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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (3) is added to § 6.123 as set out below.

§ 6.123 Department of Health, Education, and Welfare. * * *

(i) Office of Education. * * *

(3) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-4359; Filed, May 31, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (11), (c) (4), (d) (2), (e) (1), (f) (3), (g) (4), (h) (4), (j) (1), (k) (5), and (l) (4) of § 6.310 are revoked, paragraph (b) (2) is amended, and subparagraphs (3), (4), and (5) are added to paragraph (b), as set out below.

§ 6.310 Department of the Interior. * * *

(b) Office of the Solicitor. * * *

(2) Two Special Assistants to the Solicitor.

- (3) One Deputy Solicitor.
- (4) Five Associate Solicitors.
- (5) One Legislative Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-4360; Filed, May 31, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (4) is added to § 6.311 as set out below.

§ 6.311 Department of Agriculture. * * *

(b) Rural Electrification Administration. * * *

(4) One Confidential Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-4361; Filed, May 31, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP CORN RESEAL LOAN PROGRAM

A resale loan program has been announced for 1954-crop Corn. The 1954
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CFR SUPPLEMENTS (For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end (\$2.25)
Title 8 (\$0.45)

Previously announced: Title 3, 1954 Supp. (\$1.75); Title 7: Parts 1-209 (\$0.60); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 16 (\$1.25); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Titles 35-37 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CCC Grain Price Support Bulletin 1 (19 F. R. 967, 1595, and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplements 1 and 2, Corn (19 F. R. 3365, 6902, 7155, and 20 F. R. 411), containing the specific requirements for the 1954-crop corn price support program, is hereby further supplemented as follows:

- Sec.
421.726 Applicable sections of 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.
421.727 Availability.
421.728 Eligible producer.
421.729 Eligible corn.
421.730 Approved storage.
421.731 Approved forms.
421.732 Quantity eligible for resealing.
421.733 Additional service charges.
421.734 Transfer of producer's equity.
421.735 Storage and track-loading payments.
421.736 Maturity and satisfaction.
421.737 Support rates.
421.738 CSS commodity offices.

AUTHORITY: §§ 421.726 to 421.738 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.726 *Applicable sections of 1954 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.* The following sections of the 1954 CCC Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Corn, as amended, published in 19 F. R. 967, 1595, 3365, 6901, 6902, 7155, and 20 F. R. 411, shall be applicable to the 1954 Corn Reseal Loan Program: § 421.401 *Administration*; § 421.405 *Approved lending agencies*; § 421.408 *Lien*; § 421.410 *Set-offs*; § 421.411 *Interest rate*; § 421.413 *Safe-guarding the commodity*; § 421.414 *Insurance on farm-storage loans*; § 421.415 *Loss or damage to the commodity*; § 421.416 *Personal liability of the Producer*; § 421.417 *Release of the commodity under loan*; § 421.419 *Foreclosure*; § 421.420 *Purchase of notes*; § 421.488 *Determination of quantity*; § 421.489 *Determination of quality*. Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.727 *Availability*—(a) *Area and scope.* The reseal program will be available wherever corn is grown in the continental United States except in designated angoumois moth areas: *Provided, however,* That such program will be available only where ASC State committees determine that there may be a shortage of storage space and that corn can be safely stored on the farm for the period of the reseal loan. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan

program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored corn is required, under the 1954 Corn Price Support Program, to notify the county committee not later than July 31, 1955, if he intends to sell the corn to CCC. If the producer has notified the county committee, on or before July 31, 1955, of his intention to sell the corn to CCC, or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before September 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the corn is in existence and in good condition. If the corn was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the resale loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.728 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the corn in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage corn of the 1954-crop.

§ 421.729 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must meet the requirements set forth in § 421.486 (a), (b), (c), and (f) of 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; (2) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent mois-

ture in the case of shelled corn; and (3) must be under price support loan or purchase agreement.

(b) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the corn and structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(2) *Corn covered by purchase agreement.* If a producer makes application for a farm-storage loan on corn covered by a purchase agreement, the commodity loan inspector shall inspect the corn and storage structure, obtain a sample if the corn and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.730 *Approved storage.* Corn covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending September 30, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1956.

§ 421.731 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.732 *Quantity eligible for resealing.* (a) The quantity of corn eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of corn specified in the purchase agreement, minus any quantity of the corn under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.733 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on corn covered by a purchase agreement, the producer

shall pay an additional service charge of $\frac{1}{2}$ cent per bushel on the number of bushels placed under loan, or \$1.50 whichever is greater. No refund of service charges will be made.

§ 421.734 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the corn mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the corn must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the corn from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.735 *Storage and track-loading payments—(a) Storage payment.* A resale storage payment will be made as follows:

(1) Storage payment for full resale period: A storage payment computed at the rate of 15 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1956 (ii) delivers corn to CCC on or after July 31, 1956, or (iii) delivers corn to CCC prior to July 31, 1956, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the corn was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) Prorated storage payment: A prorated storage payment computed at the rate of 0.00049 per bushel a day, but not to exceed 15 cents per bushel, according to the length of time the quantity of corn involved was in store after September 30, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1956, and (iii) in the case of corn delivered to CCC prior to July 31, 1956, pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered to CCC which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the corn has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC in accordance with instructions of the county committee, on track at a country point.

§ 421.736 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1956. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to the delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under resale loan is stored. The provisions of § 421.418 (a), (c), and (e), (2), (3) and (4) and of § 421.493 (a) shall be applicable thereto.

§ 421.737 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan and the support rate for corn covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the corn in § 421.494 (a) (1) and (2).

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.494 (b) shall be applicable in determining the settlement value.

§ 421.738 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 26th day of May 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4380; Filed, May 31, 1955;
8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 2—SERVICE RECORDS; FEES

Section 2.5 is amended as follows:

The fifth item is deleted. The fourth and thirteenth items are amended and two new items are added so that when taken with the introductory material such amended and added items will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

For filing an appeal from, or a motion to reopen or reconsider, any decision under the immigration laws, except from a decision in an exclusion or deportation proceeding. (The minimum fee of \$10 shall be charged whenever such an appeal or motion is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.)	10.00
For filing application for waiver of visa of an individual alien at the time he applies for admission to the United States as a returning resident	10.00
For filing application for waiver of passport of an individual alien at the time he applies for admission to the United States for permanent residence	10.00
For filing application for preexamination. (The fee shall not be applicable to an alien who has submitted the required fee with an application for suspension of deportation which is still pending.)	25.00

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Paragraph (c) of § 6.1 *Board of Immigration Appeals* is amended to read as follows:

(c) *Jurisdiction by certification.* The Commissioner, Assistant Commissioner, Examinations Division, regional commissioners, or the Board may in any case arising under subparagraphs (1) through (6) of paragraph (b) of this section require certification of such case to the Board.

2. Subdivision (iii) of subparagraph (1) of paragraph (h) of § 6.1 *Board of Immigration Appeals* is amended so that, when taken with the introductory material, it will read as follows:

(h) *Referral of cases to the Attorney General.* (1) The Board shall refer to the Attorney General for review of its decision all cases which:

(iii) The Commissioner or the Assistant Commissioner, Examinations Division, requests be referred to the Attorney General for review.

3. The first sentence in § 6.2 *Reopening or reconsideration* is amended to read as follows: "Reconsideration or reopening of any case in which a decision has been made by the Board, whether re-

quested by the Assistant Commissioner, Examinations Division, or a regional commissioner, or by the party affected by the decision, shall be only upon written motion to the Board."

4. Paragraph (c) of § 6.21 Motion to reopen or motion to reconsider is amended to read as follows:

(c) *Distribution of motion papers when Assistant Commissioner, Examinations Division, or a regional commissioner is the moving party.* Whenever a motion to reopen or a motion to reconsider is made by the Assistant Commissioner, Examinations Division, or a regional commissioner, he shall cause one copy of the motion to be served upon the alien or party affected, as provided in §§ 292.11 and 292.12 of this chapter, and shall cause the record in the case and one copy of the motion to be filed directly with the Board, together with proof of service upon the alien or other party affected. Such alien or party shall have a period of ten days from the date of service upon him of the motion within which to submit a brief in opposition to the motion. Two copies of such brief shall be filed directly with the Board and one copy directly with the Commissioner. The submission of such brief may be waived. The Board, in its discretion, for good cause shown may extend the time within which such brief may be submitted.

PART 7—REGIONAL COMMISSIONERS: APPEALS

Paragraph (a) of § 7.1 is amended by adding subparagraph (19) so that when taken with the introductory material it will read as follows:

§ 7.1 *Regional commissioners—(a) Appellate jurisdiction.* Appeals shall lie to the regional commissioners from the following:

* * * * *

(19) Decisions of district directors on applications for preexamination under Part 485 of this chapter.

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

Section 9.5a is amended by adding paragraph (ccc) so that when taken with the introductory material it will read as follows:

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

* * * * *

(ccc) Applications for preexamination under Part 485 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103; Interpret or apply sec. 501, 65 Stat. 290; 5 U. S. C. 140)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions

of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to matters of agency management.

Dated: May 24, 1955.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: May 16, 1955.

J. M. SWING,
Commissioner of Immigration
and Naturalization.

[F. R. Doc. 55-4369; Filed, May 31, 1955;
8:50 a. m.]

TITLE 7—AGRICULTURE

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

[Amtd. 9]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1954 CROP

EXTENSION OF TIME LIMITS FOR FARMERS NOT PROPERLY NOTIFIED

The amendment herein is issued under the Wheat Marketing Quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing for the sending of a notice of the farm marketing quota and farm marketing excess, and for extending the period within which the farmer may apply for a downward adjustment in his farm marketing excess and within which he may avoid or postpone the penalty by storage or delivery of the excess wheat to the Secretary in any case where a proper notice had not previously been sent to the operator of the farm in time to provide him the opportunity to apply for a downward adjustment of his farm marketing excess and to store or deliver his farm marketing excess to avoid or postpone the penalty under existing regulations.

Since the only purpose of the amendment is to extend time limits for the benefit of producers on farms for which proper notices of rights under the present regulations had not previously been sent, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is unnecessary. Therefore, the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

A new § 728.498 is added to read as follows:

§ 728.498 *Farms for which notice of 1954 farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess

for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer within the time in which he was required to make application for a downward adjustment, or to store or to deliver to the Secretary the farm marketing excess as prescribed by §§ 728.460, 728.461, 728.482 and 728.483, the producer shall be so notified by the county committee on Form MQ-93-Wheat (1954) and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may within 30 days from the date such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 728.461, 728.482 and 728.483. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ-93-Wheat (1954) showing the results of the determinations of the county committee shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203, as amended; 7 U. S. C. 1340)

Done at Washington, D. C., this 26th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4379; Filed, May 31, 1955;
8:52 a. m.]

[1026 (Peanuts-55)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1955 CROP

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 AUTHORITY: §§ 729.640 to 729.669 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388.

GENERAL

§ 729.640 *Basis and purpose.* The regulations contained in §§ 729.640 to 729.669 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1955 crop, regardless of whether such peanuts are marketed before, during, or after the 1955-56 marketing year. Prior to preparing the regulations in §§ 729.640 to 729.669, public notice of their formulation was published in the FEDERAL REGISTER (20 F. R. 566) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938.

§ 729.641 *Definitions.* As used in §§ 729.640 to 729.669 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended and supplemented.

(b) "Areas" means:

(1) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) "Buyer" means a person who:

(1) Buys or otherwise acquires peanuts from a producer;

(2) Buys or otherwise acquires farmers' stock peanuts from any person; or

(3) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) Committees: (1) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation committee.

(e) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operation of the county ASC office, or the person acting in such capacity.

(f) "Deputy Administrator" means the Deputy Administrator for Production Adjustment or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(i) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.646.

(j) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(k) "Farm allotment" means the farm peanut acreage allotment for the 1955 crop of peanuts established pursuant to §§ 729.610 to 729.630 of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

(l) "Farm peanut acreage" means the farm peanut acreage for the farm as determined under § 729.611 (i) of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

(m) "Farmers stock peanuts" means picked or threshed peanuts produced in the continental United States during the calendar year 1955 which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(n) "Market" means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) "Marketing card": (1) "Excess penalty card" means MQ-77—Peanuts (1955) or MQ-77-VC—Peanuts (1955), 1955 Peanut Excess Penalty Marketing Card. MQ-77 will be issued for farms in the Southeastern area and in the Southwestern area. MQ-77-VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is in excess of the larger of the farm allotment or one acre. A portion of each lot of peanuts identified by an excess penalty card is subject to the marketing penalty prescribed in § 729.655 at the time the peanuts are marketed.

(2) "Within quota card" means MQ-76—Peanuts (1955) or MQ-76-VC—Peanuts (1955), 1955 Peanut Within Quota Marketing Card. MQ-76 will be issued for farms in the Southeastern area and in the Southwestern area. MQ-76-VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in § 729.655.

(p) "Marketing year" means the 1955 marketing year beginning August 1, 1955, and ending July 31, 1956.

(q) "Offices": (1) "County ASC office" means the office of the Agricultural Stabilization and Conservation county committee.

(2) "State ASC office" means the office of the Agricultural Stabilization and Conservation State committee.

(r) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(s) "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(t) "Person" means an individual, partnership, association, farmers cooperative association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(u) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture. If shelled peanuts are marketed, the poundage therefor shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5 and the result shall be the number of pounds of peanuts considered as marketed under this part.

(v) "Producer" means a person who, as landlord, tenant, or sharecropper is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(w) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.646.

(x) "Sales memorandum" means:

(1) Form MQ-93—Peanuts (1952), which may be used (i) by buyers to record and report data with respect to purchases of peanuts identified by both within quota and excess penalty cards, (ii) to record and report data with respect to purchases of peanuts that are not identified by a marketing card, and (iii) by shellers to record and report data with respect to peanuts shelled for producers in instances where all of the shelled peanuts are returned to the producer.

(2) Form MQ-94—Peanuts (1955), which may be used by buyers in the Southeastern and Southwestern areas to record and report data with respect to purchases of peanuts identified by either a within quota or an excess penalty card if the peanuts have been inspected by the Federal-State Inspection Service.

(3) Form MQ-76-A-VC—Peanuts (1955), ten copies of which are attached to each Form MQ-76-VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ-76-VC.

(4) Form MQ-77-A-VC—Peanuts (1955), ten copies of which are attached to each Form MQ-77-VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ-77-VC.

(5) Any other form furnished by the buyer for recording and reporting purchases of peanuts, provided (i) the State committee determines that the use of forms other than those enumerated in subparagraphs (1) through (4) of this paragraph will not operate to reduce effective administration of the program in the State and (ii) the form proposed for use by the buyer is approved by the State Administrative Officer of each State in which the buyer will purchase 1955 crop peanuts as being consecutively numbered and containing the necessary language and spaces for recording and reporting the same information as that required by Form MQ-93—Peanuts

(1952) for purchases of farmers stock peanuts.

(y) "Secretary" means the Secretary or the Acting Secretary of the United States Department of Agriculture.

(z) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State ASC office, or the person acting in such capacity.

(aa) "Yields": (1) "Normal yield" means the normal yield per acre for the farm as determined under § 729.621 or 729.623, whichever is applicable of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

(2) "Actual yield" means the actual yield per acre for the farm obtained by dividing the farm peanut acreage into the total production of peanuts for the farm.

§ 729.642 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.643 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts for a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(c) The converted penalty rate shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(d) The amount of penalty with respect to any lot of peanuts, or the amount of damages due Commodity Credit Corporation under an agreement made pursuant to § 729.659, shall be expressed as dollars and in whole cents. Fractions of less than a cent shall be dropped.

(e) The quantity of peanuts marketed, the farm marketing quota, and the normal and actual yield per acre, shall be expressed in whole pounds. Fractions of less than a pound shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.644 *Identification of farms.* Each farm as operated for the 1955 crop of peanuts shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1955 crop of peanuts shall be identified by the farm serial number.

§ 729.645 *Measurement of farms.* The peanut acreage on farms shall be measured to determine compliance with farm allotments in accordance with in-

structions issued by the Deputy Administrator.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.646 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield multiplied by the farm allotment.

§ 729.647 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm the allotment next established for each such farm shall be reduced as provided in § 729.624 of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

§ 729.648 *Issuance of marketing cards.*

(a) A marketing card shall be issued to the operator of each farm having 1955 crop peanuts for use by any producer for marketing his share of the peanuts produced on the farm. If the county office manager finds that it will serve a useful purpose, additional marketing cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of §§ 729.640 to 729.669, the issuance of a marketing card may be withheld for any farm until the committee provides for an estimate to be made of the peanut production on such farm. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used.

(c) Upon return to the county ASC office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county office manager to have been lost, stolen, mutilated, or destroyed.

(d) Within quota card: A farm is eligible for a within quota card under any one of the following conditions:

- (1) The farm has no excess acreage.
- (2) The acreage planted to peanuts on the farm is in excess of the farm allotment but an agreement on Form MQ-92—Peanuts (1955) is executed and approved in accordance with § 729.659.

(3) (i) The farm has excess acreage which consists of peanuts grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or peanuts produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the cost and risks incident to the production of the peanuts and the proceeds from the crop inure to the benefit of the experiment station. Any such agreement must be approved by the State committee prior to the issuance of a marketing card for the farm.

(ii) Prior to the approval of any agreement between farmers and publicly owned experiment stations for the production of peanuts for experimental purposes, the State committee shall cause to be made such investigation as may be necessary to determine that each of the following conditions is met:

(a) The peanuts are grown for experimental purposes only.

(b) The experiment could not be carried out satisfactorily with peanuts grown on other lands owned or leased by the experiment station and produced at public expense by employees of the experiment station.

(c) The size of the acreage covered by the agreement is necessary for carrying on the experiment.

(d) The experiment station bears the costs and risks incident to the production of the peanuts.

(e) Payment to the farmer is consistent with prevailing rates for labor, workstock, machinery, equipment, and land rentals.

(f) The proceeds from the peanuts inure to the experiment station.

(e) Excess penalty card: An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the larger of the farm allotment or one acre and the farm is not eligible for a within quota card under paragraph (d) of this section.

§ 729.649 Person authorized to issue cards. The county office manager shall sign marketing cards for farms in the county as issuing officer. The issuing officer may designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each person so designated shall place his initials immediately beneath the name of the issuing officer as written by him or stamped on the card.

§ 729.650 Successors-in-interest. Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.651 Invalid marketing cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made and not properly initialed; or

(5) The converted penalty rate on an excess penalty card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction, or theft) the operator, or the person having the card in his possession, shall return it to the county ASC office from which it was issued. If any marketing card is lost, destroyed, or stolen, the producer to whom the card was issued shall give written notice of such fact to the county ASC office from which the card was issued.

(c) If a marketing card becomes invalid because an entry is not made as required either through omission or incorrect entry, and the proper entry is later made and initialed by the issuing officer or a person designated by the issuing officer to sign his name in issuing marketing cards as provided in § 729.649, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be cancelled and a new card issued in its place.

§ 729.652 Report of misuse of marketing card. Any information which causes a member of a State, county, or community committee, or an employee of a State or county ASC office, or any person engaged in buying or handling peanuts, to believe that any peanuts have or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately by such committeeman, employee, or person to the county ASC office or to the State ASC office.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.653 Extent to which marketings from a farm are subject to penalty. The penalty for a farm having excess acreage shall be determined as follows:

(a) If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot of peanuts marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of the peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, the total amount of penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate.

(d) If the representative of the county committee is prevented by the operator or other producer or person

from determining the farm peanut acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If, however, the operator furnishes a complete and correct report containing the information specified in § 729.661 (b), the penalty for the farm shall be determined in accordance with paragraph (b) of this section. The procedure outlined in this section shall not be deemed to affect the right of the Secretary to obtain measurement as provided for in the act.

(e) Notwithstanding the foregoing provisions of this section, the penalty will not be applicable to the shriveled, damaged, split, and broken peanut kernels which are obtained in the process of shelling farmers stock peanuts of the 1955 crop for use by the producer as seed in 1956 if the quantity of peanuts shelled by or for the producer is in line with the seed requirements for his farm in 1956 as determined by the county office manager.

§ 729.654 Identification of marketings.

(a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts without a marketing card shall be subject to the penalty at the rate prescribed in § 729.655 (a) unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling not in excess of that quantity of farmers stock peanuts for a producer which the county office manager determines is reasonable for seed purposes on the producer's farm for the 1956 crop. The marketing of such shriveled, damaged, split, and broken kernels that are not identified by marketing card will be identified by Form MQ-93—Peanuts (1952) partially executed by the county office manager to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the 1956 crop. Buyers will record and report purchases of shelled peanuts from producers on Form MQ-91—Peanuts (1955): *Provided, however*, That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to make a record and report of purchases of peanuts from producers if the county office manager has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records and make the buyer's reports as required in §§ 729.640 to 729.669, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county ASC office.

(b) A buyer who resells any farmers stock peanuts of the 1955 crop shall keep, as part of or in addition to the records maintained by him in the conduct of his business, such records as he determines are necessary to enable him to cer-

tify, in connection with any such resale of farmers stock peanuts, that such peanuts were identified to him by valid marketing cards when purchased from farmers or other records of resale and that any penalty due was collected and remitted. The records maintained by the buyer with respect to such peanuts shall be available for examination in accordance with § 729.666.

§ 729.655 *Rate of penalty.* (a) The basic penalty rate shall be equal to 50 percent of the basic rate of the loan or support price for peanuts for the marketing year.

NOTE: The exact amount of the penalty rate for peanuts of the 1955 crop will be issued as an amendment to this section as soon as the basic rate of the loan or support price for 1955 is announced.

(b) The converted penalty rate for a farm shall be determined as follows:

(1) Compute the percent excess for a farm by dividing the farm peanut acreage into the excess acreage.

(2) Multiply the percent excess for the farm by the basic penalty rate.

§ 729.656 *Persons to pay penalty.* (a) The penalty due on peanuts purchased directly from a producer shall be paid by the buyer who may deduct an amount equivalent to the penalty from the price paid to the producer, except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) Notwithstanding any other provisions of §§ 729.640 to 729.669, if the county office manager finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts for movement into the regular channels of trade and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county office manager may, on the basis of county office records or other available information, estimate the actual yield and the production for the farm and determine the amount of penalty due on the quantity of peanuts marketed to such persons. The amount of penalty shall be determined by multiplying the converted penalty rate by the estimated total production for the farm. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county office manager determines that satisfactory information is not available for estimating the 1955 yield, a normal yield for the farm shall be determined and it shall be considered to be the estimated actual yield for the purpose of determining the amount of penalty. An excess penalty card shall

be issued for the farm. If the penalty is paid before the excess penalty card is issued, the penalty rate on the card shall be shown as "zero". If the county committee determines, after marketing of the 1955 crop for the farm has been completed that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.660. If the county committee determines, after marketing of the 1955 crop for the farm has been completed that the actual production for the farm was more than the estimated production, the county committee shall immediately redetermine the amount of penalty due and shall make demand upon the producer for the amount of unpaid penalties.

§ 729.657 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.655.

(a) *Producer marketings.* (1) Any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.655 (a) unless the peanuts marketed consist of shriveled, damaged, split, and broken peanut kernels as described in § 729.654 (a) or unless the marketing is within the terms of the proviso contained in § 729.654 (a). The penalty due under the provisions of this paragraph shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) Notwithstanding the provisions of § 729.653, if any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm. The penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate, and such amount of penalty shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which when added to prior sales by such buyer is in excess of the total amount of his prior purchases shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the State committee showing that such marketing is not a marketing subject to penalty. Any penalty due under this paragraph shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any marketing of peanuts which, under the regulations in §§ 729.640 to 729.669, a buyer is required to report, but which is not so reported within the time and in

the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such marketing which is acceptable to the State committee. The penalty shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who fails to make the report as required.

§ 729.658 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State ASC office not later than the end of two calendar weeks following the week in which the peanuts became subject to penalty. Penalties due under § 729.653 (c) shall become due on demand. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to collection and payment at par.

§ 729.659 *Use of agreement to permit marketings from overplanted farms—* (a) *Within quota card issued on basis of agreement.* If the State committee determines that the agreement provided for in this section will serve a useful purpose, it may authorize its use in the State. Where the use of the agreement is authorized, the county office manager may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.648 if the operator executes an agreement form in which he represents that the farm peanut acreage will not exceed the larger of the farm allotment or one acre and such form is approved by the county committee.

(b) *Form of agreement.* The agreement referred to in this section shall be on Form MQ-92—Peanuts (1955) executed in accordance with instructions issued by the Deputy Administrator. If the county committee determines that a within quota card issued pursuant to this section would be used as a device to evade the payment of penalty or the terms and conditions of the 1955 crop price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(c) *Payment of penalty.* If any penalty becomes due for a farm for which an agreement has been executed and approved, the amount of the penalty shall be determined in accordance with § 729.653. At the request of the county office manager, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. After collecting the amount of any penalty due, an excess penalty card shall be issued for the farm if marketings from the farm have not been completed.

§ 729.660 *Request for refund of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore

the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.640 to 729.669 to be paid. Such request shall be filed with the county ASC office within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption.

RECORDS AND REPORTS

§ 729.661 *Producer's records and reports*—(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1955 shall be returned to the county ASC office whenever marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.624 of the marketing quota regulations for the 1955 crop (19 F. R. 6134).

(b) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.640 to 729.669, the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by registered mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the name to the State ASC office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage;
(ii) The total production of peanuts on the farm peanut acreage;
(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed;

(iv) The quantity of peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.659, the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or inaccurate shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.624 of the marketing quota regulations for peanuts of the 1955 crop (19 F. R. 6134).

§ 729.662 *Records and reports of buyers and others.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.654 (a):

(a) *Record of marketings.* (1) Each buyer shall keep such records as will

enable him to furnish the State ASC office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(i) Serial number of the marketing card presented by the producer to identify each marketing.

(ii) Name of producer and either the name of the operator of the farm or the farm serial number.

(iii) Date of marketing.

(iv) Number of pounds marketed.

(v) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer.

(2) This record may be kept by the buyer maintaining a file on his copies of sales memoranda.

(3) Records of all resales of farmers stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's record in accordance with § 729.654 (b).

(b) *Sales memorandum.* Buyers will record and report each purchase of farmers stock peanuts on a sales memorandum. The CSS copies of sales memoranda, with remittances covering the penalties due on purchases of excess peanuts, shall be forwarded to the State ASC office by means of MQ-79—Peanuts (1955). Buyers Weekly Report and Transmittal to State ASC Office, not later than the end of the two calendar weeks following the week in which the peanuts were marketed.

(c) *Sheller's report of shelled peanuts purchased or acquired from producers.* Persons who shell peanuts for producers and purchase or retain a quantity of the shelled peanuts shall record and report such purchases or acquisitions of shelled peanuts from producers on Form MQ-91—Peanuts, Sheller's Report of Peanuts Shelled for Producers. The CSS copy of Form MQ-91—Peanuts, with remittances covering the penalty due on the purchase of excess peanuts subject to penalty shall be forwarded to the State ASC office not later than the end of two calendar weeks after the buyer has ceased purchasing shelled peanuts of the 1955 crop.

(d) *Additional records and reports.* Each buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine shall keep such records and furnish such reports to the State ASC office, in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.640 to 729.669.

§ 729.663 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer and does not retain any of the shelled peanuts shall make a record of the shelling of each lot of such peanuts by executing

Form MQ-93—Peanuts (1952) and shall forward the CSS copies of the form to the State ASC office by letter not later than two calendar weeks following the week in which the peanuts are shelled. If any of the shelled peanuts are retained by the seed sheller, such action constitutes a marketing and the buyer shall record and report data covering the purchase of the shelled peanuts as provided in § 729.662 (c).

§ 729.664 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.665 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.640 to 729.669, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500.00.

§ 729.666 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut picking or threshing machine, shall make available for examination upon written request by the State administrative officer or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State administrative officer or the Director has reason to believe are relevant to any matter under investigation in connection with enforcement of the program and which are within the control of such person.

§ 729.667 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.640 to 729.669 for the 1955-56 marketing year shall be kept by him until July 31, 1958. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.668 *Information confidential.* All data reported to or as required by the Secretary pursuant to the provisions of §§ 729.640 to 729.669 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing, under Title III of the act.

§ 729.669 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.640 to 729.669 may be redelegated by the State committee.

NOTE. The record-keeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

Done at Washington, D. C., this 26th day of May 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4378; Filed, May 31, 1955;
8:52 a. m.]

TITLE 21—FOOD AND DRUGS

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

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

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (19 F. R. 1141, 8690; 20 F. R. 1551) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* * * *, the words "and it contains not less than 100 grams of chlortetracycline per ton of feed" in the first sentence of paragraph (b) (7) are changed to read: "and it contains, per ton of feed, not less than 100 grams of chlortetracycline or not less than 75 grams of streptomycin and 15 grams of penicillin."

2. Section 146.26 (b) (20) (i) is amended by inserting between the words "percent" and "and there has been" the following words: "or 2,4-diamino-5-(p-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent."

3. Section 146.26 (b) (20) (ii) is amended by inserting immediately after the word "arsenosobenzene" the following new words: "or 2,4-diamino-5-(p-chlorophenyl)-6-ethylpyrimidine and sulfaquinoxaline".

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

I further find that animal feeds containing antibiotic drugs and other ingredients specified in these amendments need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the conditions specified.

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

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 25, 1955.

[SEAL] GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4362; Filed, May 31, 1955;
8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.467, that portion of paragraph (a) (1) preceding subdivision (i) is amended and new paragraphs (a) (1) (iii), (4), and (b) (6) are added as follows:

§ 21.467 *Customary cost of tuition*—
(a) *Definition.* (1) Under the provisions of paragraph 11 (d), Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), the term "customary cost of tuition," or "customary tuition charges" shall mean that charge which an educational or training institution requires nonveteran enrollees, or veterans enrolled under Public Law 550, 82d Congress, as amended, similarly circumstanced to pay as and for tuition for a course, except that the institution (other than a nonprofit institution of higher learning) is not regarded as having a "customary cost of tuition" for the course or courses in question in the following circumstances:

(iii) In determining whether the majority of the enrollment of the educational and training institution in the course in question consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the principles set forth in § 21.2035 (a) (2) are for application.

(4) Notwithstanding having established a "customary cost of tuition" as set forth in subparagraph (2) of this paragraph, effective November 22, 1954, if the majority of the enrollment of the educational institution in the course in question no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the institution, in the absence of an agreement or contract providing a different rate, may be considered as having a "customary cost of tuition" as defined in subparagraph (1) of this paragraph which may be paid in behalf of veterans enrolled in training under Part VII and Part VIII. Payment under this subparagraph will not modify agreements or settlements (paid vouchers) heretofore consummated, and such payment may be made only upon receipt of a written request from the institution. The request from the institution will include a certification as to the enrollment in each course in question containing the following information:

(i) Number of veterans enrolled under Public Laws 16 and 346, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended, combined.

(ii) Number of veterans enrolled under Public Law 550, 82d Congress, as amended.

(iii) Number of nonveteran-enrollees.
(b) *Frozen tuition rates.* * * *

(6) Notwithstanding having established a "customary cost of tuition" (frozen rate), as provided in subparagraph (1) of this paragraph, effective November 22, 1954, if the majority of the enrollment of the educational institution in the course in question no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the institution, in the absence of an agreement or contract having frozen tuition rates, may be considered as having a "customary cost of tuition" as defined in paragraph (a) (1) of this section which may be paid in behalf of veterans enrolled in training under Part VII and Part VIII. Payment under this subparagraph will not modify agreements or settlements (paid vouchers) heretofore consummated, and such payment may be made only upon receipt of a written request from the institution and a certification as to the enrollment in each course having frozen tuition rates containing the information set forth in paragraph (a) (4) (i) through (iii) of this section.

2. In § 21.470, paragraph (b) (3) is amended to read as follows:

§ 21.470 *Total payments to nonprofit educational institutions for courses of 30 weeks or more.* * * *

(b) *Limitation on total payments by the Veterans Administration.* * * *

(3) *Fair and reasonable compensation basis for nonprofit institutions having no "customary cost of tuition."* (See § 21.467.) Payment on a fair and reasonable basis calculated in accordance with the provisions of § 21.530 and under the requirements of a contract as set forth in § 21.570 will be in lieu of all claimed charges for tuition and fees where a nonprofit educational institu-

tion (not including educational institutions of higher learning) has no "customary cost of tuition" as defined in § 21.467. A nonprofit tax-supported educational institution (not including educational institutions of higher learning) receiving payment on a fair and reasonable basis calculated in accordance with the provisions of § 21.530 (a) and under a contract providing for adjustment of contract rates as provided in § 21.530 (a) (4), will not be considered as having established a "customary cost of tuition" (fixed rate) as contemplated in § 21.467. The payment of a fair and reasonable rate will be limited to an amount which together with the allowable charge for books, supplies, and equipment will not exceed the rate of \$500 for a full-time course for an ordinary school year, unless the veteran elects to have such excess paid by the Veterans Administration (where authorized) and to have his period of entitlement accelerated accordingly. (The provisions of this subparagraph are equally applicable for courses of less than 30 weeks.) (See § 21.495 (b).)

3. In § 21.495, paragraph (b) (2) (i) is amended to read as follows:

§ 21.495 *Amount payable by the Veterans Administration under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), for a course of less than 30 weeks.* * * *

(b) * * *

(i) The Veterans Administration will pay a fixed fair and reasonable charge as follows: Except for courses provided by nonprofit institutions of higher learning, institutional on-farm training courses, and correspondence courses, in any case wherein a school has entered into one or more contracts for a period or periods in excess of 12 calendar months (see example in § 21.467 (b) (2)) for a course or courses of education or training of less than 30 weeks, the rate of the last contract shall, without further justification, be paid as a fair and reasonable rate for such course or courses. However, the above shall not preclude an educational institution from requesting a fair and reasonable rate under § 21.530 which will be negotiated and allowed by the Veterans Administration. Effective November 22, 1954, if the majority of the enrollment of the educational institution in the course or courses in question no longer consists of veterans in training under Part VII and Part VIII, the institution, in the absence of an agreement or contract having a fixed fair and reasonable rate, may be considered as having a "customary cost of tuition" as defined in § 21.467 (a) (1) which may be paid in behalf of veterans enrolled in training under Part VII and Part VIII under the same conditions provided in § 21.467 (b) (6). Each request by an educational institution for a fair and reasonable rate will be submitted to the regional office with cost data provided on VA Form 7-1968 for profit institutions and VA Form 7-1969 for nonprofit institutions prepared in accordance with Veterans Administration Regulations. In any case wherein the Manager believes that the last contract rate for tuition,

books, or supplies was obtained as a result of fraud or misrepresentation or was in conflict with the governing regulation, the Manager will carefully reexamine such rate, and if the contract is determined to have been invalid, the Manager will take appropriate action including negotiation of a contract on a proper and legal basis.

4. In § 21.530, that portion of paragraph (a) (5) (iii) (b) preceding (1), paragraph (a) (5) (iv) and (vii), that portion of paragraph (b) (1) preceding subdivision (i), and that portion of paragraph (f) (1) preceding subdivision (i) are amended to read as follows:

§ 21.530 *Determination of fair and reasonable compensation—(a) Nonprofit institutions.* * * *

(5) *Establishment of customary cost of tuition under section 2, Public Law 610, 81st Congress, and adjustment for surplus or deficit.* * * *

(iii) *Where surplus or deficit exists school may elect to continue regulatory formula.* * * *

(b) At the end of any contract or contract adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustment has been or is made for surpluses or deficits for all previous periods, including surplus which may have been on hand on March 1, 1949. The institution will submit to the regional office on VA Form 7-1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7-1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract under this paragraph and the termination date of the most recent contract plus any surplus determined as of March 1, 1949. These cost data will also be used for the determination of a new fair and reasonable rate to be included in the next contract. In no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, and supplies result in the payment of a rate in excess of the rate of \$500 for a full-time course for an ordinary school year \$14.70 per week. (See subdivision (vii) of this subparagraph.)

(iv) *Establishment of customary cost of tuition upon lump-sum adjustment of surplus or deficit.* If a surplus or deficit exists, the institution may elect at the expiration of the contract period which occurs on or after 24 months or the expiration of any subsequent contract to make or receive a lump-sum adjustment of surplus or deficit and accept as a customary rate the rate established by the actual allowable cost of the prior

contract, or, if the majority of the enrollment in the courses under contract no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), the institution may elect to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, and no further adjustments will be required or made. In each case where an institution has a contract which serves as the basis for establishing a customary cost of tuition, the institution will prepare on VA Form 7-1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of such most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7-1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period, between the effective date of the first contract under this paragraph and the termination date of the contract which completed the 24-month period and which established the customary cost of tuition as provided in this subparagraph plus any surplus determined as of March 1, 1949. In each case where a surplus or deficit is determined, the most recent contract will be supplemented (VA Form 7-1972). For payment of surplus by the institution to the Veterans Administration, the standard clause provided in subdivision (iii) (b) (1) of this subparagraph will be used. For payment of a deficit to the educational institution by the Veterans Administration, the standard clause provided in subdivision (iii) (b) (2) of this subparagraph will be used. Where the school elects to repay an existing surplus through a lump-sum repayment to the Veterans Administration as in this subdivision and elects to establish a customary cost of tuition (frozen rate), or to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, the chief of the training facilities activity will secure from a responsible official of the institution a statement in writing as to the manner in which the lump-sum repayment will be made and will advise the finance officer accordingly in writing. Where payments of tuition rates under previous contracts have resulted in a deficit to the contractor and the school elects to be paid such deficit in a lump sum and elects to establish a customary cost of tuition (frozen rate), or to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, the Veterans Administration will reimburse the school by lump-sum settlement, as in this subdivision: *Provided, however,* That in no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies, and equipment results in the payment of a rate in excess of the rate of \$500 for a full-time course for an ordinary school year (\$14.70 per week). (See subdivision

(vii) of this subparagraph.) The Veterans Administration will make payment of the approved amount of the deficit upon the submission of a voucher for such lump sum in accordance with Veterans Administration Regulations, but itemization of charges for individual veterans will not be necessary.

(vii) *Limitations on payments and tuition rates.* In no case under the provisions of this subparagraph will the Veterans Administration pay a deficit incurred during any contract period which would result in the payment of charges for tuition, fees, books, and supplies at a rate in excess of the rate of \$500 for an ordinary school year (\$14.70 per week), or a rate in excess of the fair and reasonable rate determined on the basis of the pro rata amount of allowable costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended. The costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, shall be the pro rata part of total allowable costs incurred in operation of the course that the hours or months of instruction furnished to such veterans bears to the total hours or months of instruction furnished to all students in the course for the period involved.

(b) *Other than nonprofit institutions.*

(1) *Submission of financial statements.* The determination of fair and reasonable compensation by the chief, training facilities activity will require the submission by profit educational institutions of a detailed certified financial statement on VA Form 7-1968, Statement of Costs—Profit Institution. The entries by the educational institution on this form must be consistent with the records of the institution and will include the actual cost experience of a minimum period of 12 months unless prior authorization is given by the regional office for a lesser period. Such cost data will be for the most recent actual cost experience of the institution for the specific course involved. In the case of new courses, estimated costs may be submitted if actual experience is not available. The procedures for making determinations of allowable cost items should be clearly understood before cost statements are prepared by the educational institution, since the submission of insufficient or improper data or information may result in delays, duplication of work, and unnecessary expense. Detailed financial data will consist of the following:

(f) *Allowance for depreciation and toolroom attendants under special conditions involving frozen rates.* (1) Where an educational institution is being paid a customary cost of tuition established under the provisions of § 21.467 (b) (frozen), a regional office may, under the following conditions, determine a fair and reasonable allowance for depreciation of tools and equipment and salaries of toolroom attendants and may provide

for payment to the institution in addition to the frozen rate by supplementing existing contracts, if necessary, in any case where:

5. Section 21.606 is revised to read as follows:

§ 21.606 *Contracts required.* Inasmuch as the customary charges for flight training will exceed the rate of \$500 for a full-time course for an ordinary school year of 34 weeks, contracts will be required for such training in accordance with the provisions of § 21.570. No contract will be approved until the manager of the regional office has found that the rates proposed to be charged are fair and reasonable. For the purpose of negotiating contracts under Public Law 346, as amended, for flight instruction as defined in § 21.601, effective November 22, 1954, managers are authorized to approve proposals as fair and reasonable without requiring the submission of detailed cost figures and to approve contracts for one or all of the unit flight courses, provided the majority of the enrollment in the unit course or courses no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, and the charges for the course are not more than those made to other students, including veterans enrolled under Public Law 550, 82d Congress, as amended, pursuing the same or comparable courses, as set forth in published catalogs or bulletins of the school or institution. In the event a school or institution does not publish a bulletin, a responsible official of the school or institution will individually certify to the manager of the regional office, within whose territory the school or institution is located, the customary charges for the courses offered.

6. In § 21.616, that portion of paragraph (c) (1) preceding subdivision (i) is amended and a new paragraph (f) is added as follows:

§ 21.616 *Review and adjustment of contract rates.* * * *

(c) *Lump-sum adjustment of surplus or deficit upon completion of a contract or adjustment period or at the termination of contractual relationships.* (1) At the end of any contract or adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustments have been or are made for surpluses or deficits for all previous periods, including surplus which may have been on hand on September 1, 1947. The institution will submit to the regional office on VA Form 7-1969 a certified statement of actual costs and actual months of instruction for which the institution was entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in §§ 21.613 through 21.619. Each such VA Form 7-1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract for on-farm training under Public Law 377, 80th Congress, and

the termination date of the most recent contract plus any surplus determined as of September 1, 1947. These cost data will also be used for the determination of a new fair and reasonable tuition rate to be included in the next contract. In no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies and equipment results in the payment of a rate in excess of the rate of \$500 for a 12-month period (\$41.66 per month), for contracts entered into subsequent to February 21, 1952. (See § 21.619.) At the termination of contractual relationships under §§ 21.613 through 21.619 a final adjustment will be made, both where money is due the Government and where it is due the school.

(f) An institution which has a contract for on-farm training containing tuition rates subject to adjustment for surplus or deficit under the provisions of this section may elect at the expiration of the contract to effect final settlement of any surplus or deficit as provided in paragraph (c) of this section, and to accept payment of the rate charged similarly circumstanced non-veteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, if the majority of the enrollment in the course under contract no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, and no further adjustments will be required or made. When the majority of the enrollment in the institutional on-farm training course no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, it has been administratively determined that the rate charged nonveteran enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, is fair and reasonable as contemplated in § 21.613 (b) for training under Part VII or Part VIII, Veterans Regulation 1 (a) as amended.

7. Section 21.619 is revised to read as follows:

§ 21.619 *Limitation of payments; institutional on-farm training.* Effective February 21, 1952, the maximum rate which the Veterans Administration will pay for training in a course of institutional on-farm training is the rate of \$500 for a 12-month period, and the maximum rate will not be in excess of \$41.66 per veteran per month determined over the period of any contract or adjustment period. In no event will the Veterans Administration pay a deficit incurred during any contract period at a rate in excess of the fair and reasonable rate determined on the basis of the pro rata amount of allowable costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A). The costs attributable to veterans in training under Part VII and

Part VIII, Veterans Regulation 1 (a), as amended, shall be the pro rata part of total allowable costs incurred in operation of the course that the months of instruction furnished to such veterans bears to the total months of instruction furnished to all students in the course for the period involved.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12

note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697-697d, 697f, g, 971, ch. 12 note)

This regulation is effective June 1, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4338; Filed, May 31, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 196]

STILLS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part shall supersede Regulations 23, 1950 edition (26 CFR (1939) (Part 181).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

- Sec.
196.1 Stills.
196.2 Forms prescribed.

Subpart B—Definitions

- 196.5 Meaning of terms.
196.6 Assistant regional commissioner.
196.7 Commissioner.
196.8 Director, Alcohol and Tobacco Tax Division.
196.9 Distilled spirits.
196.10 Distilling.
196.11 Distilling apparatus.
196.12 District director.
196.13 Inclusive language.
196.14 I. R. C.
196.15 Person, manufacturer, distiller, user.

- Sec.
196.16 Regional commissioner.
196.17 Still.
196.18 Worm or condenser.

Subpart C—Manufacture, Taxpayment, Sale, Removal, and Registration of Stills or Worms or Condensers

- Sec.
196.25 Manufacturer of stills defined.
196.26 Special tax liability; rate of tax.

MANUFACTURE OF PARTS OF STILLS AND ASSEMBLING THEREOF

- 196.27 Parts procured from same manufacturer.
196.28 Materials or apparatus procured and converted into distilling apparatus.

RECONSTRUCTION OF STILLS

- 196.29 Repairs or alterations.
196.30 Extent of changes.
196.31 Manufacturer to notify assistant regional commissioner.
196.32 Action by assistant regional commissioner.

NAME PLATES

- 196.33 Name plate of manufacturer on still.

PAYMENT OF TAX

- 196.34 Special tax return.
196.35 Execution of Form 11.
196.36 Special (occupational) tax.
196.37 Posting of stamp.
196.38 Special (commodity) tax.
196.39 Affixing stamp to apparatus.
196.40 Types of distilling apparatus subject to special (commodity) tax.
196.41 Use by United States.

PROCEDURE FOR REMOVAL FOR DOMESTIC USE FOR DISTILLING

- Section
196.42 Notice of removal.
196.43 Application and permit to set up and use distilling apparatus.
196.44 Failure to give notice; penalty.

REGISTRY OF STILLS

- 196.45 Registration with assistant regional commissioner.
196.46 When still is "set up".
196.47 Change in location or ownership of distilling apparatus.

Subpart D—Exportation of Stills and Worms With Benefit of Drawback

- 196.60 Exportation.
196.61 Puerto Rico, Guam, American Samoa, or Virgin Islands.
196.62 Drawback of tax.
196.63 Marking of stills, worms or condensers.
196.64 Request for inspection; entry for exportation; drawback claim.
196.65 Payment of tax; inspection by collection officer; certificate.

DELIVERY OF SHIPMENT FOR EXPORT; BILL OF LADING

- Sec.
196.66 Place of manufacture located at the port of exportation.
196.67 Place of manufacture located elsewhere than at the port of exportation.
196.68 Inspection and lading.
196.69 Certificate of exportation.
196.70 Action by district director.
196.71 Action by assistant regional commissioner.
196.72 Penalty for fraudulently claiming drawback.

Subpart E—Removal of Stills Not Intended for Use in Distilling

- 196.80 Removal for domestic use.
196.81 Removal for exportation.
196.82 Export bill of lading required.

AUTHORITY: §§ 196.1 to 196.82 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 196.1 *Stills.* This part relates to the manufacture, taxpayment, removal, use, and registration of stills and worms or condensers, and the exportation of stills and worms with benefit of drawback of internal revenue tax.

§ 196.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, claims, records, and reports. Information called for shall be furnished in accordance with the instructions on the forms, or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 196.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 196.6 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the regional commissioner.

§ 196.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 196.8 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 196.9 *Distilled spirits.* "Distilled spirits" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

§ 196.10 *Distilling.* "Distilling" shall mean the distillation of spirits or alcohol as defined by sections 5002 (b) (1) and 5319 (1), I. R. C. Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of original

manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of section 5082, I. R. C.; (d) the distillation, redistillation, or recovery of ethyl alcohol or of completely or specially denatured alcohol, or of articles containing ethyl alcohol or completely or specially denatured alcohol; and (e) the redistillation or recovery of tax-free alcohol.

§ 196.11 *Distilling apparatus.* "Distilling apparatus" shall mean any still or worm or condenser defined in §§ 196.17 and 196.18.

§ 196.12 *District director.* "District director" shall mean a district director of internal revenue.

§ 196.13 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 196.14 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 196.15 *Person, manufacturer, distiller, user.* "Person," "manufacturer," "distiller," or "user" shall be construed to mean and include an individual, a trust, estate, partnership, association, company, or corporation.

§ 196.16 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 196.17 *Still.* "Still" shall mean any apparatus capable of being used for separating alcoholic or spirituous vapors, or alcohol or spirituous solutions, or alcohol or spirits, from alcohol or spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

§ 196.18 *Worm or condenser.* "Worm" or "condenser" shall mean any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include worms or condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

SUBPART C—MANUFACTURE, TAXPAYMENT, SALE, REMOVAL, AND REGISTRATION OF STILL OR WORMS OR CONDENSERS

§ 196.25 *Manufacturer of stills defined.* Any person who manufactures any still or worm or condenser to be used in distilling shall be deemed a manufacturer of stills.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.26 *Special tax liability; rate of tax.* Manufacturers of stills, as to each place of manufacturer, shall pay a special (occupational) tax of \$55, and, in addition thereto, a special (commodity) tax of \$22, for each still or worm or condenser to be used in distilling made by

him, i. e., \$22 for each still and \$22 for each worm or condenser.

(68A Stat. 617; 26 U. S. C. 5101, 5102)

MANUFACTURE OF PARTS OF STILL AND ASSEMBLING THEREOF

§ 196.27 *Parts procured from same manufacturer.* If separate parts of a complete still or worm or condenser, of any kind, are furnished by the same manufacturer to a distiller, or other person, who assembles the same into a still or worm or condenser for distilling, the manufacturer of the parts will incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.28 *Materials or apparatus procured and converted into distilling apparatus.* If a distiller or other person procures materials or apparatus, which are not separately subject to tax under the provisions of this part and converts same into a still or worm or condenser for distilling, he will incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(68A Stat. 617; 26 U. S. C. 5102)

RECONSTRUCTION OF STILL

§ 196.29. *Repairs or alterations.* Whenever a still or worm or condenser, to be used in distilling, is repaired or altered by the addition of new material to such an extent as to virtually result in the construction of a new still or worm or condenser, the person making such repairs or alterations will be held liable for the special (commodity) tax of \$22 for each still or worm or condenser so repaired or altered, and in addition will incur liability for the special (occupational) tax of \$55 as a manufacturer of stills.

(68A Stat. 617; 26 U. S. C. 5101, 5102)

§ 196.30 *Extent of changes.* Minor structural changes made in a still or worm or condenser, such as the limited replacement of parts or the addition of new materials, which do not effect any material change in the mode of operation, character, or capacity of the distilling apparatus, will not be deemed to constitute the manufacture of a new still or worm or condenser.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.31 *Manufacturer to notify assistant regional commissioner.* Any person making such changes, repairs, or alterations of a still or worm or condenser will immediately notify the assistant regional commissioner of the region of the extent of such repairs or alterations, advising him of the quantity and cost of new materials and parts and the precise nature of the changes. If the changes, repairs, or alterations are involved or complicated, a sketch of the apparatus showing the changes or alterations should also be furnished the assistant regional commissioner for determination of tax liability. If such is available, information as to the initial cost of the construction of the apparatus

should likewise be furnished the assistant regional commissioner.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.32 *Action by assistant regional commissioner.* The assistant regional commissioner will determine in each instance whether changes, repairs, or alterations of any still or worm or condenser constitute the manufacture of a new still or worm or condenser, and will in each case notify the manufacturer of his decision. In any instance where tax liability has been incurred, the assistant regional commissioner will promptly notify the appropriate district director of such tax liability. The district director will thereupon take appropriate action to collect the required special taxes. Such investigations and inspections in connection therewith will be made as the assistant regional commissioner deems necessary. In the event of doubt whether the changes, repairs, or alterations of any still, worm, or condenser are of such nature or extent as to incur tax, the assistant regional commissioner will refer the case, together with all the evidence available, including a sketch of the apparatus showing the extent of new materials and replacements, to the Director, Alcohol and Tobacco Tax Division, for a ruling.

(68A Stat. 617; 26 U. S. C. 5102)

NAME PLATES

§ 196.33 *Name plate of manufacturer on still.* Each still or worm or condenser must be identified as follows:

- (a) Name of manufacturer.
- (b) Address of manufacturer.
- (c) Manufacturer's serial number for the article. Such identification shall be shown by the manufacturer on a plate, securely attached to the apparatus by riveting or brazing, or be cut, by the manufacturer, by suitable die legibly and durably in the material of which the apparatus is made. The identification marks may not be covered by insulating or other material, or otherwise obscured or concealed. Such marks on stills or worms or condensers will be disclosed by the manufacturer or vendor in the notice to the assistant regional commissioner.

PAYMENT OF TAX

§ 196.34 *Special tax return.* Special (occupational) taxes imposed on manufacturers of stills or worms or condensers and the special (commodity) taxes on such articles will be paid by the manufacturer pursuant to the filing of a special tax return, Form 11, showing the information required by the form.

§ 196.35 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by an authorized member of the firm; and the return of a corporation shall be signed by an authorized officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the

business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney-in-fact, his signature should be preceded by the name of the principal followed by his title. Returns signed by persons as agents will not be accepted unless they file with the district director a power of attorney, authorizing them so to act. Form 11 must contain or be verified by a written declaration that it has been executed under the penalties of perjury.

(68A Stat. 749, 846; 26 U. S. C. 6055, 7011)

§ 196.36 Special (occupational) tax. The special (occupational) tax on manufacturers of stills is due on the 1st day of July in each year, or on commencing such trade or business. In the former case, the tax shall be reckoned for one year, and in the latter, it shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commenced, to and including the 30th day of June following. It shall be the duty of the special-taxpayers to render their returns with required remittances to the district director at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence where, as provided by section 6081, I. R. C., an extension not to exceed six months is granted by the district director.

(68A Stat. 624; 26 U. S. C. 5142)

§ 196.37 Posting of stamp. The special (occupational) tax stamp must be conspicuously posted in the establishment or place of business of the manufacturer of stills.

(68A Stat. 831; 26 U. S. C. 6806)

§ 196.38 Special (commodity) tax. The special (commodity) tax on each still or worm or condenser intended for distilling is due when the manufacture thereof is completed and must be paid before such article is removed from the place of manufacture or before being set up, if manufactured on the premises where intended to be used, by affixing to the article the special (commodity) tax stamp. At the time of affixing such stamp it must be canceled by the manufacturer by writing across the face thereof, in permanent ink, the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the article, and the date of cancellation.

§ 196.39 Affixing stamp to apparatus. After cancellation of the stamp has been completed, the stamp shall be enclosed in a moisture proof case having a transparent face. The case, with stamp enclosed, must be secured to the article by means of screws, bolts, or rivets, or by brazing.

(68A Stat. 830; 26 U. S. C. 6804)

§ 196.40 Types of distilling apparatus subject to special (commodity) tax. Under the law the \$22 tax is due on each still and on each worm or condenser used as indicated in this section and not

merely one tax on the unit. This means that tax is due on the beer still, and each successive still or worm or condenser through which the spirits are passed, including an intermediate or primary worm or condenser for low wines, which require doubling, with the following exceptions:

(a) A worm or condenser for the condensation of aldehydes or fusel oil only, where such aldehydes or fusel oil contain only negligible quantities of alcohol, is not subject to the \$22 tax.

(b) A preheater used solely for preheating distilling material is not subject to the \$22 tax.

(c) A cooler, consisting of a series of metal tubes enclosed in a water jacket or other apparatus of similar construction, used solely for reducing the temperature of hot spirits, is not subject to the \$22 tax.

(d) A separator or dephlegmator, used solely for separating vapors of lower boiling points from vapors of higher boiling points, allowing the latter to condense and reflux to the still, and the former to pass forward to a worm or condenser, is not subject to the \$22 tax.

(68A Stat. 617; 26 U. S. C. 5101)

§ 196.41 Use by United States. Any still or distilling apparatus intended for use by the United States, or any governmental agency thereof, in distilling, may be removed by the manufacturer, subject to the notice of removal prescribed by § 196.42 without payment of the special (commodity) tax thereon.

(68A Stat. 900; 26 U. S. C. 7510)

PROCEDURE FOR REMOVAL FOR DOMESTIC USE FOR DISTILLING

§ 196.42 Notice of removal. No still, boiler (doubler or pot still), worm, condenser, or other distilling apparatus intended for use in distilling, shall be removed from the premises of the manufacturer, or dealer, as the case may be, for delivery to a user, or for his own use, until the assistant regional commissioner of the region to which the equipment will be shipped has been notified on Form 110. Such notice shall contain or be verified by a written declaration that it is made under the penalties of perjury, and must disclose the name and address of the manufacturer or vendor, the approximate date the apparatus is to be removed, the name and address of the person by whom the apparatus is to be used, the purpose for which it is to be used, the type and kind of apparatus, its capacity, the manufacturer's serial number of the apparatus, the serial number of the manufacturer's special (occupational) tax stamp and, unless the apparatus is to be removed without payment of tax for use by the United States, the serial number of the special (commodity) tax stamp for the apparatus. No distilling apparatus may be set up for distilling without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used as provided in § 196.43. (See §§ 196.60 to 196.72 relative to exportation of stills and worms with benefit of drawback.)

(68A Stat. 617; 26 U. S. C. 5105)

§ 196.43 Application and permit to set up distilling apparatus. Upon receipt of such distilling apparatus and before setting up the same for distilling, the user shall apply to the assistant regional commissioner on part 1, Form 1609, in duplicate, for permission to set up such apparatus, specifying the type of apparatus, the capacity, the serial number thereof, the name and address of the manufacturer, the name and address of the vendor, and the purpose for which the apparatus will be used. The assistant regional commissioner shall then, if he has in his possession the notice of removal of the distilling apparatus from the premises of the manufacturer or vendor, issue a permit on part 2, Form 1609, authorizing the distilling apparatus to be set up by the user. Such permission will contain the stipulations: (a) That the distilling apparatus must be immediately registered when set up, as required by §§ 196.45 to 196.47, and (b) that all provisions of internal revenue law and regulations, as may be applicable to the class of operations to be conducted, will be complied with prior to use of such apparatus for distilling.

(68A Stat. 617, 628; 26 U. S. C. 5105, 5174)

§ 196.44 Failure to give notice; penalty. Failure to give the notice of intention to remove and obtain the permit to set up a still is punishable in the sum of \$500, and the distilling apparatus is forfeitable to the Government.

(68A Stat. 683; 26 U. S. C. 5602)

REGISTRY OF STILLS

§ 196.45 Registration with assistant regional commissioner. Every person having in his possession, custody, or under his control, any still or distilling apparatus set up, and intended for use in distilling, shall register the same on Form 26 with the assistant regional commissioner of the region in which such still or distilling apparatus is located. The Form 26 shall be executed in accordance with the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, and shall contain or be verified by a written declaration that it has been executed under the penalties of perjury. An approved copy of Form 26 will be returned to the registrant by the assistant regional commissioner, and shall be retained on the premises where the still is set up for examination by visiting internal revenue officers.

(68A Stat. 628; 26 U. S. C. 5174)

§ 196.46 When still is "set up." A still will be regarded as set up and subject to registry when it is in position over a furnace, or connected with a boiler so that heat may be applied, although the worm or condenser may not be in position. These instructions as to stills set up are intended merely as illustrations and are not expected to cover all types of stills or worms or condensers requiring registration under the law.

(68A Stat. 628; 26 U. S. C. 5174)

§ 196.47 Change in location or ownership of distilling apparatus. In the event a user desires to remove any dis-

tilling apparatus subject to registration under this part to another location after the same has been registered, no permit therefor will be required. The user must, however, prior to removal, file Form 26 to register the apparatus "not for use" and to disclose the location to which the removal is to be made and the approximate date of such removal. After removal, no such distilling apparatus intended for use in distilling may be again set up without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used, as provided in § 196.43. Likewise, when a user sells or otherwise disposes of any distilling apparatus, no permit for removal, sale, or disposition thereof will be required. The user must, however, prior to disposal of such apparatus, file Form 26 with the assistant regional commissioner to register the apparatus "not for use" and to disclose the method of disposition (sale, destruction, or otherwise), the name and address of the person to whom disposed of, the approximate date the apparatus is to be removed, and the purpose for which it is intended to be used. After removal, no such distilling apparatus intended for use in distilling may be again set up without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used, as provided in § 196.43. Where there has been a change in ownership, custodianship, control, or a removal to other premises, of any still or distilling apparatus, intended for use in distilling, the person in whose possession, custody, or under whose control the still or distilling apparatus is set up must immediately register the same with the assistant regional commissioner.

(68A Stat. 617, 628; 26 U. S. C. 5105, 5174)

SUBPART D—EXPORTATION OF STILLS AND WORMS WITH BENEFIT OF DRAWBACK

§ 196.60 *Exportation.* An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made. The shipment assumes an export character only when destined for use in a foreign country.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.61 *Puerto Rico, Guam, American Samoa, or Virgin Islands.* Reference in this part, and in the forms prescribed thereunder, to exportation to a foreign country shall apply to shipments from the United States to Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(68A Stat. 618, 908; 26 U. S. C. 5106, 7653)

§ 196.62 *Drawback of tax.* Drawback of the tax paid on stills and worms manufactured for export is allowable upon exportation. Where a special (commodity) tax has been paid on stills and worms intended for export and drawback is desired, the manufacturer shall brand such articles, make application for allowance of drawback, and deliver such

articles into customs custody as provided in §§ 196.63 to 196.67.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.63 *Marking of stills, worms or condensers.* Stills, worms or condensers intended for exportation with benefit of drawback shall have branded or stamped thereon, in a conspicuous place, the words "for export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "for export," with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "for export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers.

§ 196.64 *Request for inspection; entry for exportation; drawback claim.* After manufacture of the stills, worms or condensers and before the same are removed from the place of manufacture, the manufacturer (exporter) will forward to the district director of his district Form 1610, in triplicate, with parts 1 and 2 duly executed. Request for exportation and release of the apparatus for immediate exportation, and application for allowance of drawback, equal to the internal revenue tax paid on the apparatus when actually exported, will be made in part 1 of Form 1610. Entry for exportation of the apparatus and claim for drawback of the internal revenue tax paid thereon will be made by the manufacturer (exporter) in part 2 of the form, and shall contain or be verified by a written declaration that it is made under the penalties of perjury. The stamps denoting payment of the tax must be attached to the original of the claim.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.65 *Payment of tax; inspection by collection officer; certificate.* Upon the receipt of claim and entry on Form 1610, and upon the payment of the tax due, the district director will direct a collection officer to proceed to the place of manufacture, and, if the stills, worms or condensers are found to agree with those described in the form, and are properly marked or branded as required by this part, the collection officer will execute the certificate in part 4 of the form. The stamp, or stamps, attached to the claim must, in the presence of the collection officer, be canceled by the manufacturer by writing across the face thereof in ink the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the apparatus, and the date of cancellation. The collection officer will then release the apparatus for delivery to carrier or into customs custody, and will mail or deliver two copies (one the original, with

the special tax stamps attached) of the claim and entry, Form 1610, to the collector of customs and forward the remaining copy to the district director.

(68A Stat. 618; 26 U. S. C. 5106)

DELIVERY OF SHIPMENT FOR EXPORT; BILL OF LADING

§ 196.66 *Place of manufacture located at the port of exportation.* The manufacturer shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry, Form 1610, must be filed with the collector of customs at least six hours prior to the lading of the distilling apparatus in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the district director of the district in which the place of manufacture is located, for attachment to the copy of Form 1610 retained by him. The bill of lading must show the exporter as the shipper, the manufacturer's serial numbers of the articles, and the number of articles contained in the shipment.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.67 *Place of manufacture located elsewhere than at the port of exportation.* The manufacturer shall deliver the shipment either directly for customs inspection and supervision of lading or to a common carrier for transportation to the port of export. The exporter shall transmit a copy of the bill of lading covering such transportation and a copy of the export bill of lading to the district director, for attachment to the copy of Form 1610 retained by him. In case of exportation through a border port to contiguous foreign territory the bill of lading will show the routing, particularly the name of the carrier that is to deliver the shipment for customs inspection at the border port, and will cover transportation to the foreign destination: *Provided*, That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of manufacture to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs or the deputy collector of customs at the border port. One copy of the through bill of lading or of each of the separate bills of lading, as the case may be, will be transmitted by the exporter or his agent immediately by letter to the district director, for attachment to the copy of Form 1610 retained by him.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.68 *Inspection and lading.* The collector of customs, to whom claim and entry on Form 1610 is transmitted by the collection officer, will fill in on each copy of said form the order for inspection and lading. The inspector of customs will carefully examine the apparatus described in the entry and he will, if he finds the articles to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the apparatus has been duly laden on board the conveyance of the export carrier, the inspector will

complete and sign the certificate of inspection and lading in part 6 of Form 1610. If the inspector discovers any evidence of fraud, he will detain the apparatus and notify the collector of customs, who will inform the assistant regional commissioner of the region in which said port is located.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.69 Certificate of exportation. After inspection and lading and clearance for a foreign port of the vessel or car on which the articles described in the entry are laden, the collector of customs will execute the certificate of exportation on each copy of the claim and entry, Form 1610. He will retain one copy of the form for his entry record and will transmit the original to the district director for the district from which the apparatus was shipped.

(68A Stat. 618; 26 U. S. C. 5106)

APPROVAL AND SUBMISSION OF CLAIMS

§ 196.70 Action by district director. The district director will immediately examine the claim for drawback on Form 1610, received from the collector of customs (§ 196.69), and if satisfied that the claim is a valid one, he will endorse his approval thereon and forward it with the special tax stamps attached, to the assistant regional commissioner of the region in which the claimant is located.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.71 Action by assistant regional commissioner. If the assistant regional commissioner finds that the claim is in order, he will approve the claim. If the claim is disallowed in whole or in part, the assistant regional commissioner will so notify the claimant and state the reasons therefor.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.72 Penalty for fraudulently claiming drawback. One who fraudulently claims or seeks to obtain an allowance of drawback on merchandise on which no tax has been paid, or a greater allowance of drawback than the tax actually paid, is liable to forfeiture of triple the amount claimed or \$500, at the election of the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 869; 26 U. S. C. 7304)

SUBPART E—REMOVAL OF STILLS NOT INTENDED FOR USE IN DISTILLING

§ 196.80 Removal for domestic use. Distilling apparatus which is to be used within the United States, the territories of Hawaii and Alaska, and the District of Columbia for purposes other than for distilling, as defined in § 196.10, is exempted from the procedure and requirements set forth in §§ 196.42 to 196.47. Manufacturers and vendors of distilling apparatus for purposes other than for distilling shall maintain at their premises a record showing all stills manufactured, received, and removed or otherwise disposed of. Such record shall show the name and address of the purchaser and the purpose for which each still is

to be used. Such records will be kept available for a period of 2 years for inspection by internal revenue officers. At the close of each month, and not later than 10 days thereafter, the manufacturer or vendor shall submit a report to the assistant regional commissioner of the region in which his premises are located showing the number of stills on hand at the beginning of the month, the number received, the number disposed of, the number on hand at the end of the month, and as to each such still removed, the name and address of the purchaser and the type, capacity, and kind. Each report shall be signed by the manufacturer or vendor or his authorized agent and immediately above the signature there shall appear the following statement, "I declare under the penalties of perjury that this report has been examined by me and to the best of my knowledge and belief is a true and correct report." Upon application by the manufacturer or vendor, the assistant regional commissioner may waive the requirement for the submission of such report when he finds that such waiver will not jeopardize the revenue. Such waiver shall terminate upon notification by the assistant regional commissioner to the manufacturer or vendor.

§ 196.81 Removal for exportation. Distilling apparatus intended for use for purposes other than for distilling, marked and branded as required by § 196.63, may be removed without payment of tax, for exportation by the manufacturer or dealer.

§ 196.82 Export bill of lading required. When any distilling apparatus is removed for exportation, without payment of tax, under the provisions of § 196.81, the vendor must obtain a copy of the export carrier's bill of lading covering the shipment of the article. Such bill of lading must be kept available for a period of not less than 2 years for inspection by internal revenue officers.

(F. R. Doc. 55-4403; Filed, May 31, 1955; 8:54 a. m.)

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CALDWELL SALES AND COMMISSION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Caldwell Sales and Commission Company, Caldwell, Idaho, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested

person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 25th day of May 1955.

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

[F. R. Doc. 55-4377; Filed, May 31, 1955; 8:52 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF CORRECTION OF FINAL DECISION

Notice is hereby given that in the "Decision with respect to a proposed marketing agreement and proposed amendments to the order, as amended," regulating the handling of milk in the Cleveland, Ohio, Marketing area filed by the Assistant Secretary of Agriculture on April 21, 1955, and published in the FEDERAL REGISTER of April 27, 1955 (20 F. R. 2801; FR Doc. 55-3393), the findings relating to item numbered (10), "Location adjustments to handlers," beginning in column 1, page 2811, and item numbered (11), "Location adjustments to producers," beginning in column 3, page 2811, should be changed to conform to the findings in item numbered (9), "Class II and Class III," beginning in column 2, page 2809.

The changes in said FEDERAL REGISTER document are as follows:

1. Change the phrase "Class I" to read "Class I and Class II" in the following places on page 2811:

In column 1, in the second line of the paragraph headed "10. Location adjustments to handlers."

In the second and tenth lines of the third paragraph beginning in column 2, in the eighth, thirteenth, and seventeenth lines of the fourth paragraph beginning in column 2, and

In the third, thirteenth and sixteenth lines from the top of column 3.

2. In the eighth line of the third paragraph beginning in column 2, page 2811, change the phrase "The new Class II items" to read "the new Class III items."

3. In the third sentence of the third paragraph beginning in column 3, page 2811, change the phrase "on Class II or Class III milk" to read "on Class III milk".

Filed at Washington, D. C., this 26th day of May 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-4376; Filed, May 31, 1955; 8:51 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

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

Correction

In Federal Register Document 55-3393, published at page 2801 of the issue dated April 27, 1955, the following changes are made:

1. The reference to "§ 975.81" in § 975.73 (c) should read "§ 975.73 (b)".
2. In the eighth line of § 975.74 (a) "Class II" should read "Class III."

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

MAY 26, 1955.

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities: Ceramics, handbags, embroidered, jade jewelry, lacquer ware, lotus root, mushrooms, rugs, cotton rag, silk embroidered articles, tigereye stones, vinegar, white, red and black, wampe, wooden novelties, yams.

[SEAL]

ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-4370; Filed, May 31, 1955; 8:50 a. m.]

Internal Revenue Service

[Commissioner Delegation Order 3]

DEPUTY COMMISSIONER ET AL.

DESIGNATION TO ACT AS COMMISSIONER OF INTERNAL REVENUE

Pursuant to authority vested in me by Treasury Department Order No. 150-2 dated May 15, 1952, and Treasury Department Order No. 129 (Revision No. 2): It is ordered, That:

(1) The Deputy Commissioner shall perform the duties of Commissioner of Internal Revenue during the absence or disability of the Commissioner of Internal Revenue, when there is a vacancy in that office, or when otherwise designated to act as Commissioner of Internal Revenue; and

(2) The Assistant Commissioner (Operations), and the Assistant Commissioner (Technical), in the order named, shall perform the duties of the Commissioner of Internal Revenue during the absence or disability of the Commissioner of Internal Revenue or a vacancy in that office and the absence or disability of the Deputy Commissioner.

This order supersedes Commissioner Delegation Order No. 1, dated April 10, 1953 (18 F. R. 2152).

This order is effective June 1, 1955.

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

[F. R. Doc. 55-4371; Filed, May 31, 1955; 8:50 a. m.]

POST OFFICE DEPARTMENT

ESTABLISHMENT OF REGIONAL HEADQUARTERS AT MEMPHIS, TENN., FOR TENNESSEE, ALABAMA, AND MISSISSIPPI

The following is the text of Order No. 55895 of the Postmaster General, dated May 11, 1955:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on May 16, 1955:

1. On the effective date there will be established a regional headquarters at Memphis, Tennessee, under a Regional Director who will exercise the powers, duties, functions and jurisdiction delegated by Order No. 55809 dated January 3, 1955, and Order No. 55810 dated January 3, 1955 (20 F. R. 276). Pending appointment of a Regional Director the postal affairs affecting the Bureau of Operations and Bureau of Personnel in the region shall be under the direction of the Regional Operations Manager who will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations. The Regional Operations Manager will be subject to all policy affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who will be responsible to the Assistant Postmaster General and Controller, Bureau of Finance. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions such as those listed below which were formerly discharged by various headquarters, bureaus and offices in Washington will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards

of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions, including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state and municipal officials.

2. Pending the appointment of a Regional Director, this order does not affect the bureau and offices of the Department other than:

- A. Bureau of Operations;
- B. Bureau of Personnel;
- C. Bureau of Finance (and Controller).

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization.

3. The region will be divided into five districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NUMBER 1—MEMPHIS, TENN.

Tennessee Counties: Bedford, Benton, Carroll, Cheatham, Chester, Crockett, Davidson, Decatur, Dickson, Dyer, Fayette, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Madison, Marshall, Maury, Montgomery, Moore, Obion, Perry, Robertson, Rutherford, Shelby, Stewart, Sumner, Tipton, Wayne, Weakley, Williamson and Wilson.

DISTRICT NUMBER 2—CHATTANOOGA, TENN.

Tennessee Counties: Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, DeKalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Trousdale, Unicoi, Union, Van Buren, Warren, Washington and White.

DISTRICT NUMBER 3—JACKSON, MISS.

All counties in Mississippi.

DISTRICT NUMBER 4—BIRMINGHAM, ALA.

Alabama Counties: Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson,

Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston.

DISTRICT NUMBER 5—MONTGOMERY, ALA.

Alabama Counties: Autauga, Baldwin, Barbour, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Tallapoosa, Washington and Wilcox.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 1332-15, 369)

[SEAL]

ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-4353; Filed, May 31, 1955;
8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 23, 1955.

An application, serial number Anchorage 028640, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on December 28, 1954, by Department of Air Force.

The purposes of the proposed withdrawal: Classified military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

Township 5 South, Range 13, West,
Sectin 29: SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$;
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 320 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4344; Filed, May 31, 1955;
8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial No. Sacramento 050149, for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the land as a school site to be used under agreement by the Herlong Elementary School District.

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 26 North, Range 16 East,
Section 2: That portion of Lot 2 described as follows: Beginning at a point from which the quarter-section corner between Sections 2 and 35, Tps. 26 and 27 North, Range 16 E. bears N. 89° 37' W. 186 feet. From the initial point, S. 89° 37' E. 600 feet; thence South 492 feet; thence N. 89° 37' W. 600 feet; thence North 492 feet to the point of beginning. The tract as described contains 6.78 acres.

L. T. HOFFMAN,
State Supervisor,
Bureau of Land Management.

MAY 23, 1955.

[F. R. Doc. 55-4343; Filed, May 31, 1955;
8:45 a. m.]

Office of the Secretary

[Order 2508, Amdt. 11]

BUREAU OF INDIAN AFFAIRS

AUTHORITY UNDER SPECIFIC ACTS

A new section 29 and reading as follows, is added to Order No. 2508, as amended (14 F. R. 258; 16 F. R. 473,

11620, 11974; 17 F. R. 1570, 6418; 19 F. R. 34, 1123, 4585; 20 F. R. 167, 552):

SEC. 29. *Authority under specific acts.* (a) The Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior by:

(1) The act of June 17, 1954 (Pub. Law 399, 83d Cong., 2d session; 68 Stat. 250).

(2) The act of August 13, 1954 (Pub. Law 587, 83d Cong., 2d session; 68 Stat. 718).

(3) The act of August 13, 1954 (Pub. Law 588, 83d Cong., 2d session; 68 Stat. 724).

(4) The act of August 23, 1954 (Pub. Law 627, 83d Cong., 2d session; 68 Stat. 768).

(5) The act of August 27, 1954 (Pub. Law 671, 83d Cong., 2d session; 68 Stat. 868).

(6) The act of September 1, 1954 (Pub. Law 762, 83d Cong., 2d session; 68 Stat. 1099).

(b) The authority granted in paragraph (a) of this section shall not include:

(1) The authority to dispose of enrollment appeals,

(2) The issuance of documents for publication in the FEDERAL REGISTER as required by the acts cited in paragraph (a),

(3) The issuance of additions to or amendments of the Code of Federal Regulations.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 25, 1955.

[F. R. Doc. 55-4345; Filed, May 31, 1955;
8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57-55 between the member lines of the Pacific Westbound Conference, modifies the basic conference agreement (No. 57) to provide that all payments of freight shall be received in United States currency, or its equivalent in other currency, as may be provided in the conference tariffs. Agreement No. 57 presently provides that no payment of freight shall be received in any currency other than United States or its equivalent on cargo originating in the United States, or in any currency other than Canadian or its equivalent on cargo originating in Canada.

(2) Agreement No. 7807-C, between the carriers comprising the Canada Mexico Line joint service provides for the cancellation of approved joint service Agreement No. 7807, which covers

the trades between ports on the St. Lawrence River and on the east coast of Canada, on the one hand, and ports on the east coasts of South and Central America and in islands in the Caribbean Sea, with calls at United States Atlantic ports, but not including transportation within the purview of the coastwise laws of the United States.

(3) Agreement No. 7840-26 between the Member Lines of the Atlantic Conference, modifies the provision of the basic agreement of said Conference (No. 7840) providing that agents, responsible clerks of General Agents and their wives and dependent children may be granted a 75 per cent reduction in fare, by adding a clause providing that in connection with the annual convention of the American Society of Travel Agents to be held in Lausanne, Switzerland, from October 9 to 15, 1955, the 75 per cent reduction may be granted, eastbound and westbound, to (a) the accompanying husband of a qualified female agent or of a qualified female responsible clerk, provided such clerk or agent is registered for attendance at said convention, and (b) to a salaried employee of the American Society of Travel Agents traveling to attend said convention and to an accompanying husband or wife of such an employee. Under such clause departure from Europe on the westbound voyage must take place on or before December 31, 1955, after which date said clause becomes void. Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 26, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4383; Filed, May 31, 1955;
8:53 a. m.]

Office of the Secretary

HEADS OF PRIMARY ORGANIZATION UNITS
ET AL.

DELEGATION OF AUTHORITY TO AUTHORIZE
PUBLICATION OF ADVERTISEMENTS, NOTICES
AND PROPOSALS

The head of each primary organization unit and the Director, Office of Administrative Operations for the Office of the Secretary, Business and Defense Services Administration, Bureau of Foreign Commerce, and the Office of Business Economics, are hereby delegated authority to authorize the publication of advertisements, notices and proposals in newspapers, trade journals, or other similar advertising media. This authority includes the selection of appropriate advertising media, the approval of adver-

tising texts, the signing of advertising orders, and related functions.

The authority delegated herein may be redelegated in writing to such officers and employees as the heads of the primary organization units and the Director, Office of Administrative Operations, may deem necessary.

Dated: May 12, 1955.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-4366; Filed, May 31, 1955;
8:49 a. m.]

[Dept. Order 137, Amended]

DEFENSE AIR TRANSPORTATION ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The material appearing at 16 F. R. 11511 is superseded by the following:

SECTION 1. Purpose. The purpose of this order is to define the organization and functions of the Defense Air Transportation Administration.

SEC. 2. Organization. The Defense Air Transportation Administration is headed by an Administrator who is responsible to the Under Secretary of Commerce for Transportation.

SEC. 3. Delegations of authority. Subject to such conditions and limitations as the Secretary of Commerce or the Under Secretary for Transportation may prescribe, the Defense Air Transportation Administrator is hereby authorized to plan and to direct the mobilization of civil aviation resources and facilities and perform related functions which shall include, but not be limited to, the powers, authorities, and functions vested in the Secretary of Commerce under: Section 301 (a), (b), (c), and (d) of Executive Order 10219; section 401 of Executive Order 10219 insofar as it pertains to airports and airways; Public Law 47, 82d Congress (65 Stat. 65), except that the authority to determine that war risk insurance cannot be obtained on reasonable terms and conditions from private insurance companies is reserved to the Secretary of Commerce; section 302 of the Defense Production Act of 1950 with regard to the making of direct loans as they relate to air transportation; section 168 of the Internal Revenue Code with regard to the issuance of tax amortization certificates as they relate to air transportation; section 103 of the National Security Act of 1947, as amended, by delegation from the Director, Office of Defense Mobilization, in Defense Mobilization Order I-8 with regard to civil aviation resources and facilities; and section 2 of the Civil Aeronautics Act of 1938 (52 Stat. 980) insofar as it relates to the aforesaid functions of the Defense Air Transportation Administration.

SEC. 4. Functions. In carrying out its responsibilities, the Defense Air Transportation Administration performs the following principal functions: Maintains a continuing program of allocation of civil transport aircraft by plane registration number to the Civil Reserve Air Fleet and to the War Air Service Pattern

of domestic and international commercial air transportation essential to a war effort; provides leadership to industry, in cooperation with the Air Force, to develop and maintain the standby organization and detailed plans necessary for immediate operation of the Civil Reserve Air Fleet; cooperates with the Civil Aeronautics Board in developing and maintaining the War Air Service Pattern; cooperates with the Department of Defense in developing and administering plans for a civil-military air priorities system; provides leadership in a continuing effort to assure that the maximum production of airlift in the event of war will not be impeded by shortage or misuse of skilled aviation manpower; develops plans for mobilization of all segments of non-carrier civil aviation; is responsible for planning for the effective utilization of civil airports and airways for national defense purposes; maintains the aviation war risk insurance program in a state of readiness; and makes recommendations to the Office of Defense Mobilization with regard to defense loans and accelerated tax amortization for expansion of air transport capacity.

SEC. 5. Effect on other orders. .01 This order supersedes Department Order No. 137 issued November 5, 1951, and shall be deemed to be consistent with Department Order No. 86 (Amended). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

.02 All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under the authorities delegated herein and in effect immediately prior to the effective date of this order shall remain in full force and effect until hereafter superseded, revoked, or amended under proper authority.

Issued: April 19, 1955.

Effective: April 19, 1955.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-4365; Filed, May 31, 1955;
8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2396]

EASTERN AIR LINES, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application, as amended, proposing an extension of Route 6 (a) from Washington to Chicago via Pittsburgh, Youngstown, Akron, Canton, Cleveland, Toledo, and South Bend; (b) an extension of Route 47 from Charleston to Chicago via (a) Cincinnati and Indianapolis; and (b) via Columbus, Springfield, Dayton, Fort Wayne, and South Bend; and (c) an extension of Route 47 from Charleston to Detroit via Columbus and Toledo; is assigned to be held on June 30, 1955 at 10:00 a. m., e. d. s. t., in Room E-206, Temporary Building No. 5, Sixteenth and

Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

In order to facilitate the conduct of this conference, interested parties are requested to present motions for consolidation or modification of the issues in this case to Examiner Cusick on or before June 13, with copies to other interested parties. Answers to such requests for consolidation and/or modification should be filed on or before June 27.

Dated at Washington, D. C., May 25, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4382; Filed, May 31, 1955;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6597, E-6598]

PENNSYLVANIA WATER & POWER CO. AND
PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING
MERGER OR CONSOLIDATION OF FACILITIES
AND ACQUISITION OF SECURITIES

MAY 24, 1955.

In the matters of Pennsylvania Water & Power Company, Docket No. E-6597; Pennsylvania Power & Light Company, Docket No. E-6598.

Notice is hereby given that on May 5, 1955, the Federal Power Commission issued its order adopted May 4, 1955, authorizing and approving the merger or consolidation of facilities and the acquisition of securities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4347; Filed, May 31, 1955;
8:46 a. m.]

[Docket No. G-2281]

OHIO FUEL GAS CO.

ORDER RECONVENING HEARING, FIXING DATE
OF HEARING, AND PRESCRIBING PROCEDURE

On May 3, 1954, hearing was commenced in the above docket concerning the lawfulness of the rates, charges, classifications, and services contained in FPC Gas Tariff, Second Revised Volume No. 1, filed on September 18, 1953, by the Ohio Fuel Gas Company (Ohio Fuel). At that hearing, Ohio Fuel presented certain testimony and exhibits in support of the increased rates and charges contained in its proposed tariff, based on its operations in the calendar year 1953, adjusted for certain known changes.

Counsel for Ohio Fuel also indicated on the record that due to the pendency of two other dockets involving the Company's rates and charges (G-1786 and G-1965) and the pendency of proceedings involving rates of some of its suppliers, Ohio Fuel would have to present additional testimony before this proceeding could be brought to a conclusion. Following the presentation of its testimony, counsel for Ohio Fuel made a motion, concurred in by all parties present, that

the proceedings be recessed until further order of the Commission.

During the period this proceeding has been in recess and subsequent to Commission determinations in the pending dockets referred to above, conferences and discussions have been held looking toward a limiting of the issues herein.

Ohio Fuel has indicated that it is now ready to present evidence on all issues present in this proceeding, including testimony and exhibits reflecting its operations in the calendar year 1954.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the hearing in this proceeding be reconvened at the time and place and on the date hereinafter designated, in accordance with the procedure hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), public hearing is reconvened to commence on June 13, 1955, 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 and the issues presented by the above-entitled proceeding.

(B) At the hearing provided for by paragraph (A), Ohio Fuel shall go forward first and shall present its complete case-in-chief, including its testimony and exhibits reflecting its operations in the calendar year 1954.

(C) After Ohio Fuel has concluded the presentation of its complete case-in-chief as provided in paragraph (B), the other parties to the proceeding, including Staff Counsel, may proceed with cross-examination respecting the matters and issues involved in the proceeding. Upon request of any party to the proceeding, including Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation of such cross-examination.

(D) Following presentation by Ohio Fuel, and cross-examination as provided in paragraph (C), opportunity shall then be afforded the other parties to present testimony and evidence with respect to the matters and issues involved in the proceeding. Any such testimony and evidence shall then be subject to cross-examination. Upon the conclusion of such cross-examination, opportunity shall be afforded to Staff Counsel (after recess, if requested) to present evidence respecting the matters and issues involved in the proceeding. Such testimony and evidence as the Staff offers will then be subject to cross-examination, after which an opportunity will be afforded to Ohio Fuel to offer rebuttal evidence respecting such issues.

(E) In the interest of expedition, Ohio Fuel shall, on or before June 8, 1955, serve upon all parties to this proceeding copies of the testimony and exhibits it proposes to offer at the hearing,

including five (5) copies thereof upon Staff Counsel.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 24, 1955.

Issued: May 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4346; Filed, May 31, 1955;
8:46 a. m.]

[Docket No. G-6504]

DELHI-TAYLOR OIL CORP. AND MAYFAIR
MINERALS, INC.

NOTICE OF ORDER MAKING PROPOSED RATE
CHANGES EFFECTIVE

MAY 24, 1955.

Notice is hereby given that on May 6, 1955, the Federal Power Commission issued its order adopted May 4, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4348; Filed, May 31, 1955;
8:46 a. m.]

[Docket No. G-8445]

CITIZENS GAS CO.

NOTICE OF FINDINGS AND ORDER

MAY 24, 1955.

Notice is hereby given that on May 5, 1955, the Federal Power Commission issued its findings and order adopted May 4, 1955, directing sale and delivery of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4349; Filed, May 31, 1955;
8:46 a. m.]

[Docket No. G-8558]

STATE CORPORATION COMMISSION OF
VIRGINIA ET AL.

NOTICE OF ORDER DENYING JOINT PETITION
AND REQUESTING SUSPENSION OF RATE
SCHEDULES

MAY 24, 1955.

In the matters of State Corporation Commission of Virginia, Public Service Commission of Maryland, Public Service Commission of West Virginia, Public Utilities Commission, D. C.; Docket No. G-8558.

Notice is hereby given that on April 21, 1955, the Federal Power Commission issued its order adopted April 20, 1955, denying the joint petition filed herein, requesting the suspension of rate schedules which have heretofore been filed

and which have become effective pursuant to the provisions of the Natural Gas Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4350; Filed, May 31, 1955;
8:46 a. m.]

[Project No. 1295]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING
LICENSE (TRANSMISSION LINE)

MAY 24, 1955.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, further amending license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4351; Filed, May 31, 1955;
8:46 a. m.]

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

LAND WITHDRAWAL; CALIFORNIA

MAY 24, 1955.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in power project No. 2017 for which completed amended application for license was filed January 5, 1953. Under said section 24 all lands of the United States lying within the boundaries of the project as delimited upon the revised maps filed in support thereof, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

- T. 9 S., R. 23 E.,
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$;
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$
NW $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$
SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 9 S., R. 24 E.,
Sec. 7, lots 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, lots 2, 3;
Sec. 18, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, NW $\frac{1}{4}$
SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area reserved pursuant to the filing of this application is approximately 1330.22 acres, of which 1296.13 have been heretofore reserved in connection with either an earlier application for this project (No. 2017), or applications for projects Nos. 120 and 2085, or Power Site Classifications Nos. 138 and 273.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to lands reserved for transmission line rights-of-way is applicable to those portions of the above described lands occupied for that purpose only.

The subdivisions described above as being affected by this application are to a large extent duplications of those referred to in letters of withdrawal notification issued to the Bureau of Land Management under date of February 17, 1949, February 12, 1951, and November 15, 1951.

A photostatic copy of each of twelve sheets of the amendatory project maps (FPC No. 2017 sheets 93 to 104 incl.) showing the revised project boundaries and superseding map sheets (FPC No. 2017, sheets 1, 3 to 13 incl.) is being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4352; Filed, May 31, 1955;
8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

PUBLIC HOUSING COMMISSIONER

AMENDMENT OF DELEGATIONS OF AUTHORITY TO EXERCISE CERTAIN RESPONSIBILITIES VESTED IN ADMINISTRATOR UNDER VARIOUS STATUTES

The delegations of final authority to the Public Housing Commissioner, published at 18 F. R. 4612-3, August 5, 1953, as amended at 19 F. R. 2599, May 5, 1954, and at 19 F. R. 4115-6, effective July 1, 1954 (published July 7, 1954), hereby are further amended in the following respects:

The appendix to the delegations is amended by the insertion of the following item after present item (16):

(16A) Calif. 4-659-F, Units 1, 2 and 3, Child Care Facilities, San Diego, Calif. (Three Standard Type FWA Nursery (Child Care) Schools with partial equipment, each to accommodate 60 children. Unit No. 1 is located at 3345 Riley Street, Unit No. 2 at 3460 Kenyon Street, and Unit No. 3 at 3000 Chapman Street, all within the Frontier Village Housing Project.)

Effective as of the 1st day of June 1955.

ALBERT M. COLE,
Housing and Home
Finance Administrator.

[F. R. Doc. 55-4368; Filed, May 31, 1955;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR
RELIEF

MAY 26, 1955.

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. 30668: Grain—Colorado, Kansas, and Nebraska to Colorado and Wyoming. Filed by Union Pacific Railroad Company, for itself and other interested rail carriers. Rates on Grain, grain products and related commodities, from specified points in Colorado, Kansas, and Nebraska to specified points in Colorado and Wyoming.

Grounds for relief: Circuitous routes. Tariff: Supplement 6 to Union Pacific Railroad tariff I. C. C. 5377.

FSA No. 30669: Substituted service—motor-rail rates in the East. Filed by The New York, New Haven and Hartford Railroad Company, for itself and Shuster's Express, Inc. Rates on Semitrailers, loaded with various commodities or empty, on railroad flat cars, between Boston, Mass., on one hand, and New Haven or New London, Conn., on the other.

Grounds for relief: Competition with motor carriers.

FSA No. 30670: Glass jars—Southwest to Mississippi River Crossings. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on glass jars, noibn, other than cut, carloads, from Ada, Blackwell, Muskogee, Okmulgee, and Sand Springs, Okla., to Baton Rouge and New Orleans, La., Natchez and Vicksburg, Miss.

Grounds for relief: Circuitous routes. Tariff: Supplement 54 to Agent Kratzmeir's I. C. C. 4015.

FSA No. 30671: Synthetic rubber—Texas and Louisiana to Niagara Frontier. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, in straight or mixed carloads, from Baytown, Borger, Houston, and Port Neches, Tex., and Lake Charles and West Lake Charles, La., to Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Short-line distance formula and circuitry.

Tariffs: Supplements 40 and 72 to Agent Kratzmeir's tariffs I. C. C. Nos. 4139 and 4087, respectively.

FSA No. 30672: Clay between points in Southern Territory. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from specified origins in Alabama, Florida, Georgia, North Carolina and South Carolina to specified destinations in Alabama, Florida, Georgia, Mississippi, and Tennessee.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 75 to Agent Spaninger's I. C. C. 1323.

FSA No. 30673: Iron or steel pipe—Orange, Tex., to the South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron or steel pipe or tubing, carloads, from Orange, Tex., to specified points in Alabama, Louisiana (east of the Mississippi River), and Mississippi.

Grounds for relief: Circuitous routes. Tariff: Supplement 10 to Agent Kratzmeir's I. C. C. 4121.

FSA No. 30674: Liquefied petroleum gas—Texas to Cincinnati, Ohio. Filed by F. C. Kratzmeir, Agent, for in-

interested rail carriers. Rates on liquefied petroleum gas, tank-car loads, from specified points in Texas to Cincinnati, Ohio.

Grounds for relief: Circuitous routes. Tariff: Supplement 11 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 30675: Phosphatic feed supplements to Arcade and Attica Railroad Corporation Stations. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads, from specified points in southern territory to stations on the Arcade and Attica Railroad.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 11 to Agent Spaninger's I. C. C. 1434.

FSA No. 30676: Phosphatic feed supplements to Chesapeake Western Railway Stations. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads, from specified points in southern territory to stations on the Chesapeake Western Railway.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 11 to Agent Spaninger's I. C. C. 1434.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4367; Filed, May 31, 1955;
8:50 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

SHELLED FILBERTS

NOTICE OF SUPPLEMENTAL INVESTIGATION AND PUBLIC HEARING

The United States Tariff Commission, on the 25th day of May 1955, under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, instituted an investigation supplemental to its Investigation No. 4 under section 22 of the Agricultural Adjustment Act, as amended, with respect to: Shelled Filberts, whether or not blanched.

Purpose of supplemental investigation. Under a proclamation of October 11, 1954, issued pursuant to section 22, on the basis of a report and recommendation of the Tariff Commission, the President imposed a fee of 10 cents per pound, but not more than 50 per centum ad valorem, upon shelled filberts, whether or not blanched, entered, or withdrawn from warehouse, for consumption during the period from October 1, 1954, to September 30, 1955, both dates inclusive, in excess of an aggregate quantity of 6,000,000 pounds. This fee is in addition to any other duties imposed on the importation of such filberts.

The Commission has received information indicating that the existing restrictions on imports of shelled filberts under section 22 may be too restrictive. The purpose of this supplemental investigation is to determine whether changed circumstances require the modification of the import restrictions imposed under the aforementioned proc-

lamation with respect to shelled filberts in order to carry out the purposes of section 22.

Hearing. A public hearing in this supplemental investigation will be held beginning at 10 a. m., e. d. s. t., on June 21, 1955, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: May 26, 1955.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-4374; Filed, May 31, 1955;
8:51 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 45]

OKLAHOMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 25, 1955, because of the disastrous effects of cyclones and tornadoes, damage resulted to residences and business property located in certain areas in the State of Oklahoma; and

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

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

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

1. Applications for disaster loans under the provisions of Section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Roger Mills, Kay; Small Business Administration Regional Office, 1114 Commerce Street, Dallas, Tex. Small Business Administration Branch Office, Bankers Security Life Building, Room 712, 114 North Broadway, Oklahoma City, Okla.

2. A special field office will be established in Blackwell, Oklahoma, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to November 30, 1955.

Dated: May 26, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-4372; Filed, May 31, 1955;
8:51 a. m.]

[Declaration of Disaster Area 46]

KANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 25, 1955, because of the disastrous effects of cyclones and tornadoes, damage resulted to residences and business property located in certain areas in the State of Kansas; and

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

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

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

1. Applications for disaster loans under the provisions of Section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in Cowley County (including any areas adjacent to Cowley County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Federal Office Building, Room 1402, 911 Walnut Street, Kansas City 6, Mo.

Small Business Administration Branch Office, Post Office Building, Room 320, 401 North Market Street, Wichita, Kans.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to November 30, 1955.

Dated: May 26, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-4373; Filed, May 31, 1955;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3304]

INTERSTATE POWER CO.

SUPPLEMENTAL ORDER RESCINDING TERMS AND CONDITIONS WITH RESPECT TO PREFERRED STOCK

MAY 25, 1955.

The Commission on November 16, 1954, having entered its order herein (Holding Company Act Release No. 12705) imposing certain conditions for the protection of the preferred stockholders in connection with the issue and sale by Interstate Power Company ("Interstate"), the applicant herein, of 200,000 shares of its 4.36 percent Preferred Stock;

Interstate having on May 5, 1955, with the approval of its stockholders, amended its Certificate of Incorporation so as to make applicable to all issues of its preferred stock the protective provisions contained in the Commission's order dated November 16, 1954; and having re-

quested that the terms and conditions imposed in the aforesaid order be rescinded as no longer necessary; and

The Commission finding that the terms and conditions imposed in said order with respect to the issue and sale of applicant's 4.36 percent Preferred Stock are now duplicative and unnecessary:

It is ordered, That the conditions contained in the Commission's order of November 16, 1954 aforesaid be, and the same hereby are rescinded.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-4357; Filed, May 31, 1955;
8:48 a. m.]

[File No. 70-3377]

JOHN H. WARE, 3d

ORDER REGARDING ACQUISITION BY AFFILIATE
OF PUBLIC UTILITY COMPANIES OF OUT-
STANDING CAPITAL STOCK OF NON-AFFILI-
ATED GAS UTILITY COMPANY

MAY 25, 1955.

John H. Ware, 3d ("Ware") has filed an application and an amendment thereto with this Commission pursuant to the provisions of sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following described transaction.

Ware is an affiliate of Penn Fuel Gas, Inc. ("Penn Fuel"), an exempt holding company, and its 14 gas utility subsidiaries, and of Salem Gas Company, a gas utility company which is not itself affiliated with Penn Fuel. Ware will purchase for cash from four individuals all of the outstanding capital stock of Jersey Shore Gas & Heating Company ("Jersey Shore"), a Pennsylvania corporation and a gas utility company, consisting of 720 shares of common stock, par value \$10 per share. The agreed price of \$24,000 to be paid by Ware for Jersey Shore's outstanding common stock was determined by arm's-length negotiation.

Jersey Shore's service area is located approximately 11 miles west of the service area of Lock Haven Gas Company ("Lock Haven"), a subsidiary of Penn Fuel. Lock Haven and Jersey Shore have made arrangements to obtain supplies of natural gas from a common source which will be delivered through an existing transmission line of Trans-Penn Transit Company, a non-affiliated pipe line company. A common connection will be constructed jointly by Lock Haven and Jersey Shore with such line and, as a result of such connection, Lock Haven and Jersey Shore will be physically connected.

Upon the acquisition by Ware of the common stock of Jersey Shore, Penn Fuel will furnish management and related services to the company on the same basis (approximately at cost) that such services are presently rendered by Penn Fuel to its subsidiaries.

No State commission and no Federal regulatory agency, other than this Com-

mission, has any jurisdiction over the transaction.

Jersey Shore's presently authorized capital stock consists of 4,000 shares of common stock, par value \$10 per share, of which 720 shares are issued and outstanding, and 200 shares of preferred stock, par value \$100 per share, none of which is issued and outstanding. Dividends on the preferred stock are non-cumulative. Ware has stipulated and agreed that, upon acquisition of the outstanding common stock of Jersey Shore, he will cause Jersey Shore to execute and file a stipulation with the Commission that it shall not, following the acquisition of its common stock by Ware, issue any of its authorized preferred stock unless it shall have given the Commission 30 days' advance notice of any such proposed transaction and that, upon receipt of notice from the Commission given during such 30-day period, the company will not issue any of such preferred stock unless and until its charter shall have been amended to provide that dividends thereon shall be cumulative.

The fees, commissions and expenses incurred, or to be incurred, and paid in connection with the acquisition by Ware of the outstanding common stock of Jersey Shore will consist solely of legal fees and incidental expenses, estimated at not to exceed \$1,000, all of which will be paid by Ware.

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that the fees and expenses incurred, or to be incurred, and paid are not unreasonable, that said application, as amended should be granted, and that the Commission's order should become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-4356; Filed, May 31, 1955;
8:48 a. m.]

[File No. 70-3378]

WISCONSIN SOUTHERN GAS CO., INC.

ORDER REGARDING ISSUANCE BY REGISTERED
HOLDING COMPANY OF SHARES OF COMMON
STOCK AS DIVIDEND

MAY 25, 1955.

Wisconsin Southern Gas Company, Inc. ("Wisconsin"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the provisions of sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following described transaction.

Wisconsin will issue to its stockholders on or about June 1, 1955, as a dividend, 7,570 shares of authorized but unissued common stock, par value \$10 per share, at the rate of one share for each ten shares held. The stock dividend will be issued in full shares only and transferable scrip certificates will be issued to stockholders entitled to receive fractional shares. Wisconsin will assist stockholders to transfer or purchase and sell scrip representing fractional shares and will redeem, after July 1, 1955, at the rate of \$11.30 per share, any scrip presented representing rights to less than one share of stock if arrangements cannot be made forthwith to transfer or sell such rights for not less than \$11.30 per share. Any expense incurred in handling scrip certificates for stockholders desiring to "round-out" to full shares will be paid by Wisconsin.

The stock dividend is being issued for the purpose of capitalizing the major portion of Wisconsin's earned surplus as a preliminary step to the merger of Wisconsin and its only subsidiary, Wisconsin Southern Gas Company, a public utility company.

Wisconsin will, upon the issuance of the stock dividend, debit its Earned Surplus with \$85,540, the equivalent of \$11.30 per share, and credit Common Capital Stock with \$75,700, the aggregate par value of the shares to be issued, and credit Capital Surplus with \$9,840, or \$1.30 per share. The book value of Wisconsin's common stock is approximately \$11.36 per share. There is no active market for the stock.

No State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transaction.

The fees and expenses to be paid by Wisconsin in connection with the issuance of the stock dividend are estimated as follows:

Aberg, Bell, Blake & Conrad, Counsel for the company.....	\$1,000
Miscellaneous expenses, including registrar, transfer agent and Federal issue stamp taxes.....	1,000
Total.....	2,000

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing thereon having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that the fees and expenses to be paid in connection with said transaction, if they do not exceed the amounts estimated, are not unreasonable, that said declaration, as amended, should be permitted to become effective, and that the Commission's order should become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended declaration be, and the same hereby is, permitted to become effective forthwith, subject to the

terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-4355; Filed, May 31, 1955;
8:47 a. m.]

[File No. 70-3384]

STANDARD POWER AND LIGHT CORP.

ORDER GRANTING EXEMPTION REGARDING
PROPOSED SALE OF COMMON STOCK OF
DUQUESNE LIGHT CO.

MAY 25, 1955.

Standard Power and Light Corporation ("Standard Power"), a registered holding company, has filed an application, pursuant to Rule U-100 promulgated under the Public Utility Holding Company Act of 1935 ("act") for exemption from the requirements of Rule U-44 promulgated under the act. Standard Power proposes to sell not more than 10,000 shares of common stock of Duquesne Light Company, a public utility subsidiary of Standard Power, out of a total of 348,600 shares of such common stock held by Standard Power, either (a) on the New York Stock Exchange by means of ordinary brokers' transactions at prevailing market prices on the date or dates of sales; or (b) by negotiated private sale, after inquiry among a limited number of prospective buyers, with a buyer or buyers who will agree to purchase for investment and not for resale to the public and at prevailing market prices on the New York Stock Exchange on the date or dates of sale, less a discount of not more than \$0.50 per share.

Standard Power has represented that in the event its application for exemption is granted, it will comply with the requirements of Rule U-24 promulgated under the act.

It appearing to the Commission that the requirements of Rule U-44, as applied to the proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers:

It is ordered, Pursuant to said Rule U-100, that said application be, and the same hereby is, granted forthwith, subject to the provisions of Rule U-100 (b) and Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-4354; Filed, May 31, 1955;
8:47 a. m.]

[File No. 812-932]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

MAY 25, 1955.

In the matter of the Equity Corporation, the Morris Plan Corporation of America, Planning & Service Corporation and James W. Nankervis; File No. 812-932.

Notice is hereby given that Planning & Service Corporation ("Pasco"), a Delaware corporation, having its principal place of business at 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission granting an exemption from the provisions of section 17 (a) (3) of the act so as to permit the loan or advance of money by Pasco to James W. Nankervis, an employee of Pasco.

The Equity Corporation ("Equity"), a registered investment company, is the owner and holder of a majority of the voting stock of The Morris Plan Corporation of America ("Morris Plan"). Equity and Morris Plan, each own 45.45 percent and 54.55 percent, respectively, of the capital stock of Pasco, a company which furnishes services to the Morris Plan group and the Equity group of companies. James W. Nankervis is an employee, but not an officer, of Pasco and is not affiliated with Equity or Morris Plan in any other capacity. Under these circumstances, Nankervis is an affiliated person of an affiliated person of Equity and under the provisions of section 17 (a) (3) it is unlawful for him to borrow money from Pasco unless an exemption

is granted by the Commission pursuant to the authority vested in it by section 17 (b) of the act.

Nankervis, Pasco's district manager for the Poughkeepsie area, has arranged to purchase a dwelling which will cost approximately \$16,000 upon terms requiring a down payment of \$2,400 (and other expenses of \$1,350) and the balance on a 5 percent FHA mortgage which will require payments of approximately \$73 monthly over a period of thirty years. He desires to obtain the sum of \$2,000 from his employer to meet, in part, these cash requirements and Pasco desires to make an unsecured loan or advance to him in that amount with interest at 4 percent per annum. The loan, if the application is granted, will be repaid at a rate of not less than \$50 per month for the first year, \$60 per month for the second year and \$70 per month thereafter until paid, with interest at the rate aforesaid on declining principal balances.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than June 10, 1955, at 5:30 p. m., e. d. s. t., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-4358; Filed, May 31, 1955;
8:48 a. m.]



