of the system service company.

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

Notice is further given that any interested person may, not later than February 11, 1960, at 5:30 p.m., request this Commission in writing that a hearing be held in respect of the application, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be

notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1007; Filed, Feb. 1, 1960;
8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ace Dress Co., Inc., Harrington, Del.; effective 1-8-60 to 1-7-61 (dresses).

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 1-11-60 to 1-10-61 (brassieres).

Blue Bell, Inc., 626 South Elm Street, and West Lee and Fuller Street, Greensboro, N.C.; effective 1-21-60 to 1-20-61 (misses', girls' and kiddies' shorts, pedal pushers and slacks).

Bolivar Manufacturing Corp., 300 South Mill Street, Bolivar, Mo.; effective 1-13-60 to 1-12-61. Learners may not be engaged at special minimum wage rates in the production of separate skirts ladies' sportswear—shorts and slacks).

Calloway Manufacturing Co., Second and Poplar Streets, Murray, Ky.; effective 1-21-60 to 1-20-61 (men's work trousers).

The Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 1-9-60 to 1-8-61 (men's trousers).

Chetopa Manufacturing Co., Chetopa, Kans.; effective 1-23-60 to 1-22-61 (men's work clothing (pants and waistband overalls)).

Cowden Manufacturing Co., Stanford, Ky.; effective 1-19-60 to 1-18-61 (men's, boys', ladies' and girls' dungarees).

Elder Manufacturing Co., McLeansboro, Ill.; effective 1-9-60 to 1-8-61 (men's and boys' shirts).

Georgetown Dress Corp., Route 17 South, Georgetown, S.C.; effective 1-11-60 to 1-10-61 (children's cotton dresses).

The H.D. Lee Co., Inc., 600 East State Street, Trenton, N.J.; effective 1-7-60 to 1-6-61 (men's work clothing).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo.; effective 1-6-60 to 1-5-61 (dresses).

R. Lowenbaum Manufacturing Co., Sparta, Ill.; effective 1-11-60 to 1-10-61 (dresses).

R. Lowenbaum Manufacturing Co., 2223 Locust Street, St. Louis, Mo.; effective 1-11-60 to 1-10-61 (dresses).

McKenzie Pajama Corp., McKenzie, Tenn.; effective 1-17-60 to 1-16-61 (men's and boys' pajamas, robes).

Hank Mann, Inc., 2506 North General Bruce Drive, Temple, Tex.; effective 1-11-60 to 1-10-61 (boys' single trousers).

Pawnee Pants Manufacturing Co., 104-06 River Street, Olyphant, Pa.; effective 12-30-59 to 12-29-60 (men's and boys' dress and sport trousers).

Rappahannock Manufacturing Co., 401 Lafayette Boulevard, Fredericksburg, Va.; effective 1-8-60 to 5-14-60; workers engaged in the production of men's odd trousers (replacement certificate).

Reliance Manufacturing Co., Houston, Miss.; effective 1-11-60 to 1-10-61 (men's and boys' sport shirts, pajamas).

Salant and Salant, Inc., First Street, Lawrenceburg, Tenn.; effective 1-20-60 to 1-19-61 (men's cotton work shirts).

Smith Brothers Manufacturing Co., St. Joseph, Mo.; effective 1-23-60 to 1-22-61 (men's pants and work jackets, overalls, coveralls, dungarees).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue North, Nashville, Tenn.; effective 1-1-60 to 12-31-60 (men's and boys' work shirts).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1-1-60 to 12-31-60 (men's and boys' sport and knit shirts).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 1-7-60 to 1-6-61 (ladies' cotton blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dickson Manufacturing Co., Plant No. 2, 103 West College Street, Dickson, Tenn.; effective 1-11-60 to 1-10-61; 10 learners (work jackets).

Hamlet Manufacturing Co., Hamlet, N.C.; effective 1-11-60 to 1-10-61; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' and children's sportswear).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa.; effective 1-13-60 to 1-12-61; 10 learners (women's and misses' dresses).

Major Shirt Corp., 1106 Cunniff Street, Freeland, Pa.; effective 1-7-60 to 1-6-61; 10 learners (men's and boys' sport jackets).

Smith Brothers Manufacturing Co., Lamar, Mo.; effective 1-23-60 to 1-22-61; 10 learners (men's and boys' dungarees, work jackets).

Tallassee Manufacturing Co., Tallassee, Ala.; effective 1-11-60 to 1-10-61; 10 learners (women's dusters; women's and children's shorts, pedal pushers, etc.).

United Pants Co., Inc., Nuangola Branch, R.D. 4, Mountain Top, Pa.; effective 1-8-60 to 1-7-61; five learners (jackets (only lining operations)).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blackweider Manufacturing Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 1-11-60 to 7-10-60; 10 learners (men's and boys' sport shirts; ladies' blouses and pajamas).

Dickson Manufacturing Co., Plant No. 2, 103 West College Street, Dickson, Tenn.; effective 1-11-60 to 7-10-60; 40 learners (work jackets).

The Foster Co., Greenville, Ala.; effective 1-4-60 to 7-3-60; 150 learners (men's and boys' trousers).

Hamlet Manufacturing Co., Hamlet, N.C.; effective 1-11-60 to 7-10-60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' and children's sportswear).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 1-12-60 to 7-11-60; 25 learners (children's wear—jackets and slacks).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 1-8-60 to 7-7-60; 35 learners (supplemental certificate) (men's work clothing).

Hank Mann, Inc., 2506 North General Bruce Drive, Temple, Texas; effective 1-11-60 to 7-10-61; 25 learners (boys' single trousers).

Murcel Manufacturing Corp., Glennville, Ga.; effective 12-31-59 to 6-30-60; 10 learners (nurses' uniforms).

Russell Springs Manufacturing Corp., Russell Springs, Ky.; effective 1-11-60 to 7-10-60; 35 learners (men's woven sport shirts).

Sherrill Lynn, Inc., Zebulon, Ga.; effective 12-31-59 to 6-30-60; 30 learners (ladies' cotton dresses).

Springfield Garment Manufacturing Co., 627-35 North Campbell Avenue, Springfield, Mo.; effective 1-11-60 to 7-10-60; 50 learners (dress and semidress trousers).

Wardensville Manufacturing Co., Wardensville, W. Va.; effective 1-4-60 to 7-3-60; 15 learners (infants' wear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 1-11-60 to 7-10-60; 35 learners for plant expansion purposes (work gloves).

Knoxville Glove Co., 819 McGhee Street, Knoxville, Tenn.; effective 1-15-60 to 1-14-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather and cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Harris-Marshall Hosiery Mills, Inc., Galax, Va.; effective 1-11-60 to 1-10-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Van Raalte Co., Randolph, Vt.; effective 1-4-60 to 1-3-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nylon slips).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 15th day of January 1960.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 60-1002; Filed, Feb. 1, 1960; 8:47 a.m.]

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Big-Dad Manufacturing Co., Inc., Starke, Fla.; effective 1-23-60 to 1-22-61 (work pants).

Campus Shirt Co., 130 East South Street, Barnesville, Ohio; effective 1-23-60 to 1-22-61 (men's and boys' sport shirts).

Cluett, Peabody and Co., Inc., Lewiston, Pa.; effective 2-1-60 to 1-31-61 (Men's sport shirts).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; effective 2-1-60 to 1-31-61 (men's pajamas).

Custom Sportswear, Inc., 10th and Spring Streets, Reading, Pa.; effective 1-18-60 to 1-17-61 (men's and children's outerwear).

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 1-17-60 to 1-16-61 (men's sport shirts).

Huggins Garment Co., Inc., Donalds, S.C.; effective 1-29-60 to 1-28-61 (men's sport and utility shirts).

Huggins Garment Co., Inc., Due West, S.C.; effective 1-26-60 to 1-25-61 (men's sport and utility shirts).

F. Jacobson & Sons, Inc., Smith and Cornell Streets, Kingston, N.Y.; effective 1-18-60 to 1-17-61 (men's shirts).

Jayson-York, Inc., East Street and Pennsylvania Avenue, York, Pa.; effective 1-14-60 to 1-13-61 (men's sport shirts).

Monleigh Garment Co., Yadonville Highway, Mocksville, N.C.; effective 2-6-60 to 2-5-61 (women's lingerie).

C. A. Neuburger Co., Division of H. W. Sherman Corp., 913 South Main Street, Oshkosh, Mo.; effective 1-13-60 to 1-12-61. Learners may not be employed at special minimum wage rates in the production of suits, separate skirts and lined jackets (women's and misses' dresses, children's outerwear; wash and scrub pups, tankettes and seat covers).

Samsons Manufacturing Corp., 501 East Caswell Street, Kinston, N.C.; effective 1-22-60 to 1-21-61 (men's sport and dress shirts).

Southland Manufacturing Co., Inc., Benson, N.C.; effective 1-25-60 to 1-24-61 (men's and boys' sport shirts).

Sturgis Clothing Co., 6th and Main Streets, Sturgis, Ky.; effective 2-1-60 to 1-31-61 (men's single pants and topcoat interlinings).

Summerville Dress Co., Inc., Summerville, S.C.; effective 1-14-60 to 1-13-61 (children's dresses).

Twin City Manufacturing Co., Twin City, Ga.; effective 1-24-60 to 1-23-61 (Men's dress and sport shirts).

Wes-Bloc Manufacturing Co., Inc., West Blocton, Ala.; effective 1-14-60 to 1-13-61 (men's and boys' pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 1-21-60 to 1-20-61; 10 learners (children's dresses).

Cranville Manufacturing Co., Hillsboro Street Extension, Oxford, N.C.; effective 1-15-60 to 1-14-61; 10 learners (ladies' inexpensive dresses).

Lawrenceburg Manufacturing Co., 201 Depot Street, Lawrenceburg, Tenn.; effective 1-18-60 to 1-17-61; 10 learners (dresses).

Willards Shirt Co., Willards, Md.; effective 1-29-60 to 1-28-61; 10 learners (men's and boys' work shirts).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Kahn Manufacturing Co., Inc., 150 North Royal Sheet, Mobile, Ala.; effective 1-13-60 to 7-12-60; 50 learners (men's and boys' trousers).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars Inc., Morgan Street, Selma, Ala.; effective 1-20-60 to 1-19-61; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; effective 1-22-60 to 1-21-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes.

Belmont Hosiery Mills, Inc., Belmont, N.C.; effective 2-1-60 to 1-31-61 (seamless).

Belmont Knitting Co., Belmont, N.C.; effective 1-30-60 to 1-29-61 (seamless).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 1-25-60 to 1-24-61 (seamless and full-fashioned).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-60 to 1-24-61 (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes.

Monroe Crafters, Inc., Monroe, N.C.; effective 1-22-60 to 1-21-61 (knit underwear and shirts).

Mullins Textile Mills, Inc., Mullins, S.C.; effective 1-30-60 to 1-29-61 (men's and boys' knitted underwear and outerwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Dillig Shoe Co., Peckville, Pa.; effective 1-14-60 to 1-13-61; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's California casual shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Michaels Stern & Co., 204 Liberty Street, Penn Yan, N.Y.; effective 1-14-60 to 7-13-60; 15 learners for plant expansion purposes in the occupations of sewing machine operator, hand sewer, final pressing and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits and sport coats).

Michaels Stern & Co., 204 Liberty Street, Penn Yan, N.Y.; effective 1-14-60 to 7-13-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final pressing and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits and sport coats).

Palm Beach Co., Danville, Ky.; effective 1-15-60 to 7-14-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operators at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's coats).

Henry I. Siegel Co., Inc., Coats and Vests Dept., Bruceton, Tenn.; effective 1-18-60 to 7-17-60; 50 learners for plant expansion purposes in the occupations of sewing machine operating, final pressing, hand sewing and finishing operations involving hand sewing,

each for a learning period of 480 hours at the rates of 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's and boys' sport coats and vests).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Almarco, Inc., Fajardo, P.R.; effective 12-11-59 to 12-10-60; 5 learners for normal labor turnover purposes in the occupation of sewing covers on baseballs for a learning period of 320 hours at the rates of 47 cents an hour for the first 160 hours and 55 cents an hour for the remaining 160 hours (baseballs and softballs).

Andrew Hosiery Mills, Inc. (Division of Gordonshire Knitting Mills), Cayey, P.R.; effective 11-25-59 to 11-24-60; 15 learners for normal labor turnover purposes in the occupations of: (1) loopers, menders, each for a learning period of 960 hours at the rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the remaining 480 hours; (2) preboarding, for a learning period of 480 hours at the rates of 50 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours; (3) examiners, knitters, for a learning period of 240 hours at the rate of 50 cents an hour (seamless).

Cameo Lingerie, Inc., Fajardo, P.R.; effective 12-1-59 to 5-31-60; 35 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (panties).

Edro Corp., Anasco, P.R.; effective 12-7-59 to 12-6-60; 12 learners for normal labor turnover purposes in the occupations of sewing machine operators, laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (fabric gloves).

Faultless Accessories, Inc., Cidra, P.R.; effective 11-9-59 to 5-8-60; 40 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours; (2) machine operations other than sewing machine for a learning period of 160 hours at the rate of 60 cents an hour (bias binding, trimmings and accessories; eyelet tape and shoulder straps).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 12-4-59 to 12-3-60; 15 learners for normal labor turnover purposes in the occupations of molders, assemblers, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric wiring devices).

Marshalla Corp., 2328 Borinquen Avenue, Santurce, P.R.; effective 12-14-59 to 6-13-60; 15 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, final pressers, each for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours; (2) machine operations other than sewing for a learning period of 160 hours at the rate of 49 cents an hour (children's and infants' wear).

RA Electroplating, Barrio Palmas Development, Catano, P.R.; effective 12-1-59 to 5-31-60; 8 learners for plant expansion purposes in the occupation of ear wire assembly for a learning period of 240 hours at the rate of 48 cents an hour (jewelry and novelty findings).

Symphony Brassiere Co., Inc., 425 Carpenter Rd., Hato Rey, P.R.; effective 12-1-59 to 5-31-60; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Tinto, Inc., Industrial Avenue, Cayey, P.R.; effective 12-1-59 to 11-30-60; 5 learners for normal labor turnover purposes in the occupation of dyeing machine operator for a learning period of 240 hours at the rate of 72 cents an hour (dyeing of sweaters).

Tobacco Products Manufacturing Corp. of Puerto Rico, Caguas, P.R.; effective 12-16-59 to 6-15-60; 40 learners for plant expansion purposes in the occupation of sorters for a learning period of 240 hours at the rate of 60 cents an hour (tobacco).

Yauco Knitting Mills, Inc., Yauco, P.R.; effective 11-23-59 to 5-22-60; 24 learners for plant expansion purposes in the occupations of: (1) knitters, toppers, loopers, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitchers, pressers, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firm listed below.

Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Union Springs Academy, Union Springs, N.Y.; effective 1-15-60 to 8-31-60; authorizing the employment of 35 student-workers in the broom manufacturing industry in the occupations of winders, stitchers and sorters, for a learning period of 360 hours, at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 22d day of January 1960.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 60-1003; Filed, Feb. 1, 1960;
8:47 a.m.]

