



# FEDERAL REGISTER

VOLUME 25 NUMBER 149

Washington, Tuesday, August 2, 1960

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# Codification Guide

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## Announcement

### CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

#### Title 45, Revised, \$3.75

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Parts 400-899, Revised, (\$5.50); Parts 900-959 (\$1.50); Part 960 to End (\$2.50); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 14, Parts 1-39 (\$0.65); Parts 40-399 (\$0.75); Part 400 to End (\$1.75); Title 15 (\$1.25); Title 16, Revised (\$6.50); Title 17 (\$0.75); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (§§ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Parts 222-299 (\$1.75); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Parts 1000-1099, Revised (\$6.50); Part 1100 to End (\$0.60); Title 32A (\$0.65); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Titles 40-41, Revised (\$0.70); Title 42, Revised (\$4.00); Title 43 (\$1.00); Title 44, Revised (\$3.25); Title 46, Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Parts 146-149 (1950 Supp. 1) (\$0.55); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70); General Index (\$1.00).

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 28th Rev.]

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Khapra Beetle

###### REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart. The portion of each of these premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart:

##### TEXAS

Beaver Egg Farm, Route 1, Box 44, Ysleta, El Paso Union Stock Yards, 1800 East 11th Street, El Paso.

Held Brothers Feed and Seed Store, 1705 Texas Avenue, El Paso.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona, California, New Mexico, and Texas, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These administrative instructions shall become effective August 2, 1960, when

they shall supersede P.P.C. 612, Twenty-seventh Revision, effective June 14, 1960 (25 F.R. 5263).

These instructions relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of July 1960.

[SEAL]

E. D. BURGESS,  
Director,

Plant Pest Control Division.

[F.R. Doc. 60-7147; Filed, Aug. 1, 1960; 8:45 a.m.]

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

##### PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

###### Miscellaneous Amendments

*Basis and purpose.* These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), and the Soil Bank Act (7 U.S.C. 1801 et seq.). These amendments include provisions required to: (1) implement Public Law 86-553 relative to the conditions governing the refund of remeasurement deposits, the acreage of a commodity on the farm to be recognized for program purposes when the farm operator does not meet the requirements for measurement of adjusted acreage, and the expense of measuring an adjusted acreage and (2) amend the Table of Sections Affected by State Committee Determinations Pursuant to § 718.15 (25 F.R. 1743) for the State of Texas.

Since farmers are now engaged in 1960 farming operations, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is

impracticable and contrary to the public interest. Public Law 86-553 became effective on June 30, 1960. Consequently, the amendments to §§ 718.12 and 718.13 became effective as of that date and any actions taken on or after June 30, 1960 which are contrary to the law shall be rescinded and actions consistent with the regulations contained herein shall be initiated. The amendment to the Table of Sections Affected by State Committee Determinations Pursuant to § 718.15 shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.12(a) (24 F.R. 4223) is amended to read as follows:

##### § 718.12 Redetermination of acreage.

(a) The State or county committee or the Deputy Administrator may require redetermination of the acreage and performance at any time with respect to any program for any farm. A redetermination of acreage shall be based on measurements made by a person authorized to make such measurements. If the farm operator or other producer interested in the crop requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer deposits the cost of remeasurement with the county office and files a request for remeasurement within 15 days from the date the initial notice of the acreage determination is mailed to the farm operator for all crops except tobacco, and in the case of tobacco within 10 days of such date: *Provided, however,* That the State committee may provide for the reduction of such time in the case of flue-cured tobacco to 7 days. The applicable time limit shall be shown on the notice of acreage determination. The cost of the remeasurement shall be as determined by the county committee with the approval of the State committee. Remeasurement shall be accomplished by the same method used in the original acreage determination unless it is established that such method was not applicable under § 718.5. After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement. If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the end of the prescribed period, deposits the cost of the remeasurement with the county office, and establishes to the satisfaction of the county committee or the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county committee or the county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing. The deposit or payment made for the expense of the remeasurement of the initially deter-

mined acreage or of the adjusted acreage shall be refunded when because of an error in the determination of such acreage, the remeasurement:

(1) Brings the acreage within the allotment or permitted acreage, or

(2) Results in a change in the previously determined acreage of as much as three percent or five-tenths (0.5) acre, whichever is larger.

2. Section 718.13(a) is amended to read as follows:

**§ 718.13 Determination and adjustment of excess acreage.**

(a) If the farm operator or other producer on the farm elects to dispose of excess acreage or otherwise adjust a previously determined acreage in accordance with the applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions outlined in this section. Unless the requirements for the measurement of an adjusted acreage are met by the farm operator or other producer, the acreage as determined prior to such adjustment shall be considered as the acreage of the commodity on the farm in determining whether the applicable farm allotment has been exceeded. When the producer must pay the cost of determining the adjusted acreage, the amount required shall be as determined by the county committee with the approval of the State committee.

**§ 718.15 [Amendment]**

3. In the column headed "718.5(h)(3)" of the "Table of Sections Affected by State Committee Determinations Pursuant to § 718.15" (25 F.R. 1743) for the State of Texas, delete the last sentence and insert the following in lieu thereof:

These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision.

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D.C., this 28th day of July 1960.

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 60-7167; Filed, Aug. 1, 1960;  
8:48 a.m.]

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

**PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON**

**Expenses and Fixing of Rate of Assessment for Initial (1960-61) Fiscal Period**

Pursuant to the marketing agreement and Order No. 34 (7 CFR Part 934; 25

F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

**§ 934.201 Expenses and rate of assessment for the initial (1960-61) fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning May 27, 1960, and ending March 31, 1961, will amount to \$13,546.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at seventy-five cents (\$0.75) per ton of peaches so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of peaches are now being made; (2) the rate of assessment is applicable to all peaches shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles peaches; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Fresh Peach Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 28, 1960.

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

[F.R. Doc. 60-7145; Filed, Aug. 1, 1960;  
8:45 a.m.]

**PART 938—POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA**

**Limitation of Shipments**

*Findings.* (a) Marketing Agreement No. 135, and Order No. 38 (7 CFR 938), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 938.1 to 938.86 of the said order. The Red River Valley Potato Committee, pursuant to § 938.51 of the said marketing agreement and order, has recommended that regulations limiting the handling of 1960 crop potatoes, as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

**§ 938.302 Limitation of shipments.**

During the period of August 8, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Minimum maturity requirements.* All varieties—"Moderately skinned"—

until November 1, 1960, when this requirement shall terminate.

(c) *Special purpose shipments.* Chipping: U.S. No. 2, or better grade, 2 inches minimum diameter.

(1) Prior to September 15, 1960, shipments of round white varieties (Cobblers, Kennebecs, Cherokees, Early Ohio, and similar types) for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such maturity requirements.

(2) On and after September 15, 1960, with respect to round white varieties, and after the effective date hereof with respect to all other varieties, shipments for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such requirements if handlers thereof comply with the safeguard requirements of paragraph (e) of this section.

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) *Certified seed.* If a copy of the applicable seed inspection certificate is furnished the committee.

(2) *Canning or freezing.* Subject to compliance with the applicable provisions of paragraph (e) of this section.

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by paragraph (c) of this section requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 938.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

(f) *Minimum quantities.* Pursuant to § 938.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements effective pursuant to §§ 938.42 and 938.60. This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For pur-

poses of operation under this part it is hereby determined pursuant to paragraph (d) of § 938.60, that each inspection certificate for tablestock potatoes shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 938.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 60 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned", "U.S. No. 1", "U.S. No. 2", and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 135 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 27, 1960, to become effective August 8, 1960.

FLOYD F. HEDLUND,  
Acting Director,  
Fruit and Vegetable Division.

[F.R. Doc. 60-7146; Filed, Aug. 1, 1960; 8:45 a.m.]

[Lemon Reg. 856, Amdt. 1]

**PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

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

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate

the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.963 (Lemon Regulation 856; 25 F.R. 7013) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 28, 1960.

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

[F.R. Doc. 60-7144; Filed, Aug. 1, 1960; 8:45 a.m.]

**PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON**

**Expenses and Fixing of Rate of Assessment for Initial (1960-61) Fiscal Period**

Pursuant to the marketing agreement and Order No. 129 (7 CFR Part 1029; 25 F.R. 6350), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

**§ 1029.201 Expenses and rate of assessment for the initial (1960-61) fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning July 7, 1960, and ending March 31, 1961, will amount to \$6,830.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles prunes shall pay as his pro-rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and fifty cents (\$1.50) per ton of prunes so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C.

1001-1011) in that (1) shipments of fresh prunes are expected to start on or about August 1, 1960; (2) the rate of assessment is applicable to all prunes shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles prunes; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington-Oregon Fresh Prune Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 28, 1960.

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

[F.R. Doc. 60-7165; Filed, Aug. 1, 1960; 8:48 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter II—Office of Alien Property, Department of Justice PART 511—BLOCKED ASSETS

#### General License

Article 6 of the Agreement between the Government of United States of America and the Government of the Polish People's Republic Regarding Claims of Nationals of the United States, done at Washington, D.C., on July 16, 1960, provides that the United States will release its blocking controls over all Polish property in the United States. The following amendment of General License No. 101, as amended, effects such unblocking by deleting references to Poland and persons within Poland from subparagraphs (1), (3), and (4) of § 511.101(a). This amendment relieves existing restrictions and does not impose any new requirements on the public and it is hereby found that notice, hearing and suspension of applicability are unnecessary.

In § 511.101(a), subparagraphs (1), (3), and (4) are amended to read as follows:

#### § 511.101 General License No. 101.

(a) \* \* \*

(1) Bulgaria, Hungary, Czechoslovakia, Estonia, Latvia, Lithuania and Germany (except for any interest of Germany now owned by the Federal Republic of Germany, the City of Berlin (Western Sectors) or the Saar);

(3) Any individual, partnership, association, corporation or other organiza-

tion which on December 7, 1945, was in Czechoslovakia, Estonia, Latvia or Lithuania;

(4) Any individual, partnership, association, corporation or other organization which on December 31, 1946, was in any of the areas of Germany under control or administration of the Union of Soviet Socialist Republics; or

(Secs. 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5; Executive Order 8389, Apr. 10, 1940, 5 F.R. 1400, as amended by Executive Order 8785, June 14, 1941, 6 F.R. 2897; Executive Order 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; Executive Order 9989, August 20, 1948, 13 F.R. 4891, 3 CFR, 1948 Supp.; Executive Order 10348, April 26, 1952, 17 F.R. 3769, 3 CFR, 1949-53 Comp., p. 871; Executive Order 10644, November 7, 1955, 20 F.R. 8363, 3 CFR, 1955 Supp.)

Executed at Washington, D.C., on July 26, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Director,  
Office of Alien Property.

[F.R. Doc. 60-7134; Filed, Aug. 1, 1960; 8:45 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

#### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, and Slaughtering Establishments

#### MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

#### § 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama:* Calhoun, Cherokee, Cleburne, Coffee, Covington, Dale, De Kalb, Etowah, Geneva, Henry, Houston, Jackson, Madison, Marshall, and Randolph Counties;

*Arizona:* The entire State;

*Arkansas:* Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Cleburne, Cleveland, Columbia, Conway, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette,

Logan, Lonoke, Madison, Marion, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Randolph, Saline, Sebastian, Scott, Searcy, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

*California:* Amador, Alpine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Monterey, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Trinity, Tuolumne, Yuba, and Yolo Counties;

*Colorado:* Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Lincoln, Logan, Mena, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick and Washington Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

*Connecticut:* The entire State;

*Delaware:* The entire State;

*Florida:* Baker, Bay, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia:* The entire State;

*Idaho:* Ada, Adams, Benewah, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, and Washington Counties; and Fort Hill Indian Reservation;

*Illinois:* Boone, Bond, Bureau, Carroll, Champaign, Clark, Clay, Clinton, Coles, Cook, Cumberland, De Kalb, DuPage, Edger, Effingham, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Massac, Menard, Monroe, Montgomery, Moultrie, Ogle, Perry, Pulaski, Richland, Stephenson, Tazewell, Union, Vermillion, Wabash, Washington, Whiteside, Will, Williamson, Woodford, and Winnebago Counties;

*Indiana:* Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Greene, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jennings, Jasper, Jay, Jefferson, Johnson, Kosciusko, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Martin, Miami, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parks, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Shelby, St. Joseph, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

*Iowa:* Delaware, Fayette, and Mitchell Counties;

*Kansas:* Cheyenne, Decatur, Jefferson, Nemaha, Rawlins, Sheridan, Smith, Thomas, and Wyandotte Counties;

*Kentucky:* Anderson, Barren, Boone, Boyd, Bracken, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carter, Elliott, Floyd, Fulton, Graves, Greenup, Hickman, Hopkins, Jackson, Johnson, Larue, Lawrence, Lincoln, McCracken, McLean, Marshall, Mercer, Metcalf, Morgan, Oldham, Robertson, Rockcastle, Rowan, Shelby, Simpson, Todd, Trigg, Trimble, Warren, and Wolfe Counties;

*Louisiana:* Assumption, Claiborne, and St. Landry Parishes;

*Maine:* The entire State;

*Maryland:* The entire State;

*Massachusetts:* The entire State;

*Michigan:* The entire State;

*Minnesota:* The entire State;

*Mississippi:* Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lee, Monroe, Newton, Neshoba, Oktibbeha, Perry, Pike, Pontotoc, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri:* Andrew, Bates, Berry, Bollinger, Boone, Buchanan, Butler, Cape Girardeau, Carroll, Cass, Chariton, Christian, Clinton, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Greene, Henry, Hickory, Iron, Jackson, Jasper, Jefferson, Lafayette, Lawrence, Lincoln, Maries, Marion, McDonald, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Perry, Pettis, Phelps, Platte, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Shelby, Stoddard, Texas, Warren, Washington, Webster, Worth, and Wright Counties;

*Montana:* Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Silver Bow, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

*Nebraska:* Adams, Banner, Burt, Butler, Cass, Cedar, Clay, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada:* The entire State;

*New Hampshire:* The entire State;

*New Jersey:* The entire State;

*New Mexico:* The entire State;

*New York:* The entire State;

*North Carolina:* The entire State;

*North Dakota:* Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio:* Athens, Auglaize, Belmont, Carroll, Columbiana, Cuyahoga, Darke, Fulton, Guernsey, Hancock, Henry, Hardin, Hocking, Jackson, Knox, Logan, Lorain, Lucas, Marion, Mahoning, Meigs, Monroe, Morrow, Morgan, Muskingum, Noble, Ottawa, Paulding, Pike, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wood, and Wyandot Counties;

*Oklahoma:* Adair, Delaware, and Mayes Counties;

*Oregon:* The entire State;

*Pennsylvania:* The entire State;

*Rhode Island:* The entire State;

*South Carolina:* Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Greenwood, Hampton, Horry, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Pickens, Saluda, Sumter, Union, and York Counties;

*South Dakota:* Butte, Campbell, Clay, Codrington, Custer, Deuel, Edmunds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Perkins, Union, and Walworth Counties;

*Tennessee:* The entire State;

*Texas:* Borden, Brewster, Coleman, Crane, Howard, Jeff Davis, Llano, Pecos, Presidio, Terrell, Upton, Ward, and Winkler Counties;

*Utah:* The entire State;

*Vermont:* The entire State;

*Virginia:* Accomack, Alleghany, Amelia, Arlington, Augusta, Bath, Bedford, Bland, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Essex, Fairfax, Franklin, Giles, Gloucester, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties, and City of Hampton;

*Washington:* The entire State;

*West Virginia:* The entire State;

*Wisconsin:* The entire State;

*Wyoming:* Albany, Big Horn, Campbell, Fremont, Laramie, Lincoln, Park, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

*Puerto Rico:* The entire areas;

*Virgin Islands of the United States:* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

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

The amendment deletes Grand Forks County in North Dakota from the list of areas designated as modified certified brucellosis areas, because it has been determined that such county no longer comes within the definition of § 78.1(i), and adds the following additional areas which have been determined to come within such definition: Coffee, Dale, Henry, and Madison Counties in Alabama; Bradley, Crawford, Howard, Jackson, Lonoke, and Poinsett Counties in Arkansas; San Joaquin, San Mateo, and Tuolumne Counties in California; Bear Lake and Madison Counties in Idaho; Hamilton, Logan, Massac, Menard, Montgomery, Richland, Tazewell, and Whiteside Counties in Illinois; Bartholomew, Fayette, Fountain, Montgomery, Owen, Putnam, Warren, and White Counties in Indiana; Mitchell County in Iowa; Cheyenne, Jefferson, Rawlins, Sheridan, and Thomas Counties in Kansas; Boone, Carlisle, McCracken, Marshall, and Shelby Counties in Kentucky; Desoto and Amite Counties in Mississippi; Marion, Moniteau, and Washington Counties in Missouri; Banner, Cuming, Harlan, Otoe, Washington, and Webster Counties in Nebraska; Eddy and Richland Counties in North Dakota; Lorain and Ross Counties in Ohio; Adair and Mayes Counties in Oklahoma; Allendale, Colleton, and Edgefield Counties in

South Carolina; Clay, Faulk, McPherson, and Walworth Counties in South Dakota; Howard, Llano, and Upton Counties in Texas; Augusta, Franklin, Madison, Mecklenburg, Nelson, Nottoway, and Pulaski Counties in Virginia; and Laramie and Washakie Counties in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1960.

R. J. ANDERSON,  
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 60-7166; Filed, Aug. 1, 1960; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 282; Amdt. 184]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Boeing 707 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for modification of fuel dump chutes on Boeing 707-100, -200 and -300 Series aircraft was published in 25 F.R. 3554.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, it was recommended that the AD refer to later service bulletins which were issued by the manufacturer. Also, the compliance date has been established as December 31, 1960, to allow for administrative delays in issuance and availability of parts.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following airworthiness directive:

**BOEING.** Applies to the following 707-100, -200, -300 aircraft only: Serial Numbers 17586 through 17605, 17609 through 17616, 17623 through 17625, 17628 through 17652, 17658 through 17680, 17692 through 17702, 17925 through 17927.

Compliance required by December 31, 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 thirteen 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 eight cases some damage was done to the chute and/or door. In order to eliminate this problem a new uplatch assembly has been designed which incorporates a position lock for the dump chute roller and a mechanism 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 rework or install new uplatch assemblies in accordance with Boeing Service Bulletin Nos. 689 (R-3), 895 and 895A.

(b) After completion of item (a) conduct the pressure check-out procedure as outlined in item (a) of Boeing Service Bulletin No. 689 (R-3). 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 (am) of Boeing Service Bulletin No. 689 (R-3).

(d) Perform functional test as outlined in Boeing Service Bulletin Nos. 689 (R-3), 895 and 895A.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1423)

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

B. PUTNAM,  
*Acting Director, Bureau of  
Flight Standards.*

[F.R. Doc. 60-7136; Filed, Aug. 1, 1960;  
8:45 a.m.]

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket 60-WA-118]

### 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 § 601.1325 of the regulations of the Administrator is to modify the Tampa, Fla., control area extension.

This action is necessary in order to more clearly define the Tampa control area extension and to delete the reference to the Tampa omnirange station as this facility was relocated and the name changed to the St. Petersburg VOR. No additional airspace is encompassed by this modification.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense and in accordance with the provisions of Executive Order 10854 has obtained their concurrence thereto.

As 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 and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1325 (24 F.R. 10564) is amended to read:

#### § 601.1325 Control area extension (Tampa, Fla.).

The airspace within a radius of 50 miles of the Tampa, Fla., RR, including the airspace SE of Tampa extending from the 50 mile radius of the Tampa RR bounded on the NE by VOR Federal airway No. 157, on the SE by VOR Federal airway No. 225, on the SW by VOR Federal airway No. 35; including the airspace NW of Tampa extending from the 50 mile radius of the Tampa RR bounded on the NE by VOR Federal airway No. 97, on the W by a line 5 miles W of and parallel to the 207° True radial of the Cross City, Fla., VOR, and on the S by control area extension 1226; and including the airspace W of Tampa bounded on the N by a line extending from latitude 28°06'35" N., longitude 84°00'00" W., to latitude 28°10'00" N., longitude 84°39'30" W., and on the S by control area extension 1226. The portion of this control area extension which lies within the geographic limits of, and between the established altitudes of, the Sarasota Warning Area (W-168) is excluded during this warning area's established time of use. The airspace below 2,000 feet MSL which lies outside the continental limits of the United States is excluded.

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

(Secs. 307(a), 313(a), 1110, 72 Stat. 749, 752, 800, 49 U.S.C. 1348, 1354, 1510; and Executive Order 10854, 24 F.R. 9565)

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

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

[F.R. Doc. 60-7137; Filed, Aug. 1, 1960;  
8:45 a.m.]

[Airspace Docket 59-WA-387]

### PART 608—RESTRICTED AREAS

#### Modification

On November 11, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 9217) stating that the Federal Aviation Agency was considering an amendment to § 608.53 of the regulations of the Administrator, which would revoke the Underhill, Vt., Restricted Area (R-87) (Burlington Chart).

As stated in the Notice, the Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appeared that Restricted Area (R-87) did not have sufficient justification to war-

rant continued designation, and the revocation thereof would be in the public interest.

The Department of the Army objected to the proposal because it is the only area in the State of Vermont available for the Vermont National Guard to conduct field training. The area is used during the summer months and on weekends for small arms and artillery firing. In addition, the General Electric Company utilizes the area as a weapon testing site for a continuing weapons development project on a year-round basis. This activity consists of test firing large caliber machine guns. Relocation of these activities to another area is not considered practical from an economic standpoint because of the travel costs and time involved.

After extensive study and investigation of this area, the Federal Aviation Agency has determined that the continued designation of R-87 is justified. However, it has been determined that the altitude designation can be changed from surface to 10,000 feet MSL to surface to 5,000 feet MSL. The Department of the Army has concurred in this modification and this action is being taken herein.

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.

In consideration of the foregoing, the following action is taken:

In the text of § 608.53 *Underhill, Vt.*, Restricted Area (R-87) (Burlington Chart) (23 F.R. 8588) "Surface to 10,000 feet MSL" is deleted and "Surface to 5,000 feet MSL" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

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

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

E. R. QUESADA,  
*Administrator.*

[F.R. Doc. 60-7138; Filed, Aug. 1, 1960;  
8:45 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER G—DEFENSE CONTRACT FINANCING

### PART 83—UNIFORM NEGOTIATION FOR REIMBURSEMENT OF INDE- PENDENT RESEARCH AND DEVEL- OPMENT COSTS

The Director, Defense Research and Engineering and the Assistant Secretary of Defense (S&L) approved the following on June 28, 1960:

- Sec.  
83.1 Purpose.  
83.2 Background.  
83.3 Establishment of the Armed Services Research Specialists Committee.

Sec.  
83.4 Single assignment for joint negotiation of research and development costs.

83.5 Procedures.

**AUTHORITY:** §§ 83.1 to 83.5 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202.

§ 83.1 Purpose.

The purpose of this Part 83 is to (a) provide a method for the joint negotiation of reasonable and uniform cost allowance of independent research and development expense of certain contractors performing work for more than one military department; (b) establish the Armed Services Research Specialists Committee which will, when requested by the sponsoring military department, review and assure that contractors have made a proper segregation between their independent research and their independent development programs and which will report to the sponsoring military department the determinations of the Committee concerning the scientific and technical factors which influence the extent to which such programs should be supported; and (c) provide for the assignment of responsibility to a single military department to act as the sponsoring department in the conduct of joint negotiations on the allowability of such contractor's independent research and development costs.

§ 83.2 Background.

(a) Section 15.107 of Subchapter A of this Title 32 (Rev. 2 November 1959) provides for "advance understandings on particular cost items," including "research and development," particularly those aspects relating to "reasonableness and allocability." Specifically, it provides in pertinent part:

In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that prospective contractors, particularly those whose work is predominantly or substantially with the Government, seek agreement with the Government in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine. Such agreement may also be initiated by contracting officers individually, or jointly, for all defense work of the contractor, as appropriate.

(b) Section 15.205-35 of Subchapter A of this Title 32 (Rev. 2 November 1959) covers allowability of "Research and Development" Costs, and includes:

(h) The reasonableness of expenditures for independent research and development should be determined in light of all pertinent considerations such as previous contractor research and development activity, cost of past programs and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominantly or substantially with the Government. Advance agreements as described in § 15.107 of Subchapter A, Title 32 are particularly important in this situation. In recognition that cost sharing of the contractor's independent research and development program may provide motivation for

more efficient accomplishment of such program, it is desirable in some cases that the Government bear less than an allocable share of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement: (i) review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects; (ii) agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the Government; (iii) an agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

§ 83.3 Establishment of the Armed Services Research Specialists Committee.

(a) An Armed Services Research Specialists Committee is hereby established to review, when requested by the negotiator representing the sponsoring department, the independent research and development programs of defense contractors and to determine whether there has been an adequate segregation between the independent research and independent development programs of such contractors who are doing business with more than one department and who seek to recover the costs of such research and development programs in procurements of the Department of Defense. In carrying out its responsibilities, the Committee will utilize, where appropriate, the services of other research specialists. The Committee shall report and make recommendations directly to the sponsoring department on the scientific and technical factors affecting the basis or extent to which such programs should be supported.

(b) The Committee shall consist of the following:

Office of Secretary of Defense: A designee of the Director of Defense Research and Engineering.

Department of the Army: A designee of the Chief of Research and Development.

Department of the Navy: A designee of the Chief of Naval Research.

Department of the Air Force: A designee of the Commander, Air Research and Development Command.

(c) The designee of the Director of Defense Research and Engineering shall serve as the Chairman of the Committee. The Committee shall be responsible to the Director of Defense Research and Engineering through its Chairman.

(d) When the negotiator has determined that independent research and development program of a contractor warrants review, the Committee shall review such programs to assure that development work is not classified as "research". The Committee shall report to the sponsoring department its findings and recommendations concerning the scientific factors considered to affect the basis or extent to which such research and such independent development relating to procurement within the product line of the contractor, should be supported by the Department of Defense. Where a contractor's normal course of business does not involve production work, the recommendation shall relate to the development work falling within

the contractor's field of effort of Government research and development contracts.

§ 83.4 Single assignment for joint negotiation of research and development costs.

(a) The military departments shall agree to and designate a single department (herein called the sponsoring department) to conduct negotiations with the contractor on the allowability of independent research and development costs in all cases where such costs are substantial in amount, a substantial portion of the contractor's business is with the Department of Defense, and the contractor's defense work involves contracts with more than one military department.

(b) The criteria for selection of the sponsoring department shall generally be the service having the preponderant work; cognizant plant assignments; or any other existing relationships which may have bearing on such selection. However, an equitable division of the work among the departments is the desired goal.

§ 83.5 Procedures.

(a) Contractors doing business with more than one department and seeking reimbursement for independent research and development expense may be required to submit copies of a brochure describing each research and development project and indicating the amount of money budgeted for each project. Normally, the brochure will be submitted to the sponsoring department before the beginning of the contractor's fiscal year in which the cost is to be incurred, or at least within the first 90 days of such fiscal year.

(b) The Armed Services Research Specialists Committee will, when requested, review the brochures to assure that there is adequate segregation between research and development. The Committee will then recommend to the negotiator of the sponsoring department the extent to which it is reasonable to support such programs.

(c) The sponsoring department will establish a time and place, if necessary, for the conduct of the negotiations with the contractor. Other procuring activities having contracts with the contractor will be advised of the pending negotiations and invited to participate. If such procuring activities do not have representatives at the negotiation, they will be deemed to have waived participation. The results of the negotiation will, in any event, be binding upon each department having contracts with the contractor.

(d) In the event that the above procedures have not been effectuated prior to the incurring of costs by the contractor for an independent research and development program, such procedures are available and are to be used in a later review.

MAURICE W. ROCHE,  
Administrative Secretary.

JULY 28, 1960.

[F.R. Doc. 60-7156; Filed, Aug. 1, 1960; 8:46 a.m.]

## Title 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

#### SUBCHAPTER E—LOAD LINES

[CGFR 60-52]

### PART 43—FOREIGN OR COASTWISE VOYAGE

#### Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

##### WINTER SEASONAL ZONE FOR THE NORTH PACIFIC OCEAN

The purpose of the amendment to 46 CFR 43.40-1(a) in this document is to revise the description of the winter seasonal zone for the North Pacific Ocean to agree with the Load Lines Modification of Annex II of the International Load Line Convention of July 5, 1930 (TS 858; 47 Stat. 2228), which was proclaimed by the President of the United States of America in a Proclamation dated July 8, 1959 (TIAS 4286), and stating this modification entered into force on July 13, 1957. The Load Lines Modification changed the "winter seasonal" zone by moving the rhumb line across the North Pacific Ocean from " \* \* \* latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of Vancouver Island at latitude 50° N. \* \* \*," to " \* \* \* latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of British Columbia at latitude 55° N. \* \* \*." It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary. This amendment changes the description to agree with the Load Line Convention as modified.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment to § 43.40-1(a) is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

##### § 43.40-1. Boundaries of the zones and seasonal areas.

(a) The southern boundary of the northern "winter seasonal" zone is a line drawn from the east coast of North America along the parallel of latitude 36° N. to Tarifa, in Spain; from the east coast of Korea along the parallel of latitude 35° N. to the west coast of Honshu, Japan; from the east coast of Honshu along the parallel of latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of British Columbia at latitude 55° N., Fusan (Korea) and Yokohama to be considered as being on the boundary line of the northern "winter seasonal" zone and the "summer" zone.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

Dated: July 26, 1960.

[SEAL] A. C. RICHMOND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 60-7158; Filed, Aug. 1, 1960; 8:47 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 13—ADDRESSES

#### PART 15—MATTER MAILABLE UNDER SPECIAL RULES

#### PART 22—SECOND CLASS

##### Miscellaneous Amendments

The regulations of the Post Office Department are amended to read as follows:

I. Section 13.1 *General information* is amended to show that rural route patrons are permitted to use addresses including street names and house numbers under certain conditions; and to correct the cross references therein. As so amended § 13.1 reads as follows:

##### § 13.1 General information.

(a) Write the address clearly and legibly.

(b) Mail for delivery through a city delivery post office must include in the address; the street and number, or post office box number, or general delivery, or rural or star route designation. Mail for patrons on rural route may be addressed to street names and numbers provided this type of address has been approved by the Regional Operations Director. The rural route number or the words "Rural Delivery" should be used in such addresses.

(c) All mail should bear the name and address of the sender. See §§ 16.2(f), 25.5(a)(1), 26.6(a), 47.7(b), 48.3, 48.4 (a)(2), 51.5(a), 52.1(b) and 53.1(b) of this chapter for mail which must show a return address.

(d) Include the postal delivery zone number on mail addressed to cities using that system. See § 13.6(d).

(e) Matter bearing dual addresses or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

(f) Matter bearing instructions to return to "Point of Mailing" (postmark) is not acceptable for mailing.

(g) See § 13.7 for special instructions on addressing second-class mail.

(h) See § 13.8 for special instructions on addressing overseas military mail; and §§ 111.1(b)(2) and 121.2(d)(1) of this chapter for addressing international mail.

NOTE: The corresponding Postal Manual section is 123.1.

(R.S. 161, as amended, 396, as amended, sec. 1, 25 Stat. 1, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 249)

##### § 13.4 [Amendment]

II. In § 13.4 *Simplified address*, make the following changes:

A. In paragraph (c), amend subparagraph (3) by inserting "second-class imprints" immediately following the words "permit imprints". As so amended, subparagraph (3) reads follows:

(c) *Preparation requirements.* \* \* \*

(3) Postage at the proper rate must be fully prepaid by a method that does not require cancellation: By permit imprints, second-class imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

NOTE: The corresponding Postal Manual section is 123.433.

B. Paragraph (e) is amended to illustrate the address for delivery of mail to a post office boxholder at a city delivery office without using a specific name. As so amended, paragraph (e) reads as follows:

(e) "*Occupant*" mail. To address mail to a specific street number without addressing the occupant by name, or to a post office box without addressing the boxholder by name, the following style may be used:

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and Number, Including Apartment Number, if Any or Post Office Box Number)

(Post Office and State, or Local, and Zone Number When Applicable)

NOTE: The corresponding Postal Manual section is 123.45.

(R.S. 161, as amended, 396, as amended, sec. 1, 25 Stat. 1, as amended, sec. 1, 62 Stat. 781, as amended, 18 U.S.C. 1716, 39 U.S.C. 249)

##### § 15.3 [Amendment]

III. In § 15.3 *Perishable matter* make the following changes:

A. Paragraph (f) is amended for the purpose of clarification to read as follows:

(f) *Meats or meat products.* Interstate shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied with a certificate submitted by the mailer on Form 3583, "Certificate of Shipper and Mail Shipment of Meat or Meat-food Products." The form is designed for use by all shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment. The original copies of all certificates must be kept in the post office for 1 year. Certificates one and two must be completed in duplicate and the duplicates must be sent daily in an official post office penalty envelope to the address of the U.S. Department of Agriculture printed on the form.

NOTE: The corresponding Postal Manual section is 125.36.

B. Paragraph (h) is amended by deleting subparagraph (2) which relates to furs mailed from Alaska. As so amended, paragraph (h) reads as follows:

(h) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mail.

NOTE: The corresponding Postal Manual section is 125.38.

(R.S. 161, as amended, 396, as amended; sec. 24, 20 Stat. 361; 5 U.S.C. 22, 369; 39 U.S.C. 250)

IV. Sections 22.6 *Sworn ownership and circulation statements* and 22.7 *Marking of paid reading matter* are amended as a result of the enactment of Public Law 86-513, approved June 11, 1960 (74 Stat. 208), which requires that each annual statement of ownership, management and circulation submitted for publication entered as second-class mail must include the average number of copies for each issue of the publication sold or distributed through the mail or otherwise distributed to paid subscribers during the preceding 12 months; and deletes the minimum fine limitation of \$50 for failure to mark paid reading matter in a publication entered as second-class mail.

As so amended §§ 22.6 and 22.7 read as follows:

§ 22.6 *Sworn ownership and circulation statements.*

(a) *Requirements.* The editor, publisher, business manager, or owner of a publication entered as second-class mail shall file with the Postmaster General and publish in the second issue thereafter of the publication to which it relates a sworn statement on forms furnished by the Postmaster General on or before the first day of October of each year setting forth:

(1) The names and post office addresses of the editor and managing editor, publisher, business managers, and owners;

(2) The name of the corporation and the stockholders thereof if the publication is owned by a corporation;

(3) The names of known bondholders, mortgagees, or other security holders; and

(4) The average number of copies of each issue of the publication sold or distributed through the mails or otherwise distributed to paid subscribers during the preceding 12 months.

The sworn statement need not include the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. The Postmaster General shall deny the privilege of second-class mail to a publication which fails to comply with the provisions of this paragraph within ten days after notice by registered mail or by certified mail of the failure. This

paragraph is not applicable to religious, fraternal, temperance, scientific, or similar publications. (Pub. Law 86-513; 74 Stat. 208.)

(b) *Procedures.* The statement must be filed on Form 3526, "Annual statement of newspaper ownership, management, and circulation," in duplicate at the post office where the original second-class permit is authorized. One copy of the issue in which the statement is published must be filed with Forms 3526. Postmasters will furnish copies of Form 3526 to publishers at least 10 days prior to October 1, each year.

§ 22.7 *Marking of paid reading matter.*

Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly advertisement by the publisher. Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable consideration, without plainly marking the same advertisement, shall be fined not more than \$500. (Pub. Law 86-513; 74 Stat. 208.)

NOTE: The corresponding Postal Manual sections are 132.6 and 132.7.

(R.S. 161, as amended, 396, as amended, sec. 2, 37 Stat. 553, as amended; 39 U.S.C. 233)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F.R. Doc. 60-7141; Filed, Aug. 1, 1960; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 903 ]

[ Docket No. AO-10-A24 ]

### MILK IN ST. LOUIS, MO., MARKETING AREA

#### Notice of Recommended Decision and Opportunity To File Written Excep- tions to Proposed Amendments to Tentative Marketing Agreement and to Order

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

**Preliminary statement.** The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at St. Louis, Missouri, on January 18, 19, 20, 25, and 26, 1960 pursuant to notice thereof which was issued December 23, 1959 (24 F.R. 10908).

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

1. Expansion of the marketing area;
2. Modification of the scope of regulation;
3. Changing the provisions with respect to classification, transfer, and allocation;
4. Enlargement of the surplus marketing area;
5. Revision of the Class I price and location adjustments;
6. Revision of the Class II price;
7. Location adjustments to handlers and producers;
8. Provision for direct-delivery differentials;
9. Modification of the provisions with respect to unpriced milk;
10. Adoption of a different seasonal incentive plan;
11. Revision of the payments to cooperative associations; and
12. Administrative changes.

Issues numbered 4, 5, 6, and 10 were considered separately in a decision issued by the Assistant Secretary on March 24, 1960 (25 F.R. 2623) and amendments related thereto were made effective as of April 1, 1960. The remaining issues are considered herein.

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

1. **Marketing area.** The marketing area should be expanded to include the city of St. Charles, Missouri.

The marketing area now includes only the city and county of St. Louis on the Missouri side of the river and East St. Louis, Belleville, Scott Field and several adjacent townships on the Illinois side. However the recently promulgated Suburban St. Louis order covers a 19-county area in Illinois. Proposals considered at this hearing would add a 16-county area in Missouri to the St. Louis area.

The inclusion of the city of St. Charles will significantly affect only the St. Charles Dairy Company. This handler operates a plant located in St. Charles and distributes a sufficient proportion of his total supply of milk within the present marketing area to qualify as a pool plant in most months. However, on occasion, due to fluctuations in sales or in receipts, he fails to qualify as a pool plant. This had occurred during two months out of the 14-month period just preceding the hearing. Expansion of the marketing area would substantially increase the proportion of his in-area sales and would virtually eliminate the prospect of his losing pool status. The plant is under St. Louis County Health inspection because of its sales within that county.

No new parties would be affected by the inclusion of St. Charles in the marketing area. All of the Grade A milk distributed in the city is by the St. Charles Dairy and other presently regulated handlers. A small dairy distributes non-Grade A milk in the city, but has no Grade A shippers and would not be affected by the order.

The marketing area should not be expanded to include that portion of St. Charles County which is outside the city of St. Charles or the other 15 counties which were proposed. A substantial proportion of the total Grade A milk sold in each of these counties is distributed by St. Louis order handlers. This fact was demonstrated by estimates supplied by both the St. Louis and unregulated handlers. It is interesting to note that the proportion is influenced more by the distribution of local handlers than by the distance from St. Louis. Some handlers who would be regulated if these counties were included have a large proportion of their Class I business within the 16-county area. However, others have only a minor proportion of their total sales

within the territory. It was not possible to specify any portion of the 16-county area in which this would not be a serious problem.

The sale of non-Grade A milk is another problem in the proposed area. As noted above, non-Grade A milk is distributed even within the city of St. Charles but in that instance the volume is small and all of the Grade A milk is already subject to regulation. In the remainder of the 16-county area these conditions do not exist. A few cities and counties have Grade A ordinances but elsewhere ungraded milk can be sold for fluid purposes. In fact the distributor operating a plant at Washington, Missouri, has a substantial number of ungraded shippers and distributes some of his milk without a Grade A label in localities where he faces competition with ungraded milk. He distributes extensively into St. Charles County outside of the city of St. Charles, and into Franklin and Jefferson Counties which border the present marketing area.

The dairy farmers supplying Grade A milk to the plants which would become subject to regulation in the 16-county area did not experience any marketing problems which they thought could be remedied by expansion of the marketing area.

2. **Scope of regulation.** Changes in the definition of "pool plant" and of several of the other terms which affect the scope of regulation were considered at the hearing. They will be described below under the topics "pool plant", "cooperative association", "bulk tank handler", "diversion to nonpool plants", "dairy farmer for other markets", and "route".

**Pool plant standards.** The country pool plant standards provided herein would:

1. Qualify a country plant as a pool plant for any month in which 50 percent or more of its approved milk was shipped to city plants;

2. Permit supply plants to be qualified as pool plants during the succeeding flush months of February through July if they had shipped 50 percent or more of their approved milk to city plants in each of the months of August through January;

3. Permit systems of supply plants, upon appropriate notice to the market administrator, to qualify as a group by meeting the same total requirements as apply to individual plants; and

4. Eliminate the reserve supply credit.

There are two principal categories of pool plants described under the St. Louis order. The city plants are those at which milk is bottled and distributed on wholesale or retail routes in the marketing area in such proportions as to qualify as pool plants. The second group of pool plants, the country plants, are those which qualify by the assembling and cooling of milk from farmers and the

shipment of milk in bulk form to distributing plants. Commonly such shipments are needed most during the fall season when production per producer is lowest. Accordingly, these plants are pooled the following flush months if they meet pool plant requirements during specified fall months. The notice of hearing contained a proposal to change the country plant standards. Because of the close interrelationship between country plants and city plants, the city plant definition was also reviewed at the hearing. However, no evidence was presented regarding any need for changing the city plant standards, so the remainder of this discussion relates only to the country plant standards.

The pool plant standards are objective measures of whether any given supply plant is closely enough associated with the market to require complete regulation and to permit participation in the marketwide pool. Such association with the market should be measured solely by the quantities of milk which are shipped from the country plant to city plants rather than by the additional requirement that such shipments qualify for reserve supply credit. The four proponent cooperatives proposed to eliminate the references in the present order to reserve supply credit and none of the other parties at the hearing proposed to retain the credit.

The country plant pooling provisions must also be reviewed in the light of changed marketing conditions. In September 1959, 77 percent of the total market supply was collected from producers' farms in bulk tanks. It would be expected that such milk could be transported economically for longer distances than milk collected in ten-gallon cans and that bulk shipments would reduce the supply plant function. However, the country plants continued to grow in terms of the percentage of total production and number of producers through 1958, but were down slightly in each month of 1959 (through September) from the corresponding month of 1958. It is to be expected that further development of bulk tank shipment will cause the country plants to supply only the residual demands of distributing plants and to process or dispose of the daily, weekly, and seasonal reserve supplies of milk. Another marketing development is that city plants have adopted 5- and 6-day operation in place of a former 7-day operation. The result is that their demands on country plant supplies fluctuate more widely. Unless there is sufficient holding capacity to "bank" the supplies which are delivered by producers on days when there are no bottling operations, a larger total supply of milk is needed to satisfy a given quantity of Class I sales.

Therefore the cooperatives who were joint proponents of revision of the order proposed that their supply plants be pooled on the basis of these cooperatives' total identification with the market instead of on the basis of specific performance of each of their country plants. More specifically, they proposed that their supply plants be pooled if certain percentages of the total quantity of

member milk were delivered to pool plants other than those operated by the cooperatives. They proposed that a minimum of 75 percent be so delivered in October and November and 50 percent in each of the other months. These receipts of member milk at the other pool plants would include both that milk delivered directly from members' farms to pool plants and that delivered from the association-operated supply plants. It was pointed out that this concept of pooling cooperative association "stand-by" plants has been adopted in other orders. However, it must be recognized that in most of these other cases the plants operated by the cooperative associations had never functioned as regular suppliers. One alternative is that such facilities could remain as nonpool plants and the milk received there accounted for as producer milk diverted to such plant for the cooperative association. However, by designating them as pool plants, the milk could occasionally be resold to other handlers under this or other orders for supplemental purposes as interhandler transfers and the necessity for diversion is obviated.

In St. Louis, however, at each of the cooperative association supply plants milk has been received regularly from producers and supplied regularly to city plants. Furthermore, virtually the entire available supply from each of them has been shipped to city plants in the fall months. It is concluded that country supply plants should continue to be qualified only on the basis of their performance in shipping milk to city distributing plants.

A principal objective of the cooperatives' proposal was to allow more economical use of available milk. The associations pointed to the obvious economies which could be achieved if all the milk from some of the supply plants could be shipped to market to meet bottling needs while the reserve milk was concentrated at other plants for processing into manufactured dairy products. This objective can be accomplished by allowing any group of supply plants to be pooled on the basis of total shipments of the group or system of plants. Qualifying supply plants on a group or system basis will not change the quantity of milk or number of plants which can be qualified for the pool. Under the present order, any handler or group of handlers can restrict the shipments from one plant to the minimum needed in order to qualify a second supply plant.

This principle of combining plants for maintaining pool qualification should be extended to cover all plants for which a handler is responsible for the marketing of milk. The marketing arrangements should be attested to in the form of a joint certification to the market administrator. The order should provide that the joint certification to the market administrator list the plants to be included in the system and the period that they should be so considered. The initial listing should be furnished with the handler's regular monthly report, due by the 7th day following the first month in which the system is applicable. Any additions to or deletions from the listing

should likewise be made by the 7th day following the month to which they apply. Each system is responsible for meeting the overall qualification. If the system as a whole cannot remain qualified, the market administrator must be notified if it is desired that one or more of the component plants be deleted from the system.

The percentages of total supply which must be shipped from a country plant to city plants were also considered at the hearing. A supply plant should qualify in any month when 50 percent of its supply is sent to a distributing plant. Moreover, if a minimum of 50 percent is shipped from a supply plant in each of the six months of August through January, it should be qualified in the succeeding February-July period irrespective of whether the minimum 50 percent of its receipts is shipped during these months.

Under the present order, supply plant operators must ship 75 percent in October and November and 35 percent in three of the four months of August, September, December, January. Further, such shipments must qualify for reserve supply credit. The 75 percent requirement was suspended for the month of November 1959, on request of the major suppliers in the market. Total market supplies were larger in proportion to Class I sales than in the same month of the past few years, the bottling plants were receiving more of their milk directly from farms equipped with bulk tanks, and the demand for country plant milk was below the specified 75 percent level. The trend towards bulk tank handling of milk on farms is likely to continue, and 50 percent represents an appropriate maximum percentage. On the other hand, there was no evidence that any of the present pool plant operators foresaw any difficulty in meeting the 50 percent requirement in each of the 6 months of August through January.

**Cooperative association.** A section defining a cooperative association should be included in the order. This will facilitate subsequent order references to qualified associations and will apply to all functions of a cooperative association under the order. The definition should limit qualification to those cooperative marketing associations of producers which are qualified under the Capper-Volstead Act.

**Bulk tank handler.** It was proposed that a cooperative association be permitted, under certain conditions, to be the handler on bulk tank milk which is moved from the farm to pool plants which are not operated by the association.

Designation of a cooperative association as the handler of bulk tank milk will assist the associations in the efficient distribution of the available milk supply according to the needs of the various pool distribution plants. In some instances, the same tank truck load of milk may be split between two or more pool plants; and in other instances, two or more pool plants may receive the entire tank truck load on different days during the same month.

In the case of member farmers who market their milk in bulk tanks, weight

readings and butterfat samples will be taken at the farm by persons responsible to a cooperative association and it therefore follows that the cooperative association will be held responsible to the pool for the receipt of such milk. In the case of dairy farmers who market their milk in cans, weight readings and butterfat tests are taken at the receiving plant where individual cans of milk of the same dairy farmer are dumped and commingled and, accordingly, the pool plant is held responsible for the milk receipt.

It is necessary that the market administrator be able to establish the responsibility for milk received and, therefore, the cooperative association which intends to be the handler for bulk tank milk is required to so notify the market administrator. Otherwise, the handler at whose pool plant the milk is received must be held accountable for it and responsible for payments to producers. It follows that the association also will notify the operator of the pool plant that it intends to be the handler for the milk.

When a cooperative association is the handler for bulk tank milk delivered to the pool plant of another handler, the transaction constitutes an interhandler transfer. In order to avoid misunderstanding concerning the classification of such transactions, the order should provide for pro rata classification at the pool plant of bulk tank milk of which the association is a handler. Such classification would be automatically subject to audit adjustment. This method will also expedite the association's report of receipts and utilization. The pool plant handler would be required to pay the association the class prices for milk received and classified in this manner. The association, in turn, would be required to settle with the pool through the producer-settlement fund and to settle with the market administrator for the administrative expense assessment on the milk.

*Diversion to nonpool plants.* The diversion provision should not be amended except to clarify that the 16-day limit applies to production days and that milk diverted to a pool plant under another order loses status as St. Louis producer milk only if it specifically so qualifies under the other order.

The present order provides that either proprietary handlers or cooperative associations may divert milk to a nonpool plant any time during the flush months of March through July and further provides that only cooperative associations may divert milk to nonpool plants on not more than 16 days during any month from August through February.

Some proprietary handlers questioned whether the provision for limited diversion by cooperatives in the months of August through February should not be extended to all handlers. They gave no specific testimony in this regard, however. There was no evidence of record that the present diversion provisions have either been so strict as to contribute to inefficient movements of milk or so lax as to encourage unnecessarily large supplies of milk to become associated with the market. It is concluded, therefore, that no substantive changes should

be made in the present diversion provision.

The wording of the present diversion provision should be changed so that it will be limited to not more than 16 days production of a producer diverted to a nonpool plant in the short months. This clarifying change is desirable, because of the increased number of bulk tank shippers whose milk is delivered every other day.

There was some confusion about the status under the St. Louis order of milk diverted to a nonpool plant at which such milk would qualify as producer milk under another Federal order. Proposed amendatory language in both paragraphs (a) and (b) of § 903.7 specified that such milk would be producer milk at the plant of physical receipt rather than under the St. Louis order. However, this objective is already met by the proviso in the introductory sentence of § 903.7. It should be clarified only to specify that the milk be defined as producer milk under the other order.

*Dairy farmer for other markets.* A definition of "dairy farmer for other markets" should be included in the order as a means of distinguishing between persons producing milk primarily for this market and those engaged in supplying fluid milk plants operated by a handler or his affiliate which are not pool plants under the order.

The definition would apply to any dairy farmer whose milk is used primarily to supply another market during those months when the St. Louis market is most in need of milk and is then moved to the St. Louis market during the following flush production months when it is no longer needed for Class I purposes on the other market. The milk of such farmers could only be used for manufacturing purposes during these flush months, thus contributing to a lower uniform price for those producers who have assumed the responsibility of regularly supplying the market. This circumstance would tend to place on St. Louis producers the unwarranted burden of carrying the surplus of other Class I markets without a compensating participation in Class I sales.

A "dairy farmer for other markets" would be excluded from "producer" status and milk received at pool plants from such farmers would be other source milk.

*Route.* The term "route" is used in the definition of pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s). Such definition would include as route distribution a sale to or through a vendor.

*3. Classification, transfer, and allocation.* Proposals to amend these interrelated provisions of the order involve (1) the accounting for inventories, (2) classification of various products containing sour cream, (3) accounting for the skim milk equivalent of added solids, (4) a revised classification procedure for milk transferred or diverted to nonpool

plants, and (5) the provisions relating to long distance shipments of cream.

*Inventory accounting.* Handlers have inventories of milk and fluid milk products at the beginning and end of each month which enter into the accounting of receipts and utilization. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such manufactured products but such products will not be included in inventories for the purpose of accounting for current receipts.

Closing inventory would be accounted for as Class II milk. Accordingly, it is necessary to provide a proper method of reclassifying in the following month, the milk in beginning inventory which is used for Class I disposition. The method of reclassifying beginning inventory would be in accordance with the general procedure of giving precedence in Class I assignment to producer milk received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk.

It may be necessary to determine to what extent in the previous month other source milk became an inventory item. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge would be subject to compensatory payments, provided that such payments would not apply to any milk which has been classified and priced as Class I milk under another Federal order.

*Sour cream and mixtures.* Sour cream is presently classified as Class I when labelled as such. By definition it must contain 18 percent or more butterfat.

Some handlers have avoided Class I by reducing the butterfat content below the 18 percent legal minimum for "cream" and labelling the product as a dressing rather than as "sour cream". However, there is another class of products also on the market. These were referred to at the hearing as "party snack" or "chip and dip" preparations. They contain sour cream or sour cream and milk mixtures but also contain a variety of other ingredients and compete more directly than sour cream with non-dairy food preparations.

The order should be clarified to classify as Class I the low-fat, soured, mixtures of cream and milk or skim milk. These are analogous to the sweet mixtures of cream and milk which are generally known as "half-and-half" and are Class I. However, the cream and milk contained in products mixed with other ingredients should continue to be classified as Class II.

*Accounting for concentrated products.* The present order includes reconstituted skim milk sold for fluid purposes as a Class I use. In plants in which both bottling and manufacturing operations are conducted the Class I use is determined by accounting for all receipts and disposition at the plant in milk equivalent terms. The necessary procedure can be clarified in the order by specifi-

cally amending § 903.44, "Computation of skim milk and butterfat in each class", to include the quantity of water originally associated with any concentrated product such as dry milk, condensed milk, and the like.

*Transfers to nonpool plants.* The transfer provisions should be changed so that milk transferred or diverted to nonpool plants would be allocated to any Class I utilization in excess of receipts from Grade A dairy farmers, to allow long distance shipments of cream for manufacturing uses, and to delete the requirement of a written certification of use from the operator of the nonpool plant.

There is frequent occasion to transfer milk from pool plants to nonpool plants. This can be accomplished either as a direct transfer (usually in bulk tank) from one plant to the other or, alternatively, by a diversion for the account of a regulated handler directly from the farms to the nonpool plant. Obviously the particular milk transferred cannot be specifically accounted for at the nonpool plant, so allocation rules are necessary just as they are to accomplish classification within a fully regulated plant. At present, the milk transferred or diverted to a nonpool plant located within the prescribed surplus marketing area is assigned to the lowest available use of an equivalent quantity of milk in the nonpool plant. (The issue of enlargement of the surplus marketing area was considered in the Assistant Secretary's decision of March 24, 1960.)

This procedure of allocating transferred or diverted milk to the lowest equivalent use facilitates the disposal of milk not needed for bottling in the St. Louis market. However, there are opportunities for abuse, involving the bottling of the transferred milk and its sale for fluid use. It is possible that a supply plant can earn a greater margin by selling milk to a nonpool plant at a price somewhat above the Class II price than by shipping the milk to a St. Louis city plant at the Class I price. If the nonpool plant operator has both manufacturing and bottling operations in his plant, he can assign the transferred milk to Class II while physically using it for his bottling operation. If he is short of bottling quality milk, he would be willing to pay substantially more than the Class II price for St. Louis supplies. At the same time, the St. Louis city plant might have to resort to other source milk for its Class I requirements. Obviously, such practice would reduce the quantity and proportion of producer milk used in Class I, reduce the blend price, and at the same time constitute unfair competition to the dairy farmers supplying the nonpool plant and to regulated competitors of such plant and perhaps deprive the St. Louis market of needed supplies from regular sources.

The major deficiencies in the present transfer provisions can be eliminated by classifying as Class I only such quantities of transferred or diverted milk as are left after assigning to the Class I use at the nonpool plant the regular receipts of Grade A milk from local dairy farmers.

It was proposed that the allocation of the St. Louis milk apply to all the nonpool plants operated by any handler within the surplus marketing area rather than to the plant or plants at which the St. Louis milk was physically shipped. This should not be allowed. The allocation process is necessary only because the physical use within a plant of each load of milk cannot be determined. However, actual use can at least be isolated by plant, and multiple-plant accounting at the nonpool plants is not an appropriate means of accounting for the use made of the nonpool milk.

The transfer provisions should provide for the pro rata allocation of assignable Class I credit in the event milk was sent to a nonpool plant from more than one St. Louis pool plant. In case milk is also received at the nonpool plant from plants subject to other Federal milk marketing orders having similar requirements with respect to transfers to nonpool plants, pro rata allocation between the markets should also apply. In case milk is transferred from the nonpool plant to a second plant(s), the same rules of classification should apply as at the original nonpool plant.

An administrative problem involving transfers refers to the certificate furnished by the operator of a nonpool plant. At present such certificate must be furnished by the 7th day following the month in which the milk is transferred if Class II utilization is claimed. Since the use of milk at the nonpool plant is subject to verification by audit, it appears that the certification of use by the operator of such plant is of little practical value. On the other hand failure to submit a certification on time results in assignment to Class I use. It is concluded that no certification should be required from the nonpool plant operator.

*Cream shipments.* The present order provides Class I classification for cream and all other fluid milk product shipments to points outside a specified area. This provision recognizes that administrative feasibility requires that some limit be set on the area within which the market administrator should send his staff to verify claimed Class II utilization. However, it was demonstrated at the hearing that it is economically feasible to ship cream beyond the specified area for such non-fluid use as the manufacture of ice cream since cream has a much greater value in proportion to weight than milk. The administrative problem of verifying that the cream delivered to locations outside the specified area is utilized as Class II can be obviated by requiring that for such shipments to be classified as Class II the cream must be clearly for manufacturing purposes only. This can be achieved by specifying that such shipments of cream may be classified as Class II if the cream is not labeled as Grade A and hence may be used only for manufacturing purposes. In order to assure that such claimed Class II shipments of cream beyond the specified area are not labeled Grade A the market administrator should be afforded prior notice of such shipments.

*7. Location adjustments.* No further change should be made in the rates of location adjustments to handlers and producers. The suspension action of March 11, 1960, by the Assistant Secretary (25 F.R. 2198) suspended the location adjustments at plants located within 30 miles of City Hall at St. Louis and the suspension became effective April 1, 1960.

Also, effective April 1, the Class I price was established at the 30-40 mile zone with a 16-cent higher price at plants located within 30 miles and with negative location adjustments by 10-mile zones beyond 40 miles. These changes are incorporated in the accompanying order.

At points located more than 40 miles from city hall where pool plants are presently located the rate structure in the present order appropriately reflects the cost of transporting milk to city zone plants in bulk tank trucks. No change in the location adjustments applicable to such plants was proposed at the hearing and none is provided for herein.

*8. Direct-delivery differential.* The notice of hearing contained a proposal that handlers pay a direct delivery differential of 15 cents per hundredweight on all milk received direct from producers at a pool plant located within 50 miles of City Hall in St. Louis. However, in making the payments to producers, diverted milk as well as that actually received at plants within the 50-mile zone would share in the direct delivery differential and the rate of the direct-delivery payment would be reduced proportionately.

The direct delivery differential was supported mainly on the grounds that country supply plant operators commonly add a handling charge to the class price when they sell milk to bottling plants. It must be recognized, however, that in the St. Louis market, handlers have paid a 25-cent per hundredweight premium to farmers who converted from 10-gallon cans to farm bulk tank equipment. Many of the city plants receive only bulk tank milk either from farmers or from country plants and have disposed of any equipment they may have had for the receipt of milk in 10-gallon cans. The country plant handling charge has been only slightly higher than this bulk tank premium. It has averaged about 30 cents in recent months. The country plant handling charge is obviously greatly influenced by the bulk tank premium since both sources of milk are generally available to the city plant operators. Both the bulk tank premium and the country plant charge are, therefore, subject to negotiation depending on changes in marketing conditions.

In the circumstances, the primary reasons advanced in support of direct delivery differentials do not adequately support inclusion in the order of a specific differential on the Class I price for direct-delivery milk.

*9. Unpriced milk.* The St. Louis order exempts several categories of milk plant operation from complete regulation with respect to pricing and pooling. One source of unpriced milk is that dis-

tributed on routes within the defined marketing area from plants which do not qualify as pool plants under this order. They may fail to qualify either because sales from the plants within the St. Louis market are less than the stated percentages of receipts or because they are primarily associated with some other Federal order market. The other major category of unpriced milk is that purchased by operators of St. Louis pool plants from plants which do not qualify as supply pool plants. Such purchases are most commonly made in bulk form, although milk in consumer packages would be similarly classified and priced. Such milk also may come from plants which are totally unregulated or are subject to some other Federal order. In either case, this other source milk is allocated to the lowest class of utilization at the St. Louis pool plant. That portion of the other source milk which is allocated to Class I and comes from an unregulated source is subject to compensatory payments at the rate of the difference between the St. Louis Class I and Class II prices in the months of March through July and at the difference between the Class I and blend prices in the months of August through February. No compensatory payments apply on milk received from other Federal sources.

*Other Federal order sources.* The provisions of the St. Louis order with respect to milk priced as Class I under other Federal milk marketing orders should not be changed.

It was proposed that compensatory payments be levied on such milk at the difference between the respective Class I prices, after allowance for location adjustments, in the case of orders employing marketwide pools and at the difference between the St. Louis Class I and Class II prices if the other order utilized individual-handler pools. The difference in rate of payment was based on the premise that orders involving individual-handler pools commonly permit some unpriced milk to be received at regulated plants during the fall months.

The St. Louis market has required substantial volumes of milk to supplement the local supplies of producer milk. The data of record include the volume sold on routes within the area by nonpool plants as well as the supplemental milk, but the greater part of the volume shown in Table 7 of Exhibit 6 represents supplemental milk and most of it was obtained from plants subject to other Federal orders. In the year 1958, the volume of other source milk was equal to 5.8 percent of the volume of producer receipts and in 1959 to 5.4 percent. Imports were heaviest during the period September 1958 through March 1959, ranging from 8.1 to 11.7 percent in these months. Local supplies were more nearly adequate in the fall of 1959, and the volume of other source milk was lower than in the previous fall-winter season, ranging from 4.1 percent in September 1959 to 7.4 percent in December. The order already provides that supplemental milk classified as Class I at St. Louis pool plants is exempt from the compensatory payment provisions of the order only if the milk was priced as Class I

under another Federal order. There was no evidence that any of the milk imported from other Federal order markets had been obtained by St. Louis handlers at less than the Class I price under the order of origin plus transportation costs. It should also be noted that the St. Louis Class I price, as amended effective April 1, 1960, is more directly aligned than previously with prices in those markets from which supplemental supplies have most commonly been obtained. Moreover, the St. Louis order also provides that any plant which becomes identified with the St. Louis market to a greater extent than with another Federal order market becomes subject to this order. In this connection, the standards for a supply pool plant have been clarified herein with respect to defining the receipts and shipments on which the qualifying percentages are based.

These various safeguards which are already provided in the order, together with the changes described and the lack of affirmative evidence regarding possible abuses of the inter-Federal classification and allocation provisions, are the basis for the conclusion that no provisions for inter-Federal compensatory payments should be included in the St. Louis order.

*Unregulated sources.* The proposed change with respect to milk from unregulated sources, whether sold on routes or purchased as supplemental milk, was to assess compensatory payments at the difference between Class I and Class II prices in all months instead of using the present lower rate (difference between Class I and blend) in the 7 months of August through February. This proposal should not be adopted.

The present provisions of the order have adequately protected the integrity of the pricing and pooling arrangement to date. No specific instances were cited to demonstrate that the allocation and compensatory payment provisions had given any purchaser of other source milk a competitive advantage based on his cost of raw product. It is significant in this connection that there was also no proposal for changing the pool plant standards for supply plants or for distributing operations.

With respect to purchases of supplemental milk by pool plant operators, it should be noted that the allocation provisions maintain a substantial incentive for the use of as much local producer milk as is available. It has also been the experience of the market that handlers have sought other Federal sources in preference to unregulated sources of supplemental milk. Apparently, therefore, the more moderate rate of compensatory payment provided during the short production months has not constituted an undue incentive for the purchase of unregulated milk.

In view of these circumstances, it is concluded that there is no need at this time for a change in the provisions with respect to unpriced milk from unregulated plants.

11. *Payments to cooperative associations.* The order already provides, in § 903.80 (b), for cooperative associations to collect from handlers the amounts due to their members at the uniform price.

This provision should be retained in its present form.

The order should also provide for payments by proprietary handlers, at not less than the applicable class prices, with respect to milk for which a cooperative has acted as the handler. In topic 2 above, it was explained that a cooperative association would be permitted to act as the handler on milk collected from farms in bulk tank form. With respect to such operations, it was specified that the cooperative association would be the primary handler, would be responsible to the pool and to the producers involved, and should obtain from the purchasing handlers not less than the class prices. A cooperative may also act as the handler on milk received at supply plants operated by the association and should also obtain not less than the class price for such milk.

12. *Administrative provisions.* Proposed amendments which would affect the administrative features of the order include (1) providing for an equivalent price to be determined by the Secretary of Agriculture in case a price quotation specified in the order is not available; (2) charging interest on new classes of overdue accounts; (3) providing additional information to cooperative associations regarding the utilization of milk by handlers in the market; and (4) revising the sections on reports, records and facilities.

*Equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

*Interest.* The order now provides in § 903.84 for the assessment of interest on overdue payments to the producer settlement fund. It was proposed that a similar charge be assessed on all payments due under the order to handlers, producers, cooperative associations, or the market administrator.

Interest should be applied to all payments due to or from the market administrator at the rate of one-half of one percent per month or any portion thereof that the account is overdue.

This method of charging interest is closely analogous to the common business practice of allowing a discount on payments made for goods within a specified period, charging the full invoice amount for a subsequent period, and accruing interest thereafter. The date for payments to and from the market administrator for the producer settlement fund and to him for the administrative and marketing service accounts are specified in the order. In consideration of this specific notice to interested parties, the interest charge should begin on the first day after the due date.

Thereafter it continues to accrue at the rate of one-half of one percent per month, a reasonable rate to compensate for the cost of borrowing money and in accord with business practice.

Interest charges should not be assessed on payments due individual producers or cooperative associations since these are not routinely subject to supervision by the market administrator.

**Data on utilization.** The order now authorizes the market administrator to report to cooperative associations the percentage of each handler's utilization of member producers' milk in Class I and Class II. The association proposed that this information be refined to disclose more precisely each handler's potential need for local supplies of milk. This would involve such corrections as the deletion of out-of-area bulk sales, corrections for interhandler transfers and a correction for purchases of other source milk.

The present computation provides the cooperative associations with essentially the same information as was obtainable from blend price comparisons under individual-handler pooling. The additional information requested raises serious questions regarding the confidentiality of handler reports. In addition, the proposal was not as specific regarding the receipts and sales to be included in the computations as would be necessary to achieve the purpose sought.

In these circumstances, no further information on this subject should be made available by the market administrator to the cooperative associations.

**Reports, records, and facilities.** Section 903.30 should be supplemented to include month-end inventory, as described in topic number 3 above, and to include a "catch-all" clause to refer to items not specifically listed.

Since it is impossible to foresee all types of information the market administrator may need in order to verify reported receipts and utilization, this latter change is intended to make clear that the market administrator has authority to examine books and records not mentioned specifically in the order.

**Miscellaneous.** The Class I price applicable at plants located in or near the City of St. Louis should be the announced Class I price. As the result of the decision on issues numbered 4, 5, 6, and 10, and the suspension of certain language in the location differential sections of the order, the Class I price applicable at plants located more than 30 but less than 40 miles from St. Louis has been the announced Class I price for recent months. In order to facilitate price comparisons, it would be appropriate to return to announcing as the Class I price the price applicable at plants in or near St. Louis. Such change will make no difference in the Class I price level applicable at any plant regardless of its location.

The market administrator should announce the uniform price on the 11th rather than the 10th day of the month. Reports from handlers are not due until the 7th day after the end of the month, and, particularly when a holiday inter-

venes between the 7th and 10th days of the month, the market administrator may have difficulty in performing the tabulations necessary to compute the uniform price and announce it by the 10th day.

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

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

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

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

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

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

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903.2	Department.
903.3	

903.4	Person.
903.5	Cooperative Association.
903.6	St. Louis, Missouri, marketing area.
903.7	Producer.
903.8	City plant.
903.9	Country plant.
903.10	Pool plant.
903.11	Nonpool plant.
903.12	Handler.
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903.32	Reports of milk received from producers.
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903.41	Classes of utilization.
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903.60	Producer-handlers.
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903.70	Computation of the obligation of each handler.
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903.80	Time and method of payment for producer milk.
903.81	Butterfat differential to producers.
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903.83	Producer-settlement fund.
903.84	Payments to the producer-settlement fund.
903.85	Payments out of the producer-settlement fund.
903.86	Adjustment of accounts.
903.87	Expense of administration.
903.88	Marketing services.
903.89	Adjustment of overdue accounts.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

903.90	Effective time.
903.91	Suspension and termination.
903.92	Continuing power and duty.
903.93	Liquidation after suspension or termination.

## MISCELLANEOUS PROVISIONS

Sec.	
903.100	Unfair methods of competition.
903.101	Separability of provisions.
903.102	Agents.
903.103	Termination of obligations.

## DEFINITION

## § 903.1 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.).

## § 903.2 Secretary.

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

## § 903.3 Department.

"Department" means the United States Department of Agriculture.

## § 903.4 Person.

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

## § 903.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

## § 903.6 St. Louis, Missouri, marketing area.

"St. Louis, Missouri, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the Cities of St. Louis and St. Charles and the territory within St. Louis County, all in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centreville, Canteen, and Stites Townships, and the City of Belleville, all in St. Clair County, Illinois.

## § 903.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Delivered from a farm to a pool plant, or

(b) Diverted to a nonpool plant:

(1) By a cooperative association in its capacity as a handler pursuant to § 903.12(b) any number of days during the months of March through July or for a period not in excess of 16 days' production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided*, That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to have been received by the diverting handler at the plant from which diverted.

## § 903.8 City plant.

"City plant" means a plant in which milk is processed and packaged and from which milk, skim milk, or cream is disposed of during the month as Class I milk in the marketing area on routes.

## § 903.9 Country plant.

"Country plant" means a plant from which approved milk is supplied during the month to a plant qualified pursuant to § 903.10(a).

## § 903.10 Pool plant.

"Pool plant" means:

(a) A city plant from which not less than 50 percent of the receipts of approved milk from dairy farms, from cooperative associations in their capacity as handlers pursuant to § 903.12, and from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes, and from which not less than 25 percent of such receipts are distributed as Class I milk during the month in the marketing area on routes: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or

(b) A city or country plant from which not less than 50 percent of receipts of approved milk, during the month, is shipped to city plants or distributed in the marketing area on routes: *Provided*, That all country plants which are operated by one handler, or all of the plants for which a handler is responsible for the movement of milk to city plants under a marketing arrangement certified to the market administrator by both parties, may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration should apply. Such notice, and notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies: *And provided further*, That a country plant which qualifies as a pool plant in each of the months of August through January shall be a pool plant in each of the following months of February through July unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments or as part of a unit.

## § 903.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

## § 903.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant; and

(c) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to assuming the function as the handler, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered, that it will be the handler for the milk. The written notice shall specify the day on which and the period for which the cooperative association shall assume the function of handler. Milk so delivered shall be deemed to have been received by the cooperative association at the pool plant to which it is delivered.

## § 903.13 Producer-handler.

"Producer-handler" means any person who operates a city plant and who processes milk from his own farm production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no other source milk or milk from other dairy farmers.

## § 903.14 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant from producers, or from a cooperative association in its capacity as a handler pursuant to § 903.12 (c) or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 903.7.

## § 903.15 Approved milk.

"Approved milk" means any skim milk or butterfat contained in milk, skim milk, or cream which is approved by a duly constituted health authority for distribution as Class I milk.

## § 903.16 Other source milk.

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

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 903.41(a), except (1) such products approved by a duly constituted health authority for distribution as Class I milk which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 903.41(b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

## § 903.17 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer whose milk is received at a pool plant during any of the months of February through July from a farm from which approved milk which was not producer milk was received by the handler, an affiliate of the handler or any person who controls or is controlled by the handler during the preceding months of August through January.

## § 903.18 Route.

"Route" means disposition of Class I products (including disposition through a vendor and sales from a plant or plant

store) to a wholesale or retail stop other than to a pool or nonpool plant.

#### § 903.19 Chicago butter price.

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

#### MARKET ADMINISTRATOR

#### § 903.20 Designation.

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

#### § 903.21 Powers.

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

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

#### § 903.22 Duties.

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

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (d) Pay, out of the funds received pursuant to § 903.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses (except those incurred under § 903.88) 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 submit such books and records to examination by the Secretary as requested;
- (f) Furnish such information and such verified reports as the Secretary may request;
- (g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information

concerning the operation of this part as do not reveal confidential information;

(h) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 903.30 through 903.33 or payments pursuant to §§ 903.80 through 903.87;

(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;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 903.51(a), and the Class I butterfat differential, pursuant to § 903.53(a), both for the current month; and the minimum price for Class II milk, pursuant to § 903.51(b), and the Class II butterfat differential, pursuant to § 903.53(b), both for the preceding month;

(2) The 11th day after the end of each month, the uniform price, pursuant to § 903.71, and the producer butterfat differential, pursuant to § 903.81; and

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

#### REPORTS, RECORDS, AND FACILITIES

#### § 903.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler for each of his pool plants, and each association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) producer milk, (2) milk in the form of Class I products received from pool plants and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 903.7;

(c) The quantities of skim milk and butterfat contained in inventories of Class I products on hand at the beginning and end of the month; and

(d) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(e) The name and address of each producer from whom milk was not received during the previous month, and the date of which milk was first received from such producer;

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer;

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

#### § 903.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which Class I milk is disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

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

#### § 903.32 Reports of milk received from producers.

(a) On or before the 25th day of each month, each handler shall report to the market administrator, his producer payroll, which shall show the total pounds of milk received from each producer during the first 15 days of such month;

(b) On or before the 20th day after the end of each month each handler shall report to the market administrator for such month on forms approved by the market administrator, his producer payroll, which shall show for each producer from whom milk was received:

(1) The total pounds and butterfat content of milk received from such producer;

(2) The price and the total amount paid for milk received from such producer, together with the amount and nature of any deduction; and

(3) The amount and nature of payments made pursuant to § 903.80(b).

#### § 903.33 Reports to cooperative associations.

(a) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 903.80 (b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

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

(b) On or before the 7th day of the following month:

(1) The pounds of milk received each day, and the total for the month, together with the butterfat content of such milk;

(2) The amount or rate and nature of deductions, and

(3) The amount and nature of payments due pursuant to § 903.80(c).

#### § 903.34 Reports of transportation rates.

On or before the 10th day after a request is received from the market administrator, each handler who makes deductions from payments to producers for

hauling shall submit a schedule of transportation rates which are charged and paid for such transportation of milk from the farm of the producer to such handler's plant(s). Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

#### § 903.35 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or establish the correct data which are required to be reported pursuant to §§ 903.30 through 903.34 and the payments required to be made pursuant to §§ 903.80 through 903.89.

#### § 903.36 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 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-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

#### § 903.40 Basis of classification.

All skim milk and butterfat which is required to be reported pursuant to § 903.30 shall be classified by the market administrator pursuant to the provisions of §§ 903.41 through 903.47.

#### § 903.41 Classes of utilization.

Subject to the conditions set forth in §§ 903.42 and 903.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour) and mixtures of milk, skim milk or cream (except frozen desert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers, and cultured soured mixtures to which a substance other than a milk product has been added); and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than those specified as Class I in paragraph (a) (1) of this section;

(2) In inventory of products designated as Class I milk in paragraph (a) of this section on hand at the end of the month;

(3) In actual shrinkage of skim milk and butterfat allocated pursuant to § 903.47(b) (2) not to exceed the following: 2 percent of the skim milk and butterfat, respectively, received from producers except that which is diverted pursuant to § 903.7, plus one and one-half percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 903.12(c), less one and one-half percent of skim milk and butterfat, respectively, in milk disposed of in bulk tank lots to other plants excluding milk diverted pursuant to § 903.7;

(4) In shrinkage of skim milk and butterfat, respectively, allocated to other source milk pursuant to § 903.47(b) (1).

#### § 903.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat shall be classified in another class.

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

#### § 903.43 Transfers.

Skim milk and butterfat transferred or diverted in bulk form as any product designated in § 903.41(a) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall be classified as follows:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee handler claims Class II utilization in his report submitted pursuant to § 903.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions pursuant to § 903.45(a) (1), (2), (3), and (4) and the corresponding subtractions pursuant to § 903.45(b);

*Provided*, That if the transferor plant receives other source milk, the classification of the skim milk and butterfat transferred results in the highest valued class utilization to milk of producers; and

(3) The transfer is by a cooperative association in which case the skim milk and butterfat so transferred shall be allocated pro rata to each class in the proportion remaining after the subtraction pursuant to § 903.45(a) (7) and the corresponding step of § 903.45(b).

(b) As Class I milk if moved to the plant of a producer-handler.

(c) (1) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant which is not the plant of a producer-handler unless:

(i) The transferee plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, in the State of Missouri south of the Missouri River or in Fulton County, Arkansas;

(ii) The transferor handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 903.30;

(iii) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification;

(d) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) to the extent of the pro rata quantity of skim milk and butterfat pursuant to the following computations if the skim milk and butterfat, respectively, is not classified as Class I milk pursuant to paragraph (c) of this section:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) From the remaining amount of skim milk and butterfat, respectively, classified as Class I milk at such nonpool plant subtract any Class I milk received in consumer-type packages from a plant fully regulated by this or another Federal order issued pursuant to the Act;

(3) Prorate the remaining Class I milk to bulk receipts at the nonpool plant which are allocated to Class I pursuant to this and other Federal milk orders issued pursuant to the Act;

(4) The quantity of such Class I prorated to receipts from pool plants subject to this part shall be further prorated to such plants in accordance with the quantities claimed to be moved to such nonpool plant as Class II milk; and

(5) If any skim milk or butterfat is disposed of from the first receiving nonpool plant in the form of bulk milk, skim milk, or cream to another nonpool plant(s), the market administrator shall determine in the same manner the classification of such skim milk and butterfat at the nonpool plant where actually used or processed when necessary to support a claim of Class II classification.

(e) As Class II milk if moved in fluid form as cream to a nonpool plant which is not located within the area specified in paragraph (c) (1) of this section; if the following conditions are met:

(1) The transferor-handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

**§ 903.44 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 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler, or in the case of a cooperative association for that milk received pursuant to § 903.12(c) or diverted to a nonpool plant pursuant to § 903.12(b): *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

**§ 903.45 Allocation of skim milk and butterfat classified.**

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

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in approved milk classified as Class II milk pursuant to § 903.41(b)(3);

(2) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is not classified and priced as Class I under the terms of another order issued pursuant to the Act (with that which is subject to another order but not classified and priced as Class I subtracted last);

(3) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10(a) from (i) producers and (ii) plants qualified pursuant to § 903.10(b), whichever is less;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is classified and priced as Class I under the terms of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of products designated as Class I in § 903.41(a) on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph; and

(7) Subtract the pounds of skim milk in items designated in Class I milk pur-

suant to § 903.41(a) received from other pool plants and from cooperative associations which are the handlers for the milk pursuant to § 903.12(c) from the pounds of skim milk in the respective classes in which such skim milk is classified pursuant to § 903.42(a); and

(8) 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 series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(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.

**§ 903.46 Determination of producer milk in each class.**

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 903.45, and determine the percentage of butterfat in the producer milk allocated to each class.

**§ 903.47 Shrinkage.**

The market administrator shall allocate shrinkage to each pool plant and to each cooperative association in its capacity as a handler pursuant to § 903.12(c) as follows:

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

(b) Prorate the resulting amounts between:

(1) Skim milk and butterfat in other source milk received in bulk fluid form; and

(2) Skim milk and butterfat in producer milk (excluding diverted milk) and in bulk fluid receipts from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 903.12(c).

**MINIMUM PRICES**

**§ 903.50 Basic formula price.**

The basic formula price for each month to be used in determining the price set forth in § 903.51(b) shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic, or field, prices paid or to be paid per hundredweight 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 the Department of Agriculture:

**CONCERNS AND LOCATIONS**

- Borden Co., Orfordville, Wis.
- Borden Co., New London, Wis.
- Carnation Co., Ava, Mo.
- Carnation Co., Seymour, Mo.
- Carnation Co., Sparta, Mich.
- Carnation Co., Richland Center, Wis.
- Carnation Co., Oconomowoc, Wis.
- Litchfield Creamery Co., Litchfield, Ill.
- Pet Milk Co., Greenville, Ill.
- Pet Milk Co., Wayland, Mich.
- Pet Milk Co., Coopersville, Mich.

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

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 3.5, add 20 percent thereof:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5½ cents and multiply by 7.0

**§ 903.51 Class prices.**

Subject to the provisions of §§ 903.52 and 903.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I price shall be equal to the price for Class I milk established for the same month under Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area, plus 50 cents, and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 130 subtract, or if it is less than 130 add, an amount calculated by multiplying the difference between such percentage and 130 by 2 cents;

(2) For each month calculate a utilization percentage by dividing the net pounds of Class I milk disposed of from all pool plants plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period; multiplying by 100; adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12 month utilization percentage as computed for the third month preceding; and rounding the resultant figure to the nearest whole percent.

(b) *Class II milk price.* For the months of August through February, the Class II milk price shall be the basic formula price. For all other months, the Class II price shall be an amount computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93-score bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for 93-score butter, the highest of the prices reported for 92-score butter for that day shall be used in lieu thereof;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day

of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

**§ 903.52 Location differentials to handlers.**

For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, the price specified in § 903.51(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	Rate per hundredweight (cents)
More than 30 but not more than 40 miles	16
For each additional 10 miles or fraction thereof an additional	1

*Provided*, That for the purpose of calculating such location differential with respect to approved milk transferred between pool plants, the Class II approved milk remaining in the transferee-plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45 (a) (1) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant from which approved milk was received, beginning with the plant having the largest differential, and then to producer milk: *And provided further*, That any approved milk transferred between city plants as Class II milk, which is to be assigned to receipts of approved milk from other plants pursuant to this section, shall be assigned to approved milk received from such other plants by either city plant so as to yield the greatest return to producers.

**§ 903.53 Butterfat differentials to handlers.**

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 903.46, is more or less than 3.5 percent, there shall be added to, or subtracted from as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

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

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

**§ 903.54 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.

**§ 903.55 Rate of payment on unpriced milk.**

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through February, subtract the uniform price, adjusted by the producer butterfat and location differentials, from the Class I price adjusted by the Class I butterfat differential and the Class I location differentials at the location of the plant from which such milk is supplied.

**APPLICATION OF PROVISIONS**

**§ 903.60 Producer-handlers.**

Sections 903.40 through 903.47, 903.50 through 903.55, 903.70 through 903.72, and 903.80 through 903.89 shall not apply to a producer-handler.

**§ 903.61 Plants subject to other Federal orders.**

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

(a) Any city plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 903.9 (a) and the Secretary determines that more Class I milk is disposed of from such plant in the St. Louis marketing area on routes than in the marketing area regulated pursuant to such other order.

(b) Any country plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to the provisions of § 903.9 (b).

**§ 903.62 Handlers operating nonpool plants.**

On or before the 15th day after the end of each month, each handler, except a producer-handler, operating a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount obtained by multiplying the hundredweight of skim milk and butterfat disposed of from such nonpool plant as Class I milk in the marketing area on routes by the rate of payment of unpriced milk pursuant to § 903.55.

**DETERMINATION OF UNIFORM PRICE TO PRODUCERS**

**§ 903.70 Computation of the obligation of each handler.**

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 903.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to § 903.52;

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45 (a) (2) and (b) by the rate of payment on unpriced milk pursuant to § 903.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class, pursuant to § 903.45 (a) (8) and (b), by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph.

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 903.45(a) (5) and the corresponding step of § 903.45(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45(a) (5) and the corresponding step of § 903.45(b) for the month, whichever is less:

(2) Multiply the rate of payment on unpriced milk pursuant to § 903.55 by the pounds of Class I milk subtracted from Class I pursuant to § 903.45(a) (5) and the corresponding step of § 903.45 (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat respectively on which a payment is applicable pursuant to subparagraph (1) of this paragraph, and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 903.45(a) (4) and the corresponding step of § 903.45(b).

**§ 903.71 Computation of the uniform price.**

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers at plants located not more than 30 airline miles from the City Hall in St. Louis, Missouri, as follows:

(a) Combine into one total the values computed pursuant to § 903.70 for all handlers who made the reports prescribed in § 903.30 and who are not in default of payments pursuant to § 903.84;

(b) For each of the months of April, May, June, and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk in-

cluded in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) For each of the months of October, November, and December, add one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equivalent to the total deductions made pursuant to § 903.82;

(e) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(f) Add an amount equivalent to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting amount by the total hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section.

**§ 903.72 Notification of handlers.**

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

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

(b) The uniform price computed pursuant to § 903.71 and the producer butterfat differential computed to § 903.81; and

(c) The amounts to be paid by such handler pursuant to §§ 903.84, 903.87, and 903.88, and the amount due such handler pursuant to § 903.85.

**PAYMENTS**

**§ 903.80 Time and method of payment for producer milk.**

(a) Except as provided in paragraphs (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such 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 in writing by such producer to be made from payments due pursuant to this subparagraph; and

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 903.88.

(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.

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) (1) and (2) (i), (ii), (iii) of this section less any deductions authorized in writing by such association: *Provided*, That the association has furnished the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the 15th day of the following month, each handler shall pay a cooperative association for milk received by him during the month from such association for which the association is the handler not less than the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

**§ 903.81 Butterfat differential to producers.**

In making payments for milk received from producers pursuant to § 903.80, the uniform price shall be adjusted by adding or subtracting for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less, respectively, than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 903.53(b).

**§ 903.82 Location differentials to producers.**

In making payments for milk received from producers at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, the uniform price computed to § 903.71 shall be reduced at the rate set forth in the following schedule:

Distance (miles):	Rate per hundredweight (cents)
More than 30 but not more than 40 miles.....	16
For each additional 10 miles or fraction thereof an additional.....	1

**§ 903.83 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund to be known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 903.62, 903.84, and 903.86, and out of which he shall make payments due handlers pursuant to §§ 903.71, 903.85, and 903.86.

**§ 903.84 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 903.70 exceeds the obligations of such handler for milk received from producers, pursuant to § 903.80.

**§ 903.85 Payments out of the producer-settlement fund.**

On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation of such handler for milk received from producers, pursuant to § 903.80 exceeds the value of milk for such handler calculated pursuant to § 903.70, less any unpaid balances due the market administrator from such handler pursuant to §§ 903.84, 903.86, 903.87, or 903.88: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

**§ 903.86 Adjustment of accounts.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses that money is due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall make payments to such handler of any amounts due the handler, or shall notify the handler of any amount due the market administrator or producers or cooperative associations, and such payments shall be made on or before the next date for making payments as set forth in the provisions relating to the payments which were in error.

**§ 903.87 Expense of administration.**

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 2½ cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to another order issued pursuant to the Act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

**§ 903.88 Marketing services.**

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 903.80, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from

## PROPOSED RULE MAKING

producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall:

(1) If the cooperative association is not receiving payment for its producer members pursuant to § 903.80(b), make the deductions from the payments made pursuant to § 903.80(a)(2), which are authorized by its producer members, and pay any money so deducted to the cooperative association on or before the 15th day after the end of the month in which the milk was received from producers; or

(2) If the cooperative association is receiving payment for its producer members pursuant to § 903.80(b), make no marketing service deductions.

#### § 903.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 903.84, 903.85, 903.87, or 903.88 shall be increased one-half of one percent for each month or portion thereof that such payment is overdue.

#### EFFECTIVE TIME, SUSPENSION, AND TERMINATION

##### § 903.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 903.91.

##### § 903.91 Suspension and termination.

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

##### § 903.92 Continuing power and duty.

(a) If, upon the suspension or termination pursuant to § 903.91, there are any obligations rising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the

Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

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

#### § 903.93 Liquidation after suspension or termination.

Upon the suspension or termination pursuant to § 903.91, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

##### § 903.100 Unfair methods of competition.

Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions of this part.

##### § 903.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstance 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.

##### § 903.102 Agents.

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

##### § 903.103 Termination of obligations.

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

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

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

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

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

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

Issued at Washington, D.C., this 28th day of July 1960.

F. R. BURKE,  
 Acting Deputy Administrator.

[F.R. Doc. 60-7164; Filed, Aug. 1, 1960; 8:48 a.m.]

[ 7 CFR Part 1016 ]

[Docket No. AO-299-A2]

**MILK IN NORTHEASTERN WISCONSIN MARKETING AREA**

**Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Conway Hotel, Appleton, Wisconsin, beginning at 9:00 a.m., local time, on August 16, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Northeastern Wisconsin marketing area.

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

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

Proposed by the Pure Milk Products Co-operative, Consolidated Badger Co-operative and the Antigo Milk Products Co-operative:

**Proposal No. 1:**

1. Add § 1016.15 to read:

**§ 1016.15 Base milk.**

"Base milk" means the amount of milk received by a handler from a producer during each of the months March, April, May and June which is not in excess of such producer's daily average quota multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery to a pool plant shall be considered as days of delivery.

2. Add § 1016.16 to read:

**§ 1016.16 Excess milk.**

"Excess milk" means the amount of milk received by a handler from a producer during each of the months March, April, May and June which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed.

3. Add § 1016.55 to read:

**§ 1016.55 Determination of base milk quota for each producer.**

The market Administrator shall determine quotas for producers as follows:

(a) During each of the months, March, April, May and June the daily quota of each producer whose milk was received by a handler(s) on not less than sixty (60) days during the immediately preceding months of September through

November, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period: *Provided*, That any producer for whom a base has been computed may upon written notice to the market administrator postmarked not later than January 15 preceding the months in which the base applies, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to paragraph (a) of this section, shall be allotted a base for each of the delivery periods of March, April, May and June equal to the following percentages of his average daily deliveries:

Month:	Percentage
March -----	60
April -----	55
May -----	50
June -----	50

*Provided*, That for March, April, May and June 1961, the percentages used shall be respectively, 65, 60, 55 and 55.

4. Add § 1016.57 to read:

**§ 1016.57 Quota rules.**

Any base computed pursuant to paragraph (a) of § 1016.56 shall be subject to the following rules:

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

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day

of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) On or before March 1 each year, the market administrator shall notify producers of their bases, and shall notify each handler of the base of each of the producers delivering to the handler's plant(s).

(f) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base-making purposes.

5. Add § 1016.62 to read:

**§ 1016.62 Excess milk price.**

For the months of March, April, May and June the uniform price per hundredweight of excess milk shall be the lowest of the Class prices computed pursuant to §§ 1016.52 and 1016.53 for the respective months.

6. Add § 1016.63 to read:

**§ 1016.63 Computation of the base milk price.**

The market administrator shall compute the price to be paid per hundredweight of base milk for each of the months of March through June as follows:

(a) Multiply the total pounds of excess milk by the applicable excess milk price, pursuant to § 1016.62.

(b) Subtract the amounts arrived at in paragraph (a) of this section from the net value of producer milk computed pursuant to § 1016.60.

(c) Divide the resultant value by the total hundredweight of base milk and adjust to the nearest cent. The result shall be known as the uniform price per hundredweight for base milk of 3.5 per cent butterfat.

7. Change the designation of §§ 1016.62, 1016.63 and 1016.64 to read §§ 1016.64, 1016.65 and 1016.66, respectively.

8. Make such other changes as are necessary for the above proposals to become a part of Order 116.

Proposed by the Consolidated Badger Cooperative:

Proposal No. 2: Amend § 1016.10(a) as follows:

"*Provided*, That for each of the months of August, September and October, diversion of the milk of any such person shall be limited to 16 days (8 days in the case of alternate day delivery)."

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 790 West Foster Street, Appleton, Wisconsin, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 27th day of July 1960.

ROY W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 60-7143; Filed, Aug. 1, 1960;  
8:45 a.m.]

### [ 7 CFR Part 1018 ]

[Docket No. AO-286-A3]

## MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of public hearing to be held at the Governor's Club Hotel, Fort Lauderdale, Florida, beginning at 10:30 a.m., local time, on August 11, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

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

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

Proposed by the Independent Dairy Farmers' Association, Inc., Fort Lauderdale, Florida:

Proposal No. 1. Change the schedule of standard utilization percentage listed in § 1018.50(c) (2) to read as follows:

January	109	July	114
February	109	August	114
March	109	September	112
April	110	October	110
May	110	November	109
June	112	December	108

Proposed by Home Milk Producers Assn., Inc., 2451 Northwest Seventh Avenue, Miami 37, Florida:

Proposal No. 2. Amend § 1018.50(e), Class II milk price, by adding the following: "Provided, That for milk used in the production of cottage cheese, the

minimum price per hundredweight shall be computed by adding together the plus values of subparagraphs (3) and (4) of this paragraph.

(3) Multiply the Chicago butter price by 1.25 and multiply the result by 4.

(4) Add one cent to the Chicago powder price and multiply the result by 7.5"

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 801-03, Sweet Building, Fort Lauderdale, Florida, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 28th day of July 1960.

F. R. BURKE,  
Acting Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 60-7163; Filed, Aug. 1, 1960;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

#### [ 46 CFR Ch. II ]

[Docket No. 877]

### FILING OF FREIGHT RATES IN FOR- EIGN COMMERCE OF THE UNITED STATES

#### Notice of Oral Argument

Whereas on January 5, 1960, the Federal Maritime Board published in the FEDERAL REGISTER (25 F.R. 60), a notice of proposed rule making for the filing of freight rates in the foreign commerce of the United States; and

Whereas comments thereon, including those in which a request was made for a hearing or oral argument, have been received and considered by the Board,

Now therefore notice is hereby given that oral argument will be heard by the Board, on August 23, 1960, beginning at 9:30 a.m., e.d.t., in Room 4519 New G.A.O. Building, 441 G Street NW., Washington, D.C., with respect to questions germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: July 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-7161; Filed, Aug. 1, 1960;  
8:47 a.m.]

#### [ 46 CFR Ch. II ]

[Docket No. 878]

### PUBLIC DISTRIBUTION OF FREIGHT TARIFFS

#### Notice of Oral Argument

Whereas on January 5, 1960, the Federal Maritime Board published in the FEDERAL REGISTER (25 F.R. 60, 61), a notice of proposed rule making relating to a system of distribution of freight tariffs to the public by common carriers by water in the foreign commerce of the United States operating under freight conference agreements approved pursuant to section 15 of the Shipping Act, 1916, as amended, and by other common carriers by water in the foreign commerce of the United States; and

Whereas comments thereon, including those in which a request was made for a hearing or oral argument, have been received and considered by the Board,

Now therefore notice is hereby given that oral argument will be heard by the Board, on August 24, 1960, beginning at 9:30 a.m., e.d.t., in Room 4519 New G.A.O. Building, 441 G Street NW., Washington, D.C., with respect to questions germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: July 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-7160; Filed, Aug. 1, 1960;  
8:47 a.m.]

#### [ 46 CFR Ch. II ]

[Docket No. 897]

### FILING OF PASSENGER FARES IN FOREIGN COMMERCE OF THE UNITED STATES

#### Notice of Oral Argument

Whereas on March 22, 1960, the Federal Maritime Board published in the FEDERAL REGISTER (25 F.R. 2401), a notice of proposed rule making for the filing of passenger fares in the foreign commerce of the United States and for the filing of statements with respect to any person or persons carried free, or at fares or charges less than those assessed other persons traveling on the same vessel in the same or like accommodations; and

Whereas comments thereon, including those in which a request was made for a hearing or oral argument, have been received and considered by the Board,

Now therefore notice is hereby given that oral argument will be heard by the Board, on August 30, 1960, beginning at 9:30 a.m., e.d.t., in Room 4519 New G.A.O. Building, 441 G Street NW., Washington, D.C., with respect to ques-

tions germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: July 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-7159; Filed, Aug. 1, 1960;  
8:47 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 601, 602 ]

[Airspace Docket 60-WA-123]

### CONTROL AREAS AND CODED JET ROUTES

#### Modification of Continental Control Area

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 §§ 601.7101, 601.2 and 602.2 of the regulations of the Administrator, the substance of which is stated below.

In a notice of proposed rule making published in the FEDERAL REGISTER on July 14, 1960 (25 F.R. 6634), as Regulatory Docket No. 443, Draft Release 60-12, it was stated that the Federal Aviation Agency proposed to amend Part 60 of Civil Air Regulations by establishing the base of the continental control area at 14,500 feet mean sea level, excluding the airspace less than 1,500 feet above terrain (i.e., in mountainous terrain higher than 13,000 feet MSL). This proposed change is a portion of a comprehensive air traffic control improvement plan and is made possible through more advanced air traffic control capabilities. The higher visual flight rule (VFR) minimum weather conditions, which currently apply only above 24,000 feet MSL would be made applicable to all airspace above 14,500 feet MSL. These minimums are considered appropriate for application in this airspace since the aircraft expected to make the greatest use of this area are high performance aircraft with air speed such that the current VFR minimums may not provide sufficient time for pilots to observe and avoid each other.

To concurrently establish the airspace wherein the rules proposed in Civil Air Regulation (Draft Release 60-12) would apply, the Federal Aviation Agency proposes to redesignate the continental control area as all the airspace within the continental United States at and above 14,500 feet MSL, excluding the airspace less than 1,500 feet above terrain (mountainous terrain higher than 13,000 feet MSL), and excluding the portion which coincides with prohibited areas

and restricted areas, except where such restricted areas are otherwise designated as control area. This modification of the continental control area would encompass all of the proposed intermediate altitude airway structure (Airspace Docket No. 60-WA-53, 25 F.R. 6635), within the continental United States, and would eliminate the requirement for designation of separate control areas therein for each specific intermediate altitude airway. Thus the protection of controlled airspace for aircraft IFR operation would be extended throughout the jet route structure, proposed intermediate altitude airway structure, and the areas between such routes and airways utilized for direct flights and holding patterns within the altitudes at and above 14,500 feet MSL. Designating the base of the continental control area at 1,500 feet above terrain in mountainous areas higher than 13,000 feet MSL would provide uncontrolled airspace between such terrain and the base of this control area for use by VFR traffic.

In addition, § 601.2 (Explanation of terms), and § 602.2 (Explanation of terms), would be amended to reflect the change in designation of the continental control area.

If this action is taken, the continental control area would be designated as all the airspace within the continental United States at and above 14,500 feet mean sea level, excluding the airspace less than 1,500 feet above terrain and excluding prohibited areas and restricted areas, except where such restricted areas are otherwise designated as control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received prior to October 13, 1960, 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 Chief, Airspace Utilization Division. 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.

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 July 27, 1960.

CHARLES W. CARMODY,  
Chief,  
Airspace Utilization Division.

[F.R. Doc. 60-7135; Filed, Aug. 1, 1960;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Economic Regs., Docket No. 11659]

[ 14 CFR Part 294 ]

### CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT

#### Notice of Proposed Rule Making

JULY 28, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed repeal of Part 294 which exempts all air carriers holding currently effective authorizations to engage in air transportation from the provisions of sections 401, 403, 404 and 405 of the Act and various related Parts of the Economic Regulations.

The principal purposes of the proposed repeal are explained in the explanatory statement below.

This regulation is proposed under the authority of sections 204 and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 22, 1960 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after August 23, 1960 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,  
Secretary.

*Explanatory statement.* Part 294, adopted in 1953, provides limited exemption authority to air carriers engaged in specified types of operations for the military establishment. This exemption authorizes the performance of charter operations pursuant to agreements between air carriers and the military establishment which cover a period of at least 90 days, but do not exceed one year. Such charter agreements must provide for a minimum average of 24 one-way schedules to or from the same point per 30-day period, and the schedules must be in conformance with a pre-agreed schedule pattern.<sup>1</sup>

Air carrier parties to such agreements with the military establishment are exempt from section 401 (which requires carriers to hold a certificate of public

<sup>1</sup> In Orders E-14484, September 25, 1959, and E-15151, April 26, 1960, the Board granted air carriers engaged in military charter operations an exemption from the schedule, frequency and contract term requirements.

convenience and necessity in order to engage in air transportation), section 403 (which requires the filing and publication of tariffs), section 404 (insofar as that section requires carriers to provide adequate service and to maintain reasonable and nondiscriminatory rates), section 405 (which deals with the transportation of mail), and the Economic Regulations of the Board implementing the foregoing statutory provisions.

At the time that Part 294 was adopted there was a critical need for airlift for use by the armed forces in the transportation of military personnel and cargo. This need stemmed in part from the emergency situation occasioned by the Korean War and its aftermath. At that time, the certificated carriers did not have the capacity to meet the tremendous increase in military airlift requirements and it became necessary to utilize civil airlift capacity from almost every source available. Under these circumstances it was in the interest of the national defense to facilitate the acquisition by the military establishment of the maximum amount of airlift by creating broad exemptions from the economic regulatory provisions of the Act. These exemptions enabled the Defense Department to procure charter services by means of contracts, awarded on a competitive bidding basis, with any air carrier authorized by certificate or exemption to engage in air transportation, without regard to route restrictions or tariff requirements.

The emergency situation which formed part of the background for the adoption

of Part 294 no longer exists. In recent years the capacity operated by the certificated U.S. flag international and overseas carriers has increased substantially and it now appears that a significant amount of military traffic can be handled by the certificated carriers on their scheduled services. For this reason the Board is of the opinion that much of the routine military traffic now carried on a charter basis can move at tariff rates in the scheduled services of the certificated carriers and under their certificate authorizations.

In view of the absence of any continuing emergency shortage of civil airlift capacity, the Board believes that there is no longer any justification for continuing blanket exemptions which have the effect of removing from the Board's regulatory control a substantial portion of the air transportation operations of air carriers. In this connection the Board cannot ignore the relation between Part 294, the Defense Department's use of advertised competitive bidding procedures in procuring civil airlift and the marked deterioration of the rate structure as regards military traffic, especially in the past two years. The Board makes note of the fact that many of the charters have been let at rates which have proved to be unprofitable. The result of these competitive bidding practices has been to endanger seriously the financial stability of many of the carriers engaged in military transportation and to impede the acquisition by the carriers of modern equipment which is needed not only for purposes of

development of commercial air transportation but also to broaden the mobilization base for national defense purposes. Indeed, the present lack of modern civil aircraft needed to supplement the hard-core military aircraft fleet has been a matter of growing concern to the Defense Department, and the Department is now proposing to make changes in its procurement policies in recognition of this problem.

In view of the foregoing, it appears that the broad exemption contained in Part 294 is no longer required to meet military needs, and has become adverse to the public interest including the national defense. Accordingly, the Board believes that it is now desirable to repeal Part 294. This, of course, does not mean that exemptions from appropriate provisions of Title IV and the Economic Regulations will not be granted in the future as needed to authorize air carrier operations for the military establishment. It is the Board's intention to examine on the merits all applications filed for exemption to perform military operations and to continue to grant exemptions to air carriers and classes of air carriers where it finds that enforcement of any provisions of Title IV and of the Economic Regulations would be adverse to the public interest and where the other requirements of section 416(b) are met.

*Proposed rule.* It is proposed to repeal Part 294 of the Economic Regulations in its entirety.

[F.R. Doc. 60-7170; Filed, Aug. 1, 1960; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Notice 23]

#### ALASKA

##### Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 25, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)  
APPROVED JUNE 21, 1960

#### SEWARD MERIDIAN

S 17-1, Ts. 1 to 3 S., Rs. 19 to 20 W.,  
S 17-2, Ts. 1 to 4 S., Rs. 21 to 24 W.,  
S 17-3, Ts. 1 to 4 S., Rs. 25 to 28 W.,  
S 17-4, Ts. 1 to 4 S., Rs. 29 to 32 W.,  
S 17-5, Ts. 5 to 8 S., Rs. 29 to 32 W.,  
S 17-6, Ts. 5 to 8 S., Rs. 25 to 28 W.,  
S 17-7, Ts. 5 to 6 S., Rs. 22 to 24 W.,  
S 17-8, Ts. 9 to 12 S., Rs. 24 to 28 W.,  
S 17-9, Ts. 9 to 12 S., Rs. 29 to 32 W.,  
S 17-10, Ts. 13 to 16 S., Rs. 29 to 32 W.,  
S 17-11, Ts. 13 to 16 S., Rs. 24 to 28 W.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,  
*Acting Manager.*

[F.R. Doc. 60-7148; Filed, Aug. 1, 1960;  
8:45 a.m.]

[Notice 24]

#### ALASKA

##### Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 25, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)  
APPROVED JUNE 23, 1960

#### SEWARD MERIDIAN

S 22-1, Ts. 17 to 20 S., Rs. 33 to 36 W.,  
S 22-2, Ts. 17 to 20 S., Rs. 37 to 40 W.,  
S 22-3, Ts. 17 to 20 S., Rs. 41 to 44 W.,  
S 22-4, Ts. 17 to 20 S., Rs. 45 to 48 W.,  
S 22-5, Ts. 21 to 24 S., Rs. 45 to 48 W.,  
S 22-6, Ts. 21 to 24 S., Rs. 41 to 44 W.,  
S 22-7, Ts. 21 to 24 S., Rs. 37 to 40 W.,  
S 22-8, Ts. 21 to 24 S., Rs. 33 to 36 W.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,  
*Acting Manager.*

[F.R. Doc. 60-7149; Filed, Aug. 1, 1960;  
8:46 a.m.]

[Notice 25]

#### ALASKA

##### Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 25, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)  
APPROVED JUNE 28, 1960

#### SEWARD MERIDIAN

S 30-1, Ts. 49 to 52 S., Rs. 61 to 64 W.,  
S 30-2, Ts. 49 to 52 S., Rs. 65 to 68 W.,  
S 30-3, Ts. 49 to 52 S., Rs. 69 to 72 W.,  
S 30-4, Ts. 49 to 52 S., Rs. 73 to 76 W.,  
S 30-5, Ts. 49 to 52 S., Rs. 77 to 80 W.,  
S 30-6, Ts. 53 to 56 S., Rs. 77 to 80 W.,  
S 30-7, Ts. 53 to 56 S., Rs. 73 to 76 W.,  
S 30-8, Ts. 53 to 56 S., Rs. 69 to 72 W.,  
S 30-9, Ts. 57 to 60 S., Rs. 66 to 68 W.,  
S 30-10, Ts. 57 to 60 S., Rs. 69 to 72 W.,  
S 30-11, Ts. 57 to 59 S., Rs. 73 to 76 W.,  
S 30-12, Ts. 57 to 58 S., Rs. 78 to 80 W.,  
S 30-13, Ts. 61 to 62 S., Rs. 69 to 73 W.,  
S 30-14, Ts. 61 to 63 S., Rs. 66 to 68 W.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,  
*Acting Manager.*

[F.R. Doc. 60-7150; Filed, Aug. 1, 1960;  
8:46 a.m.]

## ALASKA

### Small Tract Classification Orders Nos. 63 and 70 Cancelled in Part; Small Tract Classification Order No. 93 Cancelled in Its Entirety

JULY 25, 1960.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered as follows:

1. Effective at 10:00 a.m. July 25, 1960, Small Tract Classification Order No. 63 of August 13, 1952, is cancelled insofar as it affects the following described lands:

#### PETERSBURG AREA

U.S. Survey 2461: Lots A and C,  
U.S. Survey 2462: Lots E through H, inclusive,  
U.S. Survey 2463: Lot 1,  
U.S. Survey 2464: Lots M, N, O,  
U.S. Survey 2465: Lots S through X, inclusive,  
U.S. Survey 2466: Lots Y, Z, and 1,  
U.S. Survey 2467: Lots 2 through 8, inclusive,  
U.S. Survey 2468: Lots 9, 9A, 10, 11, and 12,  
U.S. Survey 2470: Lot 14,  
U.S. Survey 2471: Lots 18 through 21, inclusive,  
U.S. Survey 2472: Lots 22 through 27, inclusive, and Lots 24A, 25A, and 27A,  
U.S. Survey 2473: Lots 28 through 32, inclusive,  
U.S. Survey 2474: Lots 33A and 34 through 37, inclusive.

#### COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.

Sec. 33: Lots 30 through 36, inclusive.

The above described area comprises 64 tracts aggregating approximately 259.04 acres.

2. Effective at 10:00 a.m. July 25, 1960, Small Tract Classification Order No. 70 of March 10, 1953, as amended, is cancelled insofar as it affects the following described lands:

#### PETERSBURG AREA

U.S. Survey 2609: Lot 30, containing 4.99 acres.

3. Effective at 10:00 a.m. July 25, 1960, Small Tract Classification Order No. 93 of December 30, 1954, affecting lands near Petersburg, Alaska, is cancelled in its entirety.

WARNER T. MAY,  
*Operations Supervisor.*

JULY 25, 1960.

[F.R. Doc. 60-7151; Filed, Aug. 1, 1960;  
8:46 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

## UNIVERSITY OF ILLINOIS

### Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervenor as provided by the Commission's rules of practice (10 CFR, Ch. I, Part 2), the Commission proposes to issue to the University of Illinois, Urbana, Illinois, a facility license substantially as set forth below authorizing the possession and operation at the University's campus of a TRIGA Mark II nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-51. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by the University of Illinois and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of July 1960.

For the Atomic Energy Commission.

H. L. PRICE,  
Director, Division of  
Licensing and Regulation.

1. This license applies to the TRIGA Mark II nuclear reactor (hereinafter referred to as "the reactor") which is owned by the University of Illinois and located on the University's campus in Urbana, Illinois, and described in the University's application for license dated October 29, 1959, and amendments thereto dated December 17, 1959, May 20, 1960, and July 1960 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-51 issued to the University of Illinois.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-51 and will operate in conformity with the application and in conformity with the

Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Illinois is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Illinois is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Illinois is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Illinois:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Urbana, Illinois, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 3.004 kilograms of contained uranium 235 for use in connection with operations of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Illinois shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The University of Illinois shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Illinois as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The University of Illinois shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR-51, to The University of Illinois for use in connection with operation of the reactor, three kilograms of uranium-235 contained in uranium enriched to approximately 20 percent in the isotope uranium-235, and four grams of uranium-235 contained in highly enriched uranium.

6. This license is effective as of the date of issuance and shall expire at midnight April 4, 1980.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-7183; Filed, July 29, 1960; 2:33 p.m.]

## CIVIL AERONAUTICS BOARD

[Docket 10979]

### UNITED STATES OVERSEAS AIRLINES, INC.

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 11, 1960, at 10:00 a.m., (e.d.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., July 26, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-7169; Filed, Aug. 1, 1960; 8:48 a.m.]

[Dockets 2942, 3628, 4543]

### PAN AMERICAN-GRACE AIRWAYS, INC.

#### Notice of Prehearing Conference

In the matter of abandonment of service between Quito, Ecuador and Ipiales, Colombia by Pan American-Grace Airways, Inc., Docket 2942.

In the matter of abandonment of service at Salinas, Ecuador by Pan American-Grace Airways, Inc., Docket 3628.

In the matter of abandonment of service at Loja, Ecuador by Pan American-Grace Airways, Inc., Docket 4543.

Notice is hereby given that a prehearing conference is assigned to be held on the above-numbered dockets on August 9, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 28, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-7168; Filed, Aug. 1, 1960; 8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-20380, CI60-97]

### HOPE NATURAL GAS CO. AND COLUMBIAN CARBON CO.

#### Notice of Applications and Date of Hearing

JULY 26, 1960.

In the matter of Hope Natural Gas Company, Docket No. G-20380; Colum-

bian Carbon Company, Docket No. CI60-97.

Take notice that Hope Natural Gas Company (Hope) a West Virginia corporation, having its principal place of business in Clarksburg, West Virginia, filed on December 14, 1959, an application (Docket No. G-20380), and on March 30, 1960, a supplement thereto, pursuant to section 7(c) of the Natural Gas Act and the provisions of Order No. 174B issued by the Federal Power Commission on December 17, 1954, for a certificate of public convenience and necessity covering the sale of natural gas and the exchange of natural gas and those facilities required to render the services which are subject to the jurisdiction of the Commission, as hereinafter described.

Hope proposes to deliver to Atlantic Seaboard Corporation (Atlantic) certain volumes of gas which will be transported by Atlantic through its pipeline system in interstate commerce, part of which gas will be a direct sale to Atlantic, and the remaining portion will be delivered to Atlantic for the account of United Fuel Gas Company (United). Any gas so delivered for the account of United will be returned to Hope by United at two delivery points between Hope's and United's facilities in Kanawha and Wood Counties, West Virginia. The terms and conditions of the proposed sale and exchange of gas are the same as those set forth in the agreement between said parties on November 1, 1956.

Hope alleges that on October 9, 1959, it entered into an agreement (supplemental to the agreement dated November 1, 1956, as supplemented by agreements dated November 7, 1957, and October 3, 1958) with Columbian Carbon Company (Columbian) for the purchase of natural gas to be produced by Columbian from the Blackwater Anticline-Northern Extension, Randolph County, West Virginia.

The proposal is to add acreage to be dedicated to the service authorized in prior dockets. Hope proposes to construct approximately 15,000 feet of gathering lines, at an estimated cost of \$90,000, to connect the wells of Columbian to the existing gathering line system now in use in said field.

Hope alleges that the gas reserves available to Hope from the Blackwater Anticline-Northern Extension is estimated to be 10.8 billion cubic feet.

Take further notice that Columbian Carbon Company (Columbian), a Delaware corporation, having its principal place of business at 380 Madison Avenue, New York 17, New York, filed on January 28, 1960, an application, pursuant to section 7 of the Natural Gas Act, and for the purpose of complying with § 157.23 of the Commission's regulations under the Natural Gas Act for a certificate of public convenience and necessity authorizing it to engage in the sale of natural gas as hereinafter described. Columbian contends that it is not a natural gas company and that the sale proposed is not subject to the jurisdiction of this Commission, and states that it files the application under protest.

Columbian recites the making of the gas purchase agreement with Hope dated

October 9, 1959, as described above (Columbian's FPC Gas Rate Schedule No. 40), Columbian states that it is advised that the gas involved herein will be commingled by Hope with the gas produced by others and that some or all of such commingled gas will be transported to points and resold in states other than that in which gas is sold by Columbian.

The price provided in said contract is 27 cents per Mcf at a measurement pressure base of 14.73 psia. Columbian alleges that this rate is identical with the rates in Columbian's FPC Gas Rate Schedules Nos. 30 and 31 also involving gas sold by Columbian to Hope from acreage in the Blackwater Anticline Field. The contract also provides that Hope, the buyer, shall reimburse Columbian for 75 percent of new or increased taxes. The estimated initial volumes will be 5,000 Mcf per day. The provisions as to delivery pressure and delivery points are as follows:

*Delivery pressure.* Gas to be delivered against the varying pressures in Buyer's pipeline which line pressure is to be maintained as nearly as practicable so as not to exceed 50 percent of the average rock pressures of Seller's wells as determined on or before June 15, in each year.

*Delivery point.* Delivery shall be at the connection(s) between the gathering lines to be constructed and owned by Seller and Buyer's pipeline, the points of such connections to be mutually agreed upon.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1960.

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 60-7139; Filed, Aug. 1, 1960;  
8:45 a.m.]

[Docket No. G-13385 etc.]

## SINCLAIR OIL AND GAS CO. ET AL.

### Notice of Applications and Date of Hearing

JULY 25, 1960.

In the matter of Sinclair Oil & Gas Company, Docket No. G-13385; Big Chief Drilling Company, Docket No. G-13768; Monsanto Chemical Company, Docket No. G-13801; L. C. McRae, Docket No. G-13803; Christie, Mitchell and Mitchell Company, et al., Docket No. G-13806; Lewis O. Kelsey, Operator, et al., Docket

No. G-13812; Texaco Inc., Docket No. G-13814; J. Edward Jones, Docket No. G-15326; Union Producing Company, Docket No. G-16232; Jack P. Rayzor, et al., Docket No. G-16863; Lillie C. Cullen, et al., Docket No. G-17207; Humble Oil & Refining Company, Docket No. G-17349; Shell Oil Company, Docket No. G-17647; Beck Oil Company, et al., Docket No. G-17657; Julkirk Corporation, Operator, et al., Docket No. G-17748; Otis C. Coles, Jr., Docket No. G-17751; Benson-Montin-Greer Drilling Corporation, Docket No. G-17755; Kathryn T. Blake, Trustee, et al & W. G. Talbott, et al., Docket No. G-17757; Mull Drilling Company, Inc., Operator, et al., Docket No. G-17758; Sierra Petroleum Company, Inc., Docket No. G-17759; The Atlantic Refining Company, Docket No. G-17771; Ralph Mace, Docket No. G-17776; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-17777; Loris Swadley, et al., Docket No. G-17778; Tower Oil & Gas Company, et al., Docket No. G-17793; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-17948; Graham-Michaelis Drilling Company, Operator, et al., Docket No. G-17961; Skelly Oil Company, Docket No. G-17962; William Gruenerwald, Operator, et al., Docket No. G-17964; Fred Whitaker, Operator, et al., Docket No. G-17966; Southwestern Development Company, Docket No. G-17967; Graham-Michaelis Drilling Company, Operator, et al., Docket No. G-17968; Monsanto Chemical Company, Docket No. G-17969; Southwestern Development Company, Docket No. G-17972; Apache Oil Corporation, Docket No. G-17982; M. J. Lebsack, Docket No. G-18006; George R. Brown, Docket No. G-18015; Texas Crude Oil Company, Docket No. G-18040; R. E. Kellerman, Docket No. G-18136.

Tidewater Oil Company, Docket No. G-18188; Sun Oil Company (Southern Division), Docket No. G-18243; Conrad Gas Company, Docket No. G-18261; W. H. Busch, Docket No. G-18262; Skelly Oil Company, Docket No. G-18264; Harvey L. Starr, et al., Docket No. G-18265; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-18276; J. F. Deem, Docket No. G-18284; The Shamrock Oil & Gas Corporation, Operator, et al., Docket No. G-18293; Monsanto Chemical Company, Docket No. G-18295; Edwin G. Bradley, Docket No. G-18336; Arthur M. Guida, Operator, et al., Docket No. G-18370; Texas Gas Exploration Corporation, Docket No. G-18443; Texas Pacific Coal and Oil Company, Docket No. G-18449; Artnell Company, Operator, et al., Docket No. G-18786; The Atlantic Refining Company, Docket No. G-18804; Fifteen Oil Company, Docket No. G-18820; Lon Powell, et al., Docket No. G-18894; Hassie Hunt Trust, Docket No. G-18897; Apache Oil Corporation, Operator, et al., Docket No. G-18899; Graridge, Ibex & Williams, Ltd., Docket No. G-18901; Cosden Petroleum Corporation, et al., Docket No. G-18928; Apache Oil Corporation, Docket No. G-18933; Pure Oil Company, The, Docket No. G-18935; Homer T. Moore, Docket No. G-18946; C. W. Broyles, Operator,

et al., Docket No. G-18960; The British-American Oil Producing Company, Docket No. G-18963; Hill Oil and Gas Company, Docket No. G-18979; P. P. Gunn, et al., d/b/a Harry Stevens, et al., Docket No. G-18984; Woods Exploration & Producing Company, Inc., et al., Docket No. G-18999; Alice M. Vandergift, et al., d/b/a Pioneer Oil & Gas Company, Docket No. G-19039; Caulkins Oil Company, Operator, et al., Docket No. G-19043; J. W. Starr, Operator, et al., Docket No. G-19073; Roy R. Gardner, Operator, et al., Docket No. G-19099; Oil Lease Operating Company, Docket No. G-19120; John L. Cox, Docket No. G-19161; Wellshire Development Company, Docket No. G-19196; Continental Oil Company, Operator, et al., Docket No. G-19218; Big Chief Drilling Company, Docket No. G-19301; The California Company, Docket No. G-19343; Petroleum Exploration, Inc., of Texas, et al., Docket No. G-19383; Samuel Holliday, et al., Docket No. G-19398.

Kirkwood and Morgan, Inc., Operator, et al., Docket No. G-19412; Continental Oil Company, Docket No. G-19437; Concord Oil Company, Operator, et al., Docket No. G-19465; M. B. Rudman, et al., Docket No. G-19466; Aztec Oil & Gas Company, Docket No. G-19496; Robert F. White, Operator, et al., Docket No. G-19499; King-Stevenson Oil Company, Inc., et al., Docket No. G-19500; M. J. Moran, et al., Docket No. G-19505; E. W. Bowers and Associates, et al., Docket No. G-19506; W. H. Busch, Docket No. G-19508; The Atlantic Refining Company, Docket No. G-19509; Ambassador Oil Corporation, Operator, et al., Docket No. G-19563; Frederick W. Mueller, et al., Docket No. G-19568; The Superior Oil Company, Docket No. G-19600; Gulf States Development Corporation, Docket No. G-19648; Harry Stevens, et al., Docket No. G-19683; Ferrell L. Prior, et al., Docket No. G-19684; Walter C. Crane, et al., d/b/a Vesta Fuel Company, Docket No. G-19685; Stekol Petroleum Corporation, Docket No. G-19686; Remlig Oil Company, Docket No. G-19688; Helmerich & Payne, Inc., Docket No. G-19691; W. H. Mossor, et al., Docket No. G-19694; R. W. Mayronne, Jr., d/b/a Riverside Oil Company, Docket No. G-19695; Skelly Oil Company, Operator, et al., Docket No. G-19698; Sun Oil Company, Docket No. G-19699; Monsanto Chemical Company, et al., Docket No. G-19701; Katex Oil Company, Docket No. G-19702; Frank A. Schultz, et al., Docket No. G-20018; Wytex Oil Corporation, Operator, et al., Docket No. G-20023; W. H. Mossor, et al., Docket No. G-20041; Plains Exploration Company, Operator, et al., Docket No. G-20151; Jocelyn-Varn Oil Company, Operator, et al., Docket No. G-20152; Haskell D. O. Tennant, Docket No. G-20153; Calvert and Manley, Inc., Operator, et al., Docket No. G-20156; Far-West Trading Company, Docket No. G-20158; LuRay Land, Inc., Docket No. G-20165; Wyant Ventures, Ltd., Docket No. G-20327; F. William Carr, Operator, et al., Docket No. G-20480; Apache Oil Corporation, Docket No. G-20498; Union Oil Company of California, Docket No. CI60-22; Irl A. Michols, Docket No. CI60-138; Joseph S. Gruss, Docket No. CI60-167;

Tennessee Gas Transmission Company, Docket No. CP60-105.

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

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

*Docket Nos.; Field and Location; Purchaser; and Price per Mcf*

G-13385; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.06 cents at 14.65 psia.  
 G-13768; Acreage in Beaver County, Okla.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.  
 G-13801; West Hiawatha Area, Moffat County, Colo.; Mountain Fuel Supply Co.; 11.025 cents at 15.025 psia.  
 G-13803; Maxie-Pistol Ridge, Forest and Pearl River Counties, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.  
 G-13806; Columbus, Colorado County, Tex.; Tennessee Gas Transmission Co.; 13.37125 cents at 14.65 psia.  
 G-13812; West Labbe, Duval County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.  
 G-13814; Hiawatha, Moffat County, Colo.; Mountain Fuel Supply Co.; 11.0 cents at 14.65 psia.  
 G-15326; Big Hill, Jefferson County, Tex.; Texas Gas Pipe Line Corp.; 13.73056 cents at 14.65 psia.  
 G-16232; Kain, Matagorda County, Tex.; Coastal Transmission Corp.; 17.5 cents at 14.65 psia.  
 G-16863; South Lucky, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 13.49761 cents at 14.65 psia.  
 G-17207; Green City, St. Mary Parish, La.; United Gas Pipe Line Co.; 23.55 cents at 15.025 psia.  
 G-17349; Garden City, St. Mary Parish, La.; United Gas Pipe Line Co.; 23.55 cents at 15.025 psia.  
 G-17647; Big Foot, Frio and Atascosa Counties, Tex.; Transcontinental Gas Pipe Line Corp.; 13.68225 cents at 14.65 psia.  
 G-17657; Reeves, Allen Parish, La.; Transcontinental Gas Pipe Line Corp.; 16.0 cents at 14.65 psia.  
 G-17748; Clayton Ranch, Crockett County, Tex.; Pioneer Gathering System, Inc.; 10.0 cents at 14.65 psia.  
 G-17751; Sibley, Webster Parish, La.; United Gas Pipe Line Co.; 11.2432 cents at 15.025 psia.  
 G-17755; Blanco (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.  
 G-17757; Lerado, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.  
 G-17758; West Medicine Lodge, Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.  
 G-17759; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.  
 G-17771; Justis, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.  
 G-17776; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-17777; Greenwood, Morton County, Kans.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.

G-17778; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-17793; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-17948; N. Medicine Lodge, Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.  
 G-17961; Keyes, Texas County, Okla.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.  
 G-17962; Camrick, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.4 cents at 14.65 psia.  
 G-17964; Hackett Pool, Meade County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.  
 G-17966; Carthage, Panola County, Tex.; Texas Gas Transmission Corp.; 13.0 cents at 14.65 psia.  
 G-17967; Burning Springs, Wirt County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-17968; Forgan South Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.  
 G-17969; North Central Section of San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.  
 G-17972; Burning Springs, Wirt County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-17982; Cruce Area, Stephens County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.  
 G-18006; Jackpot, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 14.65 psia.  
 G-18015; Spartan, San Patricio County, Tex.; W. J. Riley, d/b/a Banquette Gas Co.; 9.0 cents at 14.65 psia.  
 G-18040; D. K. Drinkard, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.5 cents at 14.65 psia.  
 G-18136; Theall, Vermillion Parish, La.; United Gas Pipe Line Co.; 20.25 cents at 15.025 psia.  
 G-18188; Southeast Rayne, Lafayette Parish, La.; Transcontinental Gas Pipe Line Corp.; 17.5 cents at 15.025 psia.  
 G-18243; Carthage, Panola County, Tex.; Texas Gas Transmission Corp.; 10.5 cents at 14.65 psia.  
 G-18261; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-18262; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-18264; Simsboro, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.554 cents at 15.025 psia.  
 G-18265; Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-18276; Quinduno, Roberts County, Tex.; Natural Gas Pipeline Co. of America; 12.0 cents at 14.65 psia.  
 G-18284; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.  
 G-18293; Big Foot, Frio County, Tex.; Transcontinental Gas Pipe Line Corp.; 13.6296 cents at 14.65 psia.  
 G-18295; Jackpot, Morgan and Weld Counties, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.  
 G-18336; Lerado, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.  
 G-18370; Jackpot, Morgan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.  
 G-18443; West Nona Mills, Hardin County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.  
 G-18449; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company; 6.5 cents at 14.65 psia.

- G-18786; Acreage in Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
- G-18804; Bayou Sale, St. Mary Parish, La.; United Gas Pipe Line Co.; 22.3 cents at 15.025 psia.
- G-18820; E. Cheniere Perdue, Cameron Parish, La.; American-Louisiana Pipe Line Co.; 19.75 cents at 15.025 psia.
- G-18894; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.
- G-18897; Wildcat Bayou, Terrebonne Parish, La.; Transcontinental Gas Pipe Line Corp.; 23.55 cents at 15.025 psia.
- G-18899; Laverne, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
- G-18901; Plymouth and East Taft, San Patricio County, Tex.; W. J. Riley, d/b/a Banquette Gas Co.; 7.0896 cents at 14.65 psia.
- G-18928; Beeville, Bee County, Tex.; Coastal States Gas Producing Company and Southern Coast Corp.; 10.0 cents at 14.65 psia.
- G-18933; Laverne, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
- G-18935; Doll Area, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.9938 cents at 15.025 psia.
- G-18946; Welsh, Jefferson Davis Parish, La.; Texas Gas Transmission Corp.; 12.875 cents at 15.025 psia.
- G-18960; Waskom, Harrison County, Tex.; Arkansas Louisiana Gas Co.; 9.7392 cents at 14.65 psia.
- G-18963; Wildcat Bayou, Terrebonne Parish, La.; Transcontinental Gas Pipe Line Corp.; 23.55 cents at 15.025 psia.
- G-18979; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-18984; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-18999; Hinkle, Harris County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.
- G-19039; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-19043; Acreage in Grant County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.
- G-19073; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.
- G-19099; Bruce-Flo, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.
- G-19120; Cold Springs, San Jacinto County, Tex.; Tennessee Gas Transmission Co.; 13.49751 cents at 14.65 psia.
- G-19161; Block 1 (University Lands), Andrews County, Tex.; El Paso Natural Gas Co.; 18.108 cents at 14.65 psia.
- G-19196; Fulcher Kurtz, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
- G-19218; Cherokee Lake Area, Rusk County, Tex.; Texas Eastern Transmission Corp.; 14.6 cents at 14.65 psia.
- G-19301; Beaver County Area, Beaver County, Okla.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.
- G-19343; Jeanerette, St. Mary's Parish, La.; United Gas Pipe Line Co.; 22.8 cents at 15.025 psia.
- G-19383; E. F. H. Morrow, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
- G-19398; North Louise Area, Wharton County, Tex.; Tennessee Gas Transmission Co.; 13.499614 cents at 14.65 psia.
- G-19412; Spartan, San Patricio County, Tex.; W. J. Riley d/b/a Banquette Gas Co.; 9.0 cents at 14.65 psia.
- G-19437; Bayou Long, Iberia Parish, La.; Southern Natural Gas Co.; 21.5 cents at 15.025 psia.
- G-19465; Cabeza Creek Area, Goliad County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.
- G-19468; Calhoun Area, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
- G-19496; Blue-Hill, San Juan, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
- G-19499; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.
- G-19500; East Kremlin Pool, Garfield County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.
- G-19505; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-19506; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-19508; Glenville District, Gilmer County, Tex.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
- G-19509; Headlee Field Plant, Ector County, Tex.; El Paso Natural Gas Co.; 10.0855 cents.
- G-19563; Camrick, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.2 cents at 14.65 psia.
- G-19568; Cologne, Victoria County, Tex.; Coastal States Gas Producing Co.; 9.0 cents at 14.65 psia.
- G-19600; Trail Unit Area, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; 12.0 cents at 15.025 psia.
- G-19648; Palsano and Orange Grove, Jim Wells County, Tex.; Trunkline Gas Co.; 12.346 cents at 14.65 psia.
- G-19683; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
- G-19684; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-19685; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-19686; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
- G-19688; Moccane, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
- G-19691; Hugoton, Kearny County, Kans.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.
- G-19694; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-19695; Chamblee, Tensas Parish, La.; Tensas Gathering Corp.; 14.5 cents at 15.025 psia.
- G-19698; Acreage in Rio Arriba County; N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
- G-19699; Camrick, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.2 cents at 14.65 psia.
- G-19701; South Lucky, Bienville Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.022 psia.
- G-19702; West Panhandle, Hutchinson and Carson Counties, Tex.; Phillips Petroleum Co.; 10.0 cents at 14.65 psia.
- G-20018; Blanco, San Juan County, New Mexico and La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
- G-20023; Surveyor Creek, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.
- G-20041; Union District Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-20151; Acreage in Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 14.4 psia.
- G-20152; East Kremlin, Garfield County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.
- G-20153; Battelle District, Monongalia County, W. Va.; South Penn Natural Gas Co.; 12.0 cents at 15.325 psia.
- G-20156; Morales Area, Jackson County, Tex.; Trunkline Gas Co.; 12.25 cents at 14.65 psia.
- G-20158; Trend, Morgan County, Colo.; N. C. Ginther; 12.0 cents at 15.025 psia.
- G-20165; Otter District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- G-20327; Laverne, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
- G-20480; Sunset and George West, Live Oak County, Tex.; Texas Eastern Transmission Corp.; 10.92 cents and 11.3254 cents at 14.65 psia.
- Duffy, Wharton County, Tex.; Tennessee Gas Transmission Co.; 13.4754 cents at 14.65 psia.
- G-20498; Camrick Pool, Beaver County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.0 cents at 14.65 psia.
- CI60-22; Laverne, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
- CI60-138; West Marlow, Stephens County, Okla.; Lone Star Gas Co.; 12.0 cents at 14.65 psia.
- CI60-167; Sprabery Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 11.1056 cents at 14.65 psia.
- CP60-105; Eureka, Grant County, Okla.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 8, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further*, If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20

(b) (2) of the rules of practice and procedure.

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 60-7140; Filed, Aug. 1, 1960;  
8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

### ARSENICAL NICKEL ORE AND SPEISS HELD IN NATIONAL STOCKPILE

#### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 314 short tons of arsenical nickel ore and approximately 1,400 short tons of nickel speiss now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act that there is no longer any need for stockpiling said arsenical nickel ore and nickel speiss. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said arsenical nickel ore and nickel speiss are obsolescent for use in time of war.

General Services Administration proposes to transfer said arsenical nickel ore and nickel speiss to other Government agencies, or to offer them for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: July 27, 1960.

FRANKLIN FLOETE,  
Administrator.

[F.R. Doc. 60-7157; Filed, Aug. 1, 1960;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF.

July 28, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 36447: *Substituted service—C&NW for National Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, Agent (No. 24), for interested car-

riers. Rates on property loaded in highway trailers or containers and transported on railroad flat cars between Chicago, Ill., on the one hand, and specified points in Iowa, Minnesota, South Dakota, Wisconsin and Wyoming, on the other, also between St. Paul, Minn., on the one hand, and Casper, Wyo., and Council Bluffs, Iowa, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 5 and 7 to Household Goods Carriers' Bureau tariffs MF-I.C.C. 90 and 83, respectively.

FSA No. 36448: *Alcohols—Philadelphia, Pa., to Illinois points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2549), for interested rail carriers. Rates on alcohols, as described in the application, in tank-car loads, from Philadelphia, Pa., to Chicago, Lemont and Willow Springs, Ill.

Grounds for relief: Ocean tanker-barge competition.

Tariff: Supplement 151 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1116.

FSA No. 36449: *Petroleum products—Montana points to Minnesota and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 369), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from Billings, East Billings, Laurel and Great Falls, Mont., to specified points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 36450: *Asphalt—Montana points to Minnesota and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 368), for interested rail carriers. Rates on asphalt, as described in the application, in tank-car loads, subject to an aggregate of not less than twenty tank-car loads, from Billings, East Billings and Laurel, Mont., to Stevens Point, Wis., and intermediate points on the GB&W Ry., and Simpson, Minn., and points on the CGW Ry., intermediate between Simpson and Winona, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-7152; Filed, Aug. 1, 1960;  
8:46 a.m.]

[Notice 356]

### MOTOR CARRIER TRANSFER PROCEEDINGS

July 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 recon-

sideration 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 63242. By order of July 26, 1960, the Transfer Board approved the transfer to Raymond H. Jenkins and J. M. Inge, a partnership, doing business as Henderson & Jenkins, Richmond, Va., of Permits in Nos. MC 115887, and MC 115887 Sub 2, issued October 12, 1956, and September 25, 1959, respectively, to Robert H. Henderson and Raymond H. Jenkins, a partnership, doing business as Henderson & Jenkins, Richmond, Va., authorizing the transportation of: Meats, meat products, and meat by-products, and dairy products, from Richmond, Va., to specified points in West Virginia; and fertilizer and fertilizer materials, from Norfolk, Va., to specified points in West Virginia. Jno. C. Goddin, 1304 State-Planters Bank Building, Richmond 19, Va., for applicants.

No. MC-FC 63295. By order of July 26, 1960, the Transfer Board approved the transfer to Helen Fallon, doing business as Andy's Express, 927 South 16th Street, Milwaukee, Wis., of Certificate in No. MC 6000, issued April 8, 1937, to Francis J. Fallon, doing business as Andy's Express Company, 927 South 16th Street, Milwaukee, Wis., authorizing the transportation of: household goods, office furniture and equipment, and store fixtures, between Milwaukee, Wis., on the one hand, and on the other, points in Minnesota, Iowa, and Illinois.

No. MC-FC 63299. By order of July 26, 1960, the Transfer Board approved the transfer to William C. Feller, doing business as Feller Freight, Bancroft, Nebr., of Certificate in No. MC 61215, issued September 22, 1949, to George P. Diedrichsen, Inc., Bancroft, Nebr., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, livestock, agricultural commodities, feed, grain, lumber, and household goods, from, to, or between specified points in Nebraska and Iowa.

No. MC-FC 63412. By order of July 26, 1960, the Transfer Board approved the transfer to Nick's Moving & Storage Co., Inc., Brooklyn, New York, of a Certificate in No. MC 113021, issued June 30, 1959, to Nicholas Albano and Dominick Albano, a partnership, doing business as Nick's Moving & Storage Co., Brooklyn, New York, which authorizes the transportation of household goods, as defined by the Commission, over irregular routes, between New York, N.Y., and points in Nassau, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts. Pascal J. Stallone, 66 Court Street, Brooklyn 1, N.Y., Attorney, for applicants.

No. MC-FC 63431. By order of July 26, 1960, the Transfer Board approved

the transfer to William C. Northfield, doing business as Orcas Island Freight Lines, Edmonds, Wash., of Certificate No. MC 111115, issued January 19, 1951, to Wayland H. Weddle, Deer Harbor, Wash., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Bellingham, Mount Vernon and Anacortes, Washington, on the one hand, and on the other, points in Orcas Island, Washington. George H. Hart, 827 Central Building, Seattle 4, Wash., for applicants.

No. MC-FC 63423. By order of July 26, 1960, the Transfer Board approved the transfer to Osterman's Trucking, Inc., Gary, Ind., of Certificate No. MC 83292, issued January 23, 1941, to Wilbert Osterman, doing business as Osterman's Trucking, Gary, Ind., authorizing the transportation of: Such bulk commodities as are transported in dump trucks, between points in Cook County, Ill., on the one hand, and, on the other, points in Lake and Porter Counties, Ind.; and coal, from points in Will and Grundy Counties, Ill., to points in the above-described Indiana territory. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., for applicants.

[SEAL] HAROLD D. McCOY,  
Secretary.

[F.R. Doc. 60-7153; Filed, Aug. 1, 1960;  
8:46 a.m.]

[Notice 351]

**MOTOR CARRIER TRANSFER  
PROCEEDINGS**

JULY 20, 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 general rules of practice any interested person may file a petition seeking recon-

sideration of the following numbered proceedings within 30 days from the date of service of the order. 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 62469. By order of July 15, 1960, Division 4, acting as an Appellate Division, approved the transfer to Robert F. Cloutier, Philadelphia, Pa., of that portion of the operating rights set forth in Certificate No. MC 29734, issued by the Commission May 31, 1950, to Joseph H. Smith, William H. Smith and James J. Smith, a Partnership, doing business as Joseph H. Smith & Company, Philadelphia, Pa., authorizing the transportation, over irregular routes, of hides, in containers, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., New York, N.Y., Baltimore, and Curtis Bay, Md., and Newark, Passaic, Paterson, Linden, and Matawan, N.J. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

[SEAL] HAROLD D. McCOY,  
Secretary.

[F.R. Doc. 60-7171; Filed, Aug. 1, 1960;  
8:49 a.m.]

[No. 33461]

**SEABOARD AIR LINE RAILROAD CO.  
AND LOUISVILLE AND NASHVILLE  
RAILROAD CO.**

**Value for Rate Determination Purposes, of Ground Limestone From Gantt's Quarry, Ala., to Cartersville, Ga.**

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of July A.D. 1960:

It appearing, that by a petition filed June 6, 1960, the Seaboard Air Line Rail-

road Company and the Louisville and Nashville Railroad Company request the issuance of a declaratory order pursuant to section 5(d) of the Administrative Procedure Act, to remove uncertainty with respect to the value of ground limestone moving via petitioners' lines from Gantt's Quarry, Ala., to Cartersville, Ga.;

*It is ordered,* That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving the petitioners hereinafter designated and any other persons interested an opportunity to present evidence with regard to the value of ground limestone moving via petitioners' lines from Thompson-Weinman and Company's plant at Gantt's Quarry, Ala., to such shipper's plant located at Cartersville, Ga., and the proper standard for use in the determination thereof.

*It is further ordered,* That the Seaboard Air Line Railroad Company and the Louisville and Nashville Railroad Company be, and they are hereby, made respondents to this proceeding; and that a copy of this order be served upon such respondents;

*It is further ordered,* That notice of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

*And it is further ordered,* That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

*And it is further ordered,* That the Bureau of Inquiry and Compliance be, and it is hereby, directed to participate in proceeding Docket No. 33461 for the purpose of developing the record.

By the Commission.

[SEAL] HAROLD D. McCOY,  
Secretary.

[F.R. Doc. 60-7154; Filed, Aug. 1, 1960;  
8:46 a.m.]

