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Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Hawaiian Fruits and Vegetables Quarantine (7 CFR 301.13) under section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161). On September 30, 1953, a notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6243) concerning the proposed amendment of subpart Hawaiian Fruits and Vegetables (7 CFR and Supp. 301.13, 301.13–1 et. seq.). After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of the said Plant Quarantine Act, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act (7 U. S. C. 143), subpart Hawaiian Fruits and Vegetables is hereby amended to read as follows:

QUARANTINE

Sec.
301.13 Notice of quarantine.

REGULATIONS

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301.13–13 Posting of warning notice and distribution of baggage declarations.
301.13–14 Shipments for experimental or scientific purposes.

AUTHORITY: §§ 301.13 to 301.13–14 issued under sec. 3, 33 Stat. 1270; secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 143, 161, 162.

QUARANTINE

§ 301.13 *Notice of quarantine.* (a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161) and having given public hearing as required thereunder, the Secretary of Agriculture has determined that it is necessary to quarantine the Territory of Hawaii to prevent the spread to other parts of the United States of dangerous plant diseases and insect infestations, including the Mediterranean fruit fly (Ceratitis capitata (Wied.)), the melon fly (Dacus cucurbitae Coq.), the oriental fruit fly (Dacus dorsalis Hendl.), citrus canker (Xanthomonas citri (Hasse) Dowson), green coffee scale (Coccus viridis (Green)), the bean pod borer (Maruca testulalis (Geyer)), the bean butterfly (Lampides boeticus (L.)), the Asiatic rice borer (Chilo simplex (Butl.)), the mango weevil (Cryptorhynchus mangiferae (F.)), and the Chinese rose beetle (Adoretus sinicus Burm.), which are new to or not widely prevalent or distributed within and throughout the United States, and said Secretary has quarantined the Territory of Hawaii because of such diseases and insect infestations.

(b) No fruits or vegetables, in the raw or unprocessed state; peel of fruits of any genus, species, or variety of the subfamily Aurantioideae, Rutoideae, or Toddalioideae of the botanical family Rutaceae; cut flowers; rice straw; or mango seeds shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, tansported, moved, or allowed to be moved by any person from the Territory of Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Chief of the Plant Quarantine Branch shall find that existing conditions as to the pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which

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FEDERAL REGISTER

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the regulations should be made less stringent, whereupon such modification shall become effective.

(c) This section leaves in full force and effect § 301.30 which restricts the movement from Hawaii, Puerto Rico, and the Virgin Islands of the United States into any of the States or certain Territories or Districts of the United States of all varieties of sweetpotatoes (Ipomoea batatas Poir.).

RULES AND REGULATIONS

§ 301.13–1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Plant pests.* The injurious insects and plant diseases referred to in § 301.13, in any stage of development.

(b) *Fruits and vegetables.* The more or less succulent portions of food plants, and parts thereof, in the raw or unprocessed state, such as bananas, coconuts,

pineapples, potatoes, ginger root, tomatoes, peppers, melons, citrus, mangoes, etc.

(c) *Cut flowers.* Cut blooms of gardenia and mauna loa or leis made thereof.

(d) *Mango seeds.* Seeds of the fruit of mango (Mangifera spp.), fresh or dried.

(e) *Rice straw.* Stems or straw of rice (Oryza sativa), when used as packing material or for other purposes.

(f) *Inspector.* An inspector of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(g) *Certificate.* A document signed by an inspector certifying that a particular ship, vessel, other surface craft, or aircraft, or any specified lot or shipment of fruits or vegetables or other plant materials, via baggage, parcel post, express, freight or other mode of transportation, has been inspected and found apparently free from articles the movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

(h) *Person.* This term shall be construed to include both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations.

(i) *Moved (move and movement).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from the Territory of Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States. Local, interisland movement is in no way affected by the regulations in this subpart. ("Move" and "movement" shall be construed accordingly.)

(j) *Disinfection (disinfect and disinfected).* The application to parts or all of a ship, vessel, other surface craft, or aircraft of a treatment that may be designated by the inspector as effective against such plant pests as may be present. ("Disinfect" and "disinfected" shall be construed accordingly.)

§ 301.13–2 *Regulated articles*—(a) *Prohibited movement.* (1) The movement of insects of the species designated in § 301.13 or other notoriously injurious insects in a live state from the Territory of Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, either independently or in connection with any other article, is prohibited, except as provided in § 301.13–14 (b).

(2) Fruits, vegetables, and other products specified in § 301.13, and not eligible for inspection and certification under § 301.13–4 or otherwise expressly authorized movement either in the regulations in this subpart or in administrative instructions issued by the Chief of the Plant Quarantine Branch are prohibited movement.

(b) *Regulated movement.* The movement of the following fruits and vegetables from the Territory of Hawaii is allowed throughout the year upon compliance with the regulations in this subpart:

Arrowhead (Sagittaria sagittifolia).
Arrowroot (Maranta arundinacea).
Asparagus (Asparagus officinalis).
Bean sprouts, soy (Glycine hispida).
Bean sprouts, mungo (Phaseolus aureus).
Burdock, great (Arctium lappa, Lappa major, L. edulis).
Butterbur (Petasites japonicus).
Cabbage (Brassica oleracea).
Cabbage, Chinese (Brassica pekinensis, B. chinensis).
Cabbage, swamp (Ipomoea reptans).
Carrot (Daucus carota satira).
Cassava (Manihot sp.).
Celery (Apium graveolens).
Chinese spinach (Amaranthus gangeticus).
Chives (Allium schoenoprasum).
Chrysanthemum, garland (Chrysanthemum coronarium).
Coconuts (Cocos nucifera).
Coriander (Coriandrum sativum).
Dandelion (Taraxacum officinale).
Dropwort, water (Oenanthe stolonifera).
Garlic (Allium sativum).
Ginger bracts (Zingiber mioga).
Ginger root (Zingiber officinale).
Honewort (Cryptotaenia canadensis).
Jesuit's nut (Trapa bicornis, T. natans).
Kudzu (Pueraria thunbergiana).
Leek (Allium porrum).
Lettuce (Lactuca sativa).
Lily root (Nelumbium nucifera).
Mugwort (Artemisia vulgaris).
Nightshade, Malabar (Bassella rubra).
Onion, green (Allium fistulosum).
Parsley (Petroselinum hortense).
Perilla (Perilla frutescens).
Pineapples (Ananas sativa), smooth Cayenne.
Potato (Solanum tuberosum).
Radish greens (Raphanus sativus longipinnatus).
Radish, oriental (Raphanus sativus longipinnatus).
Shallot (Allium ascalonicum).
Spinach (Spinacia oleracea).
Sweet corn (Zea mays).
Taro root, shoots and stalks (Colocasia antiquorum esculentum).
Watercress (Nasturtium officinale).
Waternut (waterchestnut) (Eleocharis dulcis (E. tuberosa) (Scirpus tuberosus)).
Yam bean root (Pachyrhizus erosus).
Yams Dioscorea (spp.).

Provided, That additions of other fruits and vegetables may be made to the foregoing list of regulated articles by the Chief of the Plant Quarantine Branch when he determines that such fruits or vegetables, either as ordinarily packed and shipped or after treatment, do not involve risk of spreading any of the plant pests designated in the foregoing quarantine, and when such findings have been made known in administrative instructions of the Chief of the Plant Quarantine Branch.

§ 301.13–3 *Conditions of movement*—(a) *Certification.* Regulated articles shall not be moved from the Territory of Hawaii unless accompanied by a valid certificate issued by an inspector, except that, coconuts (husked or unhusked), free from wrapping or packing materials, may be moved through the mails without certification.

(b) *Segregation of certified articles.* Articles certified after treatment in accordance with § 301.13–4 (b), taken aboard any ship, vessel, other surface craft, or aircraft in the Territory of Hawaii must be segregated and protected in a manner as required by the inspector.

§ 301.13–4 *Conditions governing the issuance of certificates.* Certificates may be issued for the movement of articles permitted movement in accordance with the regulations in this subpart under either of the following conditions:

(a) Fruits and vegetables designated in § 301.13–2 (b) may be certified when they have been inspected by an inspector and found apparently free from infestation.

(b) Fruits, vegetables, and other products designated in § 301.13 (except those listed in § 301.13–2 (b)) for which treatments may be approved by the Chief of the Plant Quarantine Branch may be certified after such treatments have been applied under the observation of an inspector in accordance with administratively approved procedure. Any treatment that may be approved must be applied at the expense of the shipper, owner, or person in charge of such fruits and vegetables, except that no charge will be made for services performed by the inspector in the supervision of such treatments. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised.

§ 301.13–5 *Application for inspection.* Persons intending to move any fruits or vegetables that may be certified in accordance with the provisions of § 301.13–4 shall make application for inspection or treatment on forms provided for this purpose as far as possible in advance of the contemplated date of shipment. They will also be required to prepare, handle, and safeguard such articles from infestation or reinfestation, and to assemble them at such points as the inspector may designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector shall be paid by the shipper. Blank forms[1] for use in making applications for inspections will be furnished free upon request to the United States Department of Agriculture, Plant Quarantine Branch, Honolulu, T. H.

§ 301.13–6 *Marking, certification and type of container.* Each container of articles required to be certified under the regulations in this subpart shall be plainly marked for identification purposes as required by the inspector, and shall be accompanied by a certificate issued in compliance with the regulations in this subpart. In the case of lot shipments, either in containers or in bulk, a certificate covering the lot shall be attached to the waybill, manifest or bill of lading. Containers or wrappers shall be new or of materials approved by an inspector.

[1] Form EQ–170.

§ 301.13–7 *Uncertified fruits, vegetables, and cut flowers taken aboard ships, vessels, other surface craft, or aircraft—* (a) *In the possession of passengers or crew members.* Small quantities of fruits, vegetables, and cut flowers, subject to the quarantine and regulations in this subpart, when loose and free of packing materials, may be taken aboard any ship, vessel, other surface craft, or aircraft by passengers or members of the crew without inspection and certification in the Territory of Hawaii. However, if such articles so taken aboard, are not eligible for inspection and certification under § 301.13–4 (a), they must be entirely consumed or disposed of before arrival within the territorial waters of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States: *Provided*, That no such uncertified articles may be taken aboard any aircraft as baggage or otherwise, when such aircraft is to be inspected and certified before its departure from the Territory of Hawaii in the manner set forth in § 301.13–10 of the regulations in this subpart.

(b) *As ship's stores or decorations.* Fruits, vegetables, and cut flowers subject to the quarantine and regulations in this subpart may be taken aboard ship, vessel, or other surface craft, or aircraft in the Territory of Hawaii without inspection or certification. However, such fruits, vegetables, and cut flowers not eligible for inspection and certification under § 301.13–4 (a) must be entirely consumed or removed from the ship, vessel, other surface craft, or aircraft before arrival within the territorial waters of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States: *Provided*, That no such uncertified articles may be taken aboard any aircraft as stores or otherwise, when such aircraft is to be inspected and certified before its departure from the Territory of Hawaii in the manner set forth in § 301.13–10.

§ 301.13–8 *Inspection of vessels.* All ships, vessels, and other surface craft from Hawaii, upon coming within the territorial waters of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, shall be subject to examination by inspectors for the purpose of ascertaining by inspection whether any of the articles or insects prohibited movement by the quarantine and regulations in this subpart are contained in such ships, vessels, or other surface craft, or whether there remains any infestation from such articles. Such inspection will be made at the discretion of the inspector, either in the stream or at a pier, wharf, or mole within the confines of any port in the United States, other than in the Territory of Hawaii. If inspection is made in the stream, the ship, vessel, or other surface craft shall remain in the quarantine or inspection area until the inspector has notified the master or other responsible ship's officer, in writing, that further detention in quarantine for inspection purposes is not required. If inspection is made at a pier, wharf, or mole, the master or other responsible ship's officer shall not permit the unloading of any cargo, stores, baggage, or other personal belongings of the passengers and crew until he receives the written notification referred to above from the inspector. This inspection shall be made only between the hours of sunrise and sunset, and any ship, vessel, or other surface craft arriving after sunset shall remain at anchor in the quarantine or inspection area until inspection can be made on the following morning. *Provided;* That inspection between the hours of sunset and sunrise may be made when the inspector has been furnished advance information of the approximate hour of arrival, and the number of passengers carried, if any, and when facilities satisfactory to the inspector are provided both aboard the ship, vessel, or other surface craft and on the pier for adequate lighting and availability of stores, quarters, and baggage for inspection, as well as transportation to and from the ship, vessel, or other surface craft in the quarantine or inspection area, if necessary.

§ 301.13–9 *Disinfection of vessels.* Any ship, vessel, or other surface craft arriving from the Territory of Hawaii at a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, which is found upon inspection to contain articles subject to the quarantine and regulations in this subpart infected or infested with any of the plant pests designated in the quarantine or to be contaminated with any article or injurious insect prohibited movement by said quarantine and regulations, shall be immediately disinfected by the person in charge or possession of such ship, vessel, or other surface craft under the supervision of an inspector and in the manner prescribed by him.

§ 301.13–10 *Inspection of aircraft.* All aircraft arriving from the Territory of Hawaii at a port within the territorial limits of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States shall be subject to examination by inspectors for the purpose of ascertaining by inspection if any article or injurious insect the movement of which is prohibited by the quarantine and regulations in this subpart is contained in any such aircraft, or if any infestation from such prohibited articles remains. Except in the case of forced landings, all aircraft moving between the Territory of Hawaii and the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, shall, upon coming within the territorial limits of the continental United States, Alaska, Puerto Rico, or said Virgin Islands, land at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., with concurrence of the Plant Quarantine Branch, and shall remain there until inspected and released by the inspector. No baggage, cargo, or other articles shall be removed from the aircraft until such removal has been authorized by an inspector: *Provided*, That in the case of forced landings by such aircraft, the aircraft commander or operator shall not allow any baggage, cargo, or other articles to be removed therefrom, unless such removal is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft shall communicate with the nearest plant quarantine officer and make a full report of the circumstances of the flight and of the forced landing: *Provided further*, That aircraft proceeding from the Territory of Hawaii to or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States may, at the discretion of an inspector, be inspected immediately prior to the departure of such aircraft from the Territory of Hawaii in lieu of inspection at the port of arrival, and when such aircraft, its cargo, stores, and baggage and other personal effects of passengers and crew members have been inspected and found free of articles or insects, the movement of which is prohibited by the quarantine and regulations in this subpart, the inspector shall issue a certificate to that effect for delivery to the pilot or person in charge of the aircraft as evidence for later presentation at the port of arrival that such inspection has been made.

§ 301.13–11 *Disinfection of aircraft.* Any aircraft arriving from the Territory of Hawaii at a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, which is found upon inspection to contain articles subject to the quarantine and regulations in this subpart infested or infected with any of the plant pests designated in § 301.13 or which is found to be contaminated with any articles or injurious insects prohibited movement by said quarantine and regulations shall be immediately disinfected by or at the direction of the person in charge or possession of such aircraft, under the supervision of an inspector and in the manner prescribed by him; and any aircraft found upon inspection pursuant to the second provision in § 301.13–10 prior to its departure from the Territory of Hawaii for a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, to contain or to be contaminated with any articles or injurious insects as aforesaid, shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in a manner prescribed by him, before it will qualify for the certificate referred to in the said second proviso, in § 301.13–10.

§ 301.13–12 *Inspection of baggage and cargo.* (a) All baggage and other personal effects of passengers and members of crews on ships, vessels, other surface craft or aircraft moving from the Territory of Hawaii shall be subject to examination by an inspector to ascertain if they contain any of the articles prohibited movement by the quarantine and regulations in this subpart. Such baggage inspection shall be made, at the discretion of the inspector, on the dock or on the ship, vessel, other surface craft or aircraft while in a quarantine or inspection area, either at the port of departure in the Territory of Hawaii or at the first or any subsequent port of arrival

in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, and no baggage or other personal effects of passengers or crew members from the Territory of Hawaii shall be released until said effects have been inspected and passed. Baggage inspections will not be performed until the person in charge or possession of the carrier ship, vessel, other surface craft, or aircraft provides sufficient space and adequate facilities thereon, or on piers or landing fields for such inspection.

(b) Inspectors may require that any box, bale, crate, bundle, package, trunk, bag, suitcase, or other container, carried as ships' stores, cargo, or otherwise, by any ship, vessel, other surface craft, or aircraft moving between the Territory of Hawaii and the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, be opened for inspection to determine whether any article prohibited movement by the quarantine and regulations in this subpart is present. If any such prohibited article, including any injurious insect or any fruit or vegetable infested with plant pests, is found, the inspector may order the return of the article to the place of origin under safeguards satisfactory to him, seize and destroy it, or otherwise dispose of it or such part thereof as in his judgment is necessary to comply with the quarantine and regulations in this subpart.

(c) No cargo shall be loaded on or unloaded from any ship, vessel, other surface craft, or aircraft arriving from the Territory of Hawaii at a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, either at the first or any subsequent port of arrival where passengers are disembarked, without authorization of the inspector in charge of the inspection of passengers' baggage.

§ 301.13–13 *Posting of warning notice and distribution of baggage declarations.* (a) Before any ship, vessel, other surface craft, or aircraft from Hawaii arrives within the boundaries of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, the master, or other responsible officer thereof, shall cause to be distributed to each adult passenger thereon a baggage declaration[3] to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, and the quarantine and regulations in this subpart. These baggage declarations shall be executed and signed by the passengers and shall be collected and delivered by the master or other responsible officer of the ship, vessel, other surface craft, or aircraft, to the inspector on arrival at the quarantine or inspection area: *Provided*, That in the case of aircraft inspected and certified as set forth in the second proviso of § 301.13–10 no baggage declarations will be required.

(b) Every person owning or controlling any dock, harbor, or landing field in Hawaii from which ships, vessels, other surface craft, or aircraft leave for ports in the continental United States, Alaska, or the Virgin Islands of the United States shall post, and keep posted at all times, in one or more conspicuous places in passenger waiting rooms on or in said dock, harbor, or landing field a warning notice directing attention to the quarantine and regulations in this subpart.[3] Every master, or other responsible officer of any ship, vessel, other surface craft, or aircraft leaving Hawaii destined to a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States shall similarly post, and keep posted at all times, such a warning notice in the ship, vessel, other surface craft, or aircraft under his charge.

§ 301.13–14 *Shipments for experimental or scientific purposes.*—(a) *Articles for experimental or scientific purposes.* Regulated articles, other than live insects of the species designated in § 301.13 or other notoriously injurious insects in a live state, may be moved by the United States Department of Agriculture for experimental or scientific purposes on such conditions as may be prescribed by the Chief of the Plant Quarantine Branch. The container of articles so moved shall bear an identifying tag from the Plant Quarantine Branch.

(b) *Insects for scientific purposes.* Live insects of the species designated in § 301.13 or other notoriously injurious insects in a live state, in any stage of development, may be mailed, shipped, transported, delivered, or removed from the Territory of Hawaii to the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, for scientific purposes only under conditions prescribed by the Chief of the Plant Quarantine Branch. The container of live insects so moved shall bear an identifying tag from the Chief of the Plant Quarantine Branch.

This amendment of the quarantine and regulations shall be effective on and after February 12, 1954, and shall supersede the quarantine and regulations effective June 24, 1948, as amended effective July 17, 1950, June 27, 1953, and July 20, 1953. Administrative instructions issued by the Chief of the former Bureau of Entomology and Plant Quarantine under the regulations, effective March 9, 1950 and February 18, 1953 (B. E. P. Q. 585 and B. E. P. Q. 592, 7 CFR Supp. 301.13–4a, 301.13–4b) are unaffected by this amendment.

This amendment makes the Hawaiian Fruits and Vegetables Quarantine and regulations thereunder applicable to the movement, of the products and insects regulated thereby, from Hawaii to the Virgin Islands of the United States and specifies the continental United States, Alaska, and Puerto Rico as the other areas to which such movement is regulated by the quarantine and regulations. Certain other formal changes are made in the quarantine and regulations for clarity and consistency.

[3] Form No. EQ–132.

[3] An acceptable warning notice appears on Form EQ–132.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54–190; Filed, Jan. 11, 1954; 8:50 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SUGARCANE

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Sugarcane Quarantine (7 CFR 301.16) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6244) concerning the proposed amendment of the said quarantine. After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, the Sugarcane Quarantine (7 CFR 301.16) is hereby amended to read as follows:

§ 301.16 *Notice of quarantine.* (a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States of certain dangerous plant diseases and insect infestations of sugarcane, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of dangerous plant diseases and insect infestations of sugarcane found in said Virgin Islands and new to and not widely prevalent or distributed within and throughout the United States, including the sugarcane root borer, Diaprepes abbreviatus (L.), and the gummosis disease, Xanthomonas vasculorum (Cobb) Dowson.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of said dangerous plant diseases and insect infestations of sugarcane.

(c) No canes of sugarcane, or cuttings or parts thereof, or sugarcane leaves, or bagasse, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not apply to the movement of such products from the Virgin Islands of the United States to Puerto Rico; nor prohibit the movement of such products

by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement of specific products which the Department may authorize under permit, on condition that they are to be so treated, processed, or manufactured and so handled in connection with such treatment, processing, or manufacture, that, in the judgment of the Department their movement will involve no pest risk, or under certificate issued by the Department that they have been thus treated, processed, or manufactured; *Provided, further,* That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of one or more of the products to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective on and after February 12, 1954, and shall supersede the quarantine effective January 1, 1935.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment of the Sugarcane Quarantine is issued to protect against the spread of certain pests of sugarcane occurring in the Virgin Islands of the United States to other parts of the United States and to protect the Virgin Islands from such pests occurring in Hawaii and Puerto Rico. The amendment also authorizes the issuance of administrative instructions making the requirements of the Quarantine less stringent under certain circumstances.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-193; Filed, Jan. 11, 1954; 8:51 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SWEETPOTATOES

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Sweetpotato Quarantine (7 CFR 301.30) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6244) concerning the proposed amendment of the said quarantine. After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, the Sweetpotato Quarantine (7 CFR Supp. 301.30) is hereby amended to read as follows:

§ 301.30 *Notice of quarantine.* (a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.), dangerous insect infestations new to and not widely prevalent or distributed within or throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee from said Virgin Islands.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.).

(c) No variety of sweetpotatoes (Ipomoea batatas Poir.) shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided,* That the prohibitions of this section shall not apply to the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands of the United States; nor prohibit the movement of sweetpotatoes by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement from Puerto Rico or the Virgin Islands of the United States of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such northern ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes under the supervision of an inspector of said Branch either in Puerto Rico or the Virgin Islands of the United States or at the designated port of arrival, in a manner approved by the said Chief: *Provided further,* That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of sweetpotatoes or any classification thereof to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective February 12, 1954, and shall supersede the quarantine effective October 10, 1934.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment of the Sweetpotato Quarantine is issued to protect against the spread of certain pests of sweetpotatoes occurring in the Virgin Islands of the United States to other parts of the United States and to protect the Virgin Islands against such pests occurring in Hawaii. The amendment also authorizes the issuance of administrative instructions making the requirements of the Quarantine less stringent under certain circumstances.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-191; Filed, Jan. 11, 1954; 8:50 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES FROM PUERTO RICO OR VIRGIN ISLANDS

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the quarantine and regulations relating to fruits and vegetables from Puerto Rico (7 CFR Supp. 301.58, 301.58-1 et seq.) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6244) concerning the proposed amendment of said quarantine and regulations to include the Virgin Islands of the United States and to make other changes and the redesignation of the Subpart "Puerto Rican Fruits and Vegetables" in 7 CFR Part 301, containing said quarantine and regulations, as Subpart "Fruits and Vegetables from Puerto Rico or Virgin Islands." After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, the Subpart "Puerto Rican Fruits and Vegetables" is hereby redesignated as Subpart "Fruits and Vegetables from Puerto Rico or Virgin Islands" and the aforesaid quarantine and regulations are amended to read, respectively, as follows:

QUARANTINE

RULES AND REGULATIONS

AUTHORITY: §§ 301.58 to 301.58–14 issued under secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162. Interpret or apply sec. 1, 33 Stat. 1269; 7 U. S. C. 141.

QUARANTINE

§ 301.58 *Notice of quarantine.* (a) The Secretary of Agriculture having previously quarantined Puerto Rico to prevent the spread to other parts of the United States of certain dangerous insect infestations, including the fruit flies, Anastrepha suspensa (Leow) and A. mombinpraeoptans Sein, and the bean pod borer, Maruca testulalis (Geyer), not heretofore widely prevalent or distributed within and throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of such dangerous insects from said Virgin Islands.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Puerto Rico and the Virgin Islands of the United States to prevent the spread of said dangerous insect infestations.

(c) No fruits or vegetables, in the raw or unprocessed state, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Puerto Rico or the Virgin Islands of the United States into or through Alaska, Hawaii, or the continental United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of one or more of the products to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective.

(d) No restrictions are placed hereby on the movement of fruits or vegetables in either direction between Puerto Rico and the Virgin Islands of the United States.

(e) This section leaves in full force and effect § 301.30 which restricts the movement from Hawaii, Puerto Rico, and the Virgin Islands of the United States into any of the States or certain Territories or Districts of the United States of all varieties of sweetpotatoes (Ipomoea batatas Poir.).

RULES AND REGULATIONS

§ 301.58–1 *Definitions*—(a) *Fruits and vegetables.* The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) *Plant litter.* Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) *Inspector.* An inspector of the Plant Quarantine Branch, United States Department of Agriculture.

(d) *Moved (movement and move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Puerto Rico or the Virgin Islands of the United States into or through Alaska, Hawaii, or the continental United States. ("Movement" and "move" shall be construed accordingly.)

§ 301.58–2 *Fruits and vegetables the movement of which is prohibited.* Movement of fruits of mango (Mangifera spp.), jobo (Spondias spp.), guava (Psidium guajava), and pomarrosa or rose apple (Eugenia jambos), and all other fruits and vegetables for which movement is not authorized in § 301.58–3, is prohibited: *Provided*, That any fruit or vegetable the movement of which is thus prohibited may be removed from a prohibited status and included in the list for which movement is authorized in § 301.58–3, by administrative instructions issued by the Chief of the Plant Quarantine Branch when evidence satisfactory to him is obtained that the movement of the product in question, either subject to a specified treatment, or as packed and shipped, will not result in the dissemination of injurious insects.

§ 301.58–3 *Fruits and vegetables the movement of which is authorized.*[1] (a) Subject to the conditions and limitations noted herein, and to such treatment as is herein or may hereafter be prescribed by the Chief of the Plant Quarantine Branch, the following fruits and vegetables may be moved when such fruits or vegetables are free from plant litter, are marked in compliance with § 301.58–6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or to have been given prescribed treatment:

String beans, lima beans, faba beans, and pigeonpeas, in the pod, will be certified for movement only when they have been treated as prescribed by the Chief of the Plant Quarantine Branch and under the supervision of an inspector, except that movement of these articles to Baltimore, Maryland, and Atlantic Coast ports north thereof will be allowed under certification but without such treatment.

Citrus fruits (orange, grapefruit, lemon, citron, and lime).

Corn (sweet corn on cob).

Peppers.

(b) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of this subpart, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (Hymenaea courbaril).
Allium spp. (onion, chive, garlic, leek, scallion, shallot).
Anise (Pimpinella anisum).
Aplo, celery root (Arracacia xanthorrhiza).
Arrowroot (Maranta arundinacea).
Artichoke, Jerusalem (Helianthus tuberosus).
Asparagus.
Avocado.
Balsamapple, balsam-pear (Momordica balsamina; M. charantia).
Banana and plantain (fruit).
Banana leaves (fresh, without stalks or midrib).
Beans (fresh shelled lima and faba beans).
Beet, including Swiss chard.
Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).
Breadfruit, jackfruit (Artocarpus spp.).
Cacao bean (Theobroma cacao).
Carrot.
Celery.
Chayote (Sechium edule).
Chicory, endive (Cichorium intybus).
Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.
Cucumbers, including Angola cucumber (Sicania odorata).
Culantro, coriander (Eryngium foetidum; Coriandrum sativum).
Dasheen, malanga, taro (Colocasia and Caladium spp.).
Eggplant.
Fennel.
Ginger root (Zingiber officinale).
Horseradish (Armoracia).
Kudzu (Pueraria thunbergiana).
Lerens, sweet corn root (Calathea allouia).
Lettuce.
Mangosteen (Garcinia mangostana).
Mustard greens.
Palm hearts.
Papaya, lechosa (Carica papaya).
Parsley.
Parsnip.
Peas (in pod) (Pisum sativum).
Pigeonpea (fresh shelled).
Pineapple.
Potato.

[1] The following are not considered raw or unprocessed fruits and vegetables within the meaning of § 301.58 (B. E. P. Q.—Q. 58, revised): Coconuts, breadnuts, dried peas and beans, dried seeds, dried or cured medicinal plants and herbs, anatto seeds (achiote), gourd (higuero), cannon-ball fruit (Couroupita guianensis), and cut flowers.

Quenepa (Melicocca bijuga).
Radish.
Rhubarb.
Rutabaga.
Spinach.
Squash, pumpkin, watermelon, vegetable marrow, cantaloup, calabaza.
Strawberry.
Tamarind beanpod (Tamarindus indica).
Tomato.
Turnip.
Watercress.
Waterlily root, lotus root (Nelumbium nelumbo).
Yam, fiame (Dioscorea spp.).
Yautia, tanier (Xanthosoma spp.).
Yuca, cassava (Manihot esculenta).

§ 301.58–4 *Application for inspection.* Persons intending to move any of the fruits or vegetables for which certification is required under § 301.58–3 shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the fruits or vegetables which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Plant Quarantine Branch.

§ 301.58–5 *Certification of shipments.* (a) Fruits and vegetables for which certification is required under § 301.58–3 shall not be moved by ship, vessel, aircraft, or otherwise, unless each shipment is accompanied by a certificate issued by an inspector showing that such fruits or vegetables have been inspected and pronounced free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or that the required treatment has been given. Copies of inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

(b) No charge will be made for the inspector's service in inspection and certification, but all costs for labor, cartage, storage, packing and unpacking, and other expenses incidental to inspection shall be borne by the shipper. Applicants for inspection shall place the fruits or vegetables to be inspected so that they can be readily examined; if not so placed, inspection will be refused.

§ 301.58–6 *Marking of containers.* No fruits or vegetables for which certification is required under § 301.58–3 shall be moved unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

§ 301.58–7 *Fruits and vegetables as ships' stores or in the possession of passengers and crew.* The movement of fruits and vegetables is permitted from Puerto Rico or the Virgin Islands of the United States as ships' stores or in the possession of passengers and crew on ships, vessels, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States: *Provided,* That all such products shall upon arrival in Hawaii, Alaska, or the continental United States be submitted for inspection and disposition as provided in §§ 301.58–8 and 301.58–11, and (a) they must be free from infestation with injurious insects; (b) those fruits and vegetables not listed in § 301.58–3 shall not be landed; (c) prohibited fruits and vegetables retained aboard shall be subject to the safeguards provided in § 352.8 of this chapter.

§ 301.58–8 *Inspection of vessels.* Inspectors are authorized to enter upon ships, vessels, and aircraft from Puerto Rico or the Virgin Islands of the United States at any time after they come within the territory or territorial waters of any other State, Territory, or District of the United States, whether in the stream or at the dock, wharf, mole, or landing field for the purpose of ascertaining by inspection whether any of the fruits and vegetables covered by this subpart are contained in such ships, vessels, or aircraft as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.

§ 301.58–9 *Disinfection of vessels.* Disinfection under the direction of and in the manner prescribed by the inspector of any ship, vessel, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States upon arrival at the dock, wharf, mole, or landing field may be required if the ship, vessel, or aircraft is found to contain or to be contaminated with any of the fruits or vegetables infested with injurious insects. Such disinfection shall be performed by the person having charge or possession of the ship, vessel, or aircraft and at a place satisfactory to the inspector. When such ship, vessel, or aircraft has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession thereof a certificate to that effect.

§ 301.58–10 *Inspection of cargo.* Inspectors are authorized to ascertain by inspection of the cargo of any ship, vessel, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States at the port of first arrival, that each lot or shipment moving under certification agrees in nature and amount with the certificate, and that all shipments of fruits and vegetables for which a certificate is required are duly certified; to determine, in the case of fruits and vegetables the movement of which is not authorized, if infestation is present; and to require for such unauthorized shipments safeguards, treatment, return, or destruction, as may be necessary to prevent the dissemination of injurious insects.

§ 301.58–11 *Inspection of personal belongings.* Inspectors are authorized to inspect the baggage and other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States, in order to determine whether they contain products prohibited or restricted movement by this subpart, and if infested or unauthorized products are found, to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by the § 301.58. The inspector shall designate whether such inspection shall be made at the port of departure in Puerto Rico or the Virgin Islands of the United States or at the port of debarkation within any other State, Territory, or District of the United States and no such baggage or personal belongings of passengers or crew shall be removed from the dock, airport, or landing field at the port where the inspection is to be made until the same have been inspected and passed by an inspector. The inspection provisions of this section are not applicable to the personal belongings of passengers and crews moving only in either direction between Puerto Rico and the Virgin Islands of the United States.

§ 301.58–12 *Parcel post inspection.* Inspectors are authorized to inspect, with the cooperation of the United States Post Office Department, parcel post packages placed in the mails in Puerto Rico or the Virgin Islands of the United States, to determine whether such packages contain fruits or vegetables the movement of which is not authorized under this subpart, to examine fruits and vegetables so found for insect infestation, and to notify the postmaster in writing of any violation of this subpart in connection therewith.

§ 301.58–13 *Movement by the Department of Agriculture.* The quarantine and regulations in this subpart shall not apply to movement of fruits and vegetables from Puerto Rico or the Virgin Islands of the United States by the United States Department of Agriculture for experimental or scientific purposes.

§ 301.58–14 *Special provisions for preflight inspection in Puerto Rico or the Virgin Island of aircraft, cargo, etc.* Notwithstanding any other provisions in the regulations in this subpart, any aircraft proceeding from Puerto Rico or the Virgin Islands of the United States to or through Alaska, Hawaii, or the continental United States, and its cargo and stores, and the baggage and other personal belongings of its passengers and crew members, may at the discretion of an inspector, be inspected as provided in this section immediately prior to the departure of such aircraft from Puerto Rico or the Virgin Islands of the United States, in lieu of inspection at port of debarkation, and the provisions of §§ 301.58–4 and 301.58–6 through 301.58–11 shall not apply to such aircraft, cargo, stores, baggage, and personal belongings which are so inspected. When such aircraft, cargo, stores, baggage, and personal belongings have been so inspected and found free of dangerous insects and products, the movement of which is prohibited by § 301.58 and the regulations in this subpart, the inspector shall issue

a certificate to that effect, for delivery to the aircraft commander, as evidence, for later presentation at the port of debarkation, that such inspection has been made. Any aircraft found upon such preflight inspection to contain or to be contaminated with any such insects or products shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in manner prescribed by him, before it will qualify for such a certificate. When, for any other reason, in the judgment of the inspector a hazard of spread of dangerous insects is presented in the movement of aircraft to be given preflight inspection, disinfection of such aircraft, by the inspector or, under his supervision, by the person in charge or possession of the aircraft, may be required by the inspector before the aircraft will qualify for such a certificate. Products authorized movement in § 301.58-3 must be inspected and certified, or otherwise approved by the inspector for movement, before being taken aboard any aircraft as cargo, stores, baggage, or otherwise, when such aircraft is to be given preflight inspection, and must in other respects comply with the requirements of §§ 301.58-3 and 301.58-5 except insofar as contrary provision is made in this section. The inspection provisions of this section are not applicable to the movement of aircraft, cargo, stores, and personal belongings of passengers and crews moving in either direction only between Puerto Rico and the Virgin Islands of the United States.

This amendment shall be effective February 12, 1954, and shall supersede the quarantine and regulations effective January 22, 1941, as amended effective January 26, 1949 and December 7, 1949.

The foregoing amendment is issued to protect against the spread of certain pests of fruits and vegetables occurring in the Virgin Islands of the United States to other parts of the United States. The amendment also relieves certain restrictions on the movement to Baltimore, Maryland, and certain north Atlantic ports of string beans, lima beans, faba beans, and pigeonpeas, and adds horseradish to the list of products free to move without certification unless found upon inspection to be infested. Minor changes for clarity and consistency are also made by the amendment.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-195; Filed, Jan. 11, 1954; 8:51 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SAND, SOIL, OR EARTH, WITH PLANTS FROM TERRITORIES AND INSULAR POSSESSIONS

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the quarantine covering sand, soil, or earth, with plants from Hawaii and Puerto Rico (7 CFR 301.60) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6245) concerning the proposed amendment of the said quarantine to include the Virgin Islands of the United States and to make other changes and the redesignation of the subpart "Sand, Soil, or Earth, with Plants from Hawaii and Puerto Rico" in 7 CFR Part 301, containing said quarantine, as "Sand, Soil, or Earth, with Plants from Territories and Insular Possessions." After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making, and under the authority of sections 8 and 9 of said Plant Quarantine Act, the subpart "Sand, Soil, or Earth, with Plants from Hawaii and Puerto Rico" is hereby redesignated as subpart "Sand, Soil, or Earth, with Plants from Territories and Insular Possessions" and the aforesaid quarantine is amended to read as follows:

§ 301.60 *Notice of quarantine.* (a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States, by means of sand, soil, or earth about the roots of plants, of immature stages of certain dangerous insects, including Phyllophaga spp. (White grubs), Phytalus sp., and Adoretus sp., and of several species of termites or white ants, new to and not heretofore widely prevalent or distributed within and throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of such dangerous insects from said Virgin Islands.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of said dangerous insects.

(c) Sand (other than clean ocean sand), soil, or earth around the roots of plants shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not apply to the movement of such products in either direction between Puerto Rico and the Virgin Islands of the United States; *Provided further*, That such prohibitions shall not prohibit the movement of such products by the United States Department of Agriculture for scientific or experimental purposes, nor prohibit the movement of sand, soil, or earth around the roots of plants which are carried, for ornamental purposes, on vessels into mainland ports of the United States and which are not intended to be landed thereat, when evidence is presented satisfactory to the inspector of the Plant Quarantine Branch of the Department of Agriculture that such sand, soil, or earth has been so processed or is of such nature that no pest risk is involved, or that the plants with sand, soil, or earth around them are maintained on board under such safeguards as will preclude pest escape: *And provided further*, That such prohibitions shall not prohibit the movement of plant cuttings or plants that have been (1) freed from sand, soil, and earth, (2) subsequently potted and established in sphagnum moss, or other packing material approved under § 319.37-16 that had been stored under shelter and had not been previously used for growing or packing plants, (3) grown thereafter in a manner satisfactory to an inspector of the Plant Quarantine Branch to prevent infestation through contact with sand, soil, or earth, and (4) certified by an inspector of the Plant Quarantine Branch as meeting the requirements of subparagraphs (1), (2), and (3) of this paragraph.

(d) As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective February 12, 1954, and shall supersede the quarantine effective September 1, 1936.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment is issued to protect against the spread of certain plant pests occurring in the Virgin Islands to other parts of the United States and to protect the Virgin Islands against such pests occurring in Hawaii. It also relieves requirements by authorizing the certification for movement of plant cuttings or plants that have been handled and grown under specified conditions.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-194; Filed, Jan. 11, 1954; 8:51 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—CITRUS CANKER DISEASE FROM HAWAII

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Hawaiian Citrus Nursery Stock Quarantine contained in the Subpart "Citrus Canker Disease From Hawaii" (7 CFR 301.75) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6246) concerning the

proposed amendment of said quarantine. After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, said Subpart "Citrus Canker Disease From Hawaii" is hereby amended to read as follows:

§ 301.75 *Notice of quarantine.* (a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture has determined that it is necessary to quarantine Hawaii to prevent the spread to other parts of the United States of a dangerous plant disease (Xanthomonas citri (Hasse) Dowson), and other dangerous citrus plant diseases, new to and not widely prevalent or distributed within and throughout the United States, and said Secretary has quarantined Hawaii because of said diseases.

(b) No plants or any plant parts, except fruits and seeds, of any genus, species, or variety of the subfamilies Aurantioideae, Toddalioideae, or Rutoideae of the botanical family Rutaceae shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, except that this subpart shall not prohibit the movement of such plants or plant parts for experimental or scientific purposes by the United States Department of Agriculture, upon such conditions and under such requirements as may be prescribed by the Chief of the Plant Quarantine Branch.

This amendment shall be effective February 12, 1954, and shall supersede the quarantine effective September 15, 1947.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment is issued to protect the Virgin Islands of the United States against certain citrus pests occurring in Hawaii.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-192; Filed, Jan. 11, 1954; 8:50 a. m.]

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

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION APPORTIONING NATIONAL MARKETING QUOTAS FOR 1954-55 MARKETING YEAR AMONG THE SEVERAL STATES

The purpose of this proclamation is to apportion among the several States the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1954-55 marketing year proclaimed on November 27, 1953 (18 F. R. 7653). The findings and determinations contained herein have been made on the basis of the latest available statistics of the Federal Government and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (18 F. R. 6592) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

Since fire-cured, dark air-cured, and Virginia sun-cured tobacco growers are now purchasing fertilizer and otherwise planning their 1954 farm operations, it is imperative that they be notified as soon as possible of their 1954 farm acreage allotment and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest, and that the amendments made herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

1. Section 726.502 is hereby amended by adding the following new paragraph:

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	19,468
Tennessee	21,110
Virginia	9,581
Reserve[1]	252

[1] Acreage reserved for establishing allotments for farms upon which no fire-cured tobacco has been grown during the past five years.

2. Section 726.503 is hereby amended by adding the following new paragraph:

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	17,682
Tennessee	2,830
Indiana	78
Missouri	1
Reserve[1]	103

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

3. Section 726.504 is hereby amended by adding the following new paragraph:

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota proclaimed in paragraph (d) of this section, less 31,000 pounds reserved for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 6,104 acres. Likewise, the reserve of 31,000 pounds for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years is hereby converted into 30 acres.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 7th day of January 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ROSS RIZLEY,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-188; Filed, Jan. 11, 1954; 8:50 a. m.]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1954 CROP

GENERAL

IDENTIFICATION AND MEASUREMENT OF FARMS

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

MARKETING CARDS AND MARKETING CERTIFICATES

IDENTIFICATION OF WHEAT

PENALTY

Sec.
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728.478 Payment of penalties by buyers.
728.479 Remittance of penalties to the treasurer of the county commitee.
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REPORTS AND RECORDS

728.486 Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or other processors and buyers other than intermediate buyers.
728.487 Records to be kept and reports to be made by intermediate buyers.
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SPECIAL PROVISIONS AND EXEMPTIONS

728.493 Farms on which the acreage planted is not in excess of 15 acres.
728.494 Farms on which the normal production of the wheat acreage is less than 200 bushels.
728.495 Experimental wheat farms.
728.496 Redelegation of authority.

AUTHORITY: §§ 728.450 to 728.496 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331-339, 362-368, 372-376, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1331-1339, 1362-1368, 1372-1376.

GENERAL

§ 728.450 *Basis and purpose.* The regulations contained in §§ 728.450 to 728.496, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat is planted, to farms on which the normal production of the acreage planted is less than 200 bushels, and to wheat produced by publicly-owned experiment stations. Prior to preparing §§ 728.450 to 728.496, inclusive, public notice (18 F. R. 6711) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (60 Stat. 237), and a draft of the regulations which were being considered for issuance were set out in full in the notice. The data, views, and recommendations submitted by persons interested in the regulations in this subpart have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.451 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means the several committees defined as follows:

(1) "State Committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service.

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

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

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) "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 operations of the ASC county office, or the person acting in such capacity.

(h) "Landlord or owner" means a person who owns land.

(i) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

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

(l) "Producer or farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1954 wheat crop or of the proceeds thereof.

(m) "Buyer" means a person who buys wheat.

(n) "Transferee" means a person who acquires wheat from a producer or any other person by barter, exchange or gift.

(o) "Intermediate buyer" means any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed either (1) to a warehouseman, elevator operator, feeder, or processor, or (2) to any other grain dealer who the county or State committee finds conducts his business in a manner substantially the same as a warehouseman or elevator operator.

(p) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, determines is operated by the same person as part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; 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 or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(q) "Farm acreage allotment" means that wheat acreage allotment established for the farm under §§ 728.410 to 728.424 as published in the FEDERAL REGISTER under date of June 3, 1953 (18 F. R. 3161).

(r) (1) "Wheat acreage" means (i) any acreage seeded to wheat, excluding any acreage (*a*) seeded to a wheat mixture in wheat mixture counties approved by the Director, or (*b*) used as green manure, cover crop or hay in green manure, cover crop, and hay counties approved by the Director or in counties designated in June 1953 and thereafter by the President as drought disaster counties under Public Law 875, 81st Congress, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity.

(2) Acreage seeded to wheat will not be considered as an acreage of wheat for the farm to the extent that (i) it has been totally destroyed by any cause beyond the control of the producer and cannot be reseeded, and (ii) an additional acreage of wheat, subsequently seeded with prior approval of the county

committee, or an acreage of volunteer wheat, with approval of the county committee, or both, is substituted for the destroyed acreage.

(s) "Green manure, cover crop, and hay" wheat means wheat seeded which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage.

(t) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch, Austrian winter peas, Rough peas, and flax) containing, when seeded, less than 50 percent by weight of wheat and which when harvested produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

(u) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess wheat acreage for any farm on which (1) the wheat acreage does not exceed 15 acres, (2) the normal yield times the wheat acreage is less than 200 bushels, or (3) the wheat is grown for experimental purposes only by a publicly owned experiment station.

(v) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.453.

(w) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1954 by the 1954 wheat acreage on the farm.

(x) "Normal production" of any number of acres means the normal yield of wheat for the farm times such number of acres.

(y) "Actual production" of any number of acres means the actual yield of wheat per acre for the farm times such number of acres.

(z) "Farm marketing quota" means the wheat marketing quota established under the act for the farm for the 1954 crop.

(aa) "Farm marketing excess" means the amount of wheat determined for any farm under § 728.459 or § 728.461, whichever is applicable.

(bb) "Marketing year" means the period beginning July 1, 1954, and ending June 30, 1955, both dates inclusive.

(cc) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of.

(1) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift.

(2) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service, or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(3) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(dd) "Penalty" means the penalty provided in paragraph (2) of Public Law No. 74, 77th Congress, as amended by section 3 of Public Law No. 117, 83d Congress.

(ee) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

§ 728.452 *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 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 for Production Adjustment Commodity Stabilization Service.

§ 728.453 *Normal yields*—(a) *Farms for which normal yields will be determined.* The Secretary, through the county committee, will determine a normal yield for each farm for which a farm marketing excess is determined for the 1954 crop or for which a request is made to the county committee by the operator prior to seeding.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are presented by the farmer or are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) *Appraised yields.* If for any year of such 10-year period records of the actual average yield are not available, or there was no actual yield, the normal yield per acre of wheat for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yields in years for which data were available. Where the normal yield for the county is not considered representative of the normal yield for the farm, the county committee in appraising the normal yield for the farm shall take into consideration in lieu thereof the yields obtained on farms in the same locality which are similar with respect to type of soil, typography, and farming practices associated with the production of wheat.

IDENTIFICATION AND MEASUREMENTS OF FARMS

§ 728.454 *Identification of farms.* Each farm as operated for the 1954 crop of wheat shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1954 crop of wheat shall be identified by the farm serial number.

§ 728.455 *Measurements of farms.* The county committee shall provide for measuring each wheat farm in the county in accordance with the procedure approved for use by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 728.456 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the wheat acreage.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.457 *Marketing quotas in effect.* Marketing quotas for the 1954 crop of wheat shall be applicable to any wheat of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 728.458 *Farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of wheat shall be that number of bushels of wheat produced less the amount of the farm marketing excess for the farm.

§ 728.459 *Farm marketing excess*—(a) *Where measurements are made.* The farm marketing excess for the 1954 crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor. The farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

(b) *Where measurements cannot be made.* Whenever the determination of the wheat acreage in excess of the allotment for any farm is prevented by the producer, the farm marketing excess shall be the total number of bushels produced in 1954 on the farm. In the event the producer establishes, in accordance with § 728.461, the total number of bushels of wheat produced in 1954 on the farm, the farm marketing excess shall be the number of bushels of wheat produced in 1954 on the farm in excess of the normal production of the farm acreage allotment therefor.

§ 728.460 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1954 wheat crop produced or to be produced on the farm. Each notice shall contain a brief statement of the

procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1954 on the farm for which the notice is given. Each notice shall be on a form prescribed by the Director and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 728.461 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1954 on any farm for which there is a farm marketing excess may, within 60 days after the threshing of wheat is normally substantially completed in the county in which the farm is situated, apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1954 on the farm. The date on which the threshing of wheat is normally substantially completed in the county shall be determined by the State committee taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice showing the result of the determination made as aforesaid shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 728.462 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 728.463 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 728.464 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat.

§ 728.465 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ–51) as issued by the Secretary (Part 711 of this chapter).

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.466 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Wheat (1954)) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.477 or § 728.478, (3) the farm marketing excess is stored, as provided in § 728.482, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 728.483. Each marketing card shall be serially numbered and shall show the names of the State and county and code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the countersignature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the countersignature cannot be made.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided the farm serial numbers of all such farms are entered on the marketing card and the producer is eligible to receive a marketing card or marketing certificate on each farm in the county in which he has an interest in the wheat crop. The other producers on a farm for which the multiple farm pro-

ducer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the act.

§ 728.467 *Issuance of marketing certificates.* The county office manager or his designee shall, upon request, issue a marketing certificate, Form MQ–94—Wheat (1954), to any producer (a) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, or (b) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 728.477 (c). Each marketing certificate shall show the name and address of the producer to whom issued, the names of the State and county and the code number thereof and the serial number for the farm, the serial number of the marketing card assigned to the producer for the farm, the signature of the county office manager or his designee, the name of the buyer or transferee, the number of bushels of wheat involved in the transaction, and the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office.

§ 728.468 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cause to be canceled such marketing card or marketing certificate and instruct the county office manager to give notice to the producer to whom the marketing card or marketing certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card or marketing certificate was issued, it shall cause to be issued to or for him a marketing card or marketing certificate to replace the lost, destroyed or stolen marketing card or marketing certificate. Each marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or marketing certificate is canceled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, elevator operators, or warehousemen who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is canceled and of the issuance of any duplicate. Any person coming into possession of a canceled marketing card or marketing certificate shall immediately return it to the ASC county office from which it was issued.

§ 728.469 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be canceled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.468 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Canceled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is canceled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

IDENTIFICATION OF WHEAT

§ 728.470 *Time and manner of identification.* Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty and the lien for the penalty.

§ 728.471 *Identification by marketing card.* A marketing card (MQ–76—Wheat (1954)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.472 *Identification by marketing certificate.* A marketing certificate (MQ–94—Wheat (1954)), properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.473 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Wheat (1954)), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.486 (d) and 728.487, shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Wheat (1954) shows the serial number of the marketing card or marketing certificate by which the wheat was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Wheat (1954) bears the endorsement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

§ 728.474 *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in §§ 728.471, 728.472 or 728.473 shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.475.

PENALTY

§ 728.475 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1, 1954.

§ 728.476 *Lien for penalty.* The entire amount of wheat produced in 1954 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with §§ 728.482, 728.483, 728.477, or 728.478, store the farm marketing excess or deliver it to the Secretary or until the amount of the penalty is paid.

§ 728.477 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1954 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the

penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the threshing of wheat is normally substantially completed in the county in which the farm is situated, as determined by the State committee in accordance with § 728.461 (a): *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.483 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.482 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.482 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.482 or § 728.483, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced in 1954 on the farm bears to the total amount of wheat produced in 1954 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.482 or § 728.483, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates, issued in accordance with § 728.467, to be used by him only in the marketing of his proportionate share of the wheat crop produced in 1954 on the farm.

§ 728.478 *Payment of penalties by buyer*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Wheat (1954)) or a marketing certificate (MQ–94—Wheat (1954)) as prescribed in §§ 728.471 and 728.472.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Wheat (1954), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of marketing card or marketing certificate by which the wheat covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the wheat is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on MQ–95—Wheat (1954), and, in all other cases, on MQ–81—Wheat (1954).

§ 728.479 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary, shall receive the penalty and issue to the person remitting the penalty a receipt therefor. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt, Form MQ–82—Wheat (1954), issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall, in addition to issuing a receipt therefor on Form MQ–82—Wheat (1954), show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Wheat (1954), the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 728.480 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county association bank account and issue a check in the amount thereof, payable to the order of the Treasurer of the United States. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted.

§ 728.481 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat and the penalty due. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess wheat and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the

Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 728.482 *Stored farm marketing excess*—(a) *Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.459 or § 728.461, whichever is applicable.

(b) *Storage of excess wheat.* Stored excess wheat shall be kept in a place adapted to the storage of wheat. The wheat so stored shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers, or employees of the State or county committees.

(c) *Deposit of warehouse receipts in escrow.* The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall, except as provided in paragraph (d) or (e) of this section, be effective when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a nonnegotiable receipt as to which the warehouseman or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the penalty with respect to wheat covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.

(d) *Bond of indemnity.* The storage of excess wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the wheat and either (1) as sureties by two persons who are not producers on the farm each owning real property situated within the county with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producers on the farm prevent the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be cancelled or released.

(e) *Deposit of funds in escrow.* The storage of wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. The treasurer of the county committee shall issue a receipt to the person who tenders such funds which shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b) and (c), (d), or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.477 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.459 or § 728.461, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee, and (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the wheat acreage on any farm for the 1955 or subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. The acreage planted to wheat for the purpose of this paragraph shall be the acreage planted to wheat, plus the acreage of volunteer wheat, classified as wheat acreage for the crop in accordance with the instructions of the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever the actual production of wheat in 1955 or any subsequent year on any farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage, without penalty, any wheat so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment,

less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of wheat produced on the farm in that year. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop planted on the farm.

§ 728.483 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.459 or § 728.461, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose in accordance with instructions issued by Deputy Administrator for Production Adjustment, Commodity Stabilization Service, and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipts for the amount of the wheat, or (2) where the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, or Federal or State wildlife refuge project.

§ 728.484 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 728.485 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty or to remit the same as provided in this subpart when collected. It shall be the duty of the State committee to report each such case in writing to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 728.486 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or processors, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1954)), or marketing certificate (MQ–94—Wheat (1954)), or intermediate buyer's record and report (MQ–95—Wheat (1954)), by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1954)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the Secretary or his authorized representatives, and by members of the State or county committees or their officers or employees, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 728.450 to 728.496, or of obtaining the information required to be furnished in any report pursuant to §§ 728.450 to 728.496 but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Wheat (1954) which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty or the lien for the penalty.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer who purchases any wheat from the producer or intermediate buyer thereof which is not identified at the time the wheat is purchased in the manner provided in §§ 728.471, 728.472, and 728.473, shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Wheat (1954) and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of the wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ–81—Wheat (1954) shall be executed in triplicate. The person who executes MQ–81—Wheat (1954) shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ–76—Wheat (1954) as provided in § 728.471, or MQ–94—Wheat (1954) as provided in § 728.472, or MQ–95—Wheat (1954) as provided in § 728.473, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports.* Whenever wheat is identified by the intermediate buyer's record and report (MQ–95—Wheat (1954), executed in accordance with § 728.487, the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat.

(e) *Records in connection with wheat identified by marketing certificates.* Whenever wheat is identified by a marketing certificate (MQ–94—Wheat (1954)), the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted, not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the wheat was produced

§ 728.487 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of the act.

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Wheat (1954)) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired, (2) the names of the county and State in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Wheat (1954. One copy of MQ–95—Wheat (1954) so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of MQ–95—Wheat (1954) so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever wheat is identified by a marketing certificate (MQ–94—Wheat (1954)), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Wheat (1954) to be delivered to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, who finally acquires the wheat covered by MQ–95—Wheat (1954) and marketing certificate MQ–94—Wheat (1954). Whenever the intermediate buyer markets or delivers a portion of the wheat covered by a single MQ–95—Wheat (1954) to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Wheat (1954) showing the name and signature of the person, the number of bushels of wheat marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report (MQ–95—Wheat (1954)) to the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the wheat covered thereby is marketed. When wheat is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Wheat (1954) shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer. If all or the remainder of the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Wheat (1954) contained in a book have been executed or on December 31, 1954, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Wheat (1954) which were retained by him.

§ 728.488 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with this subpart, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last-known address, make a report, verified as true and correct by affidavit, on MQ–97—Wheat (1954) to such committee with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of the wheat, (d) the serial number of the marketing card (MQ–76—Wheat (1954)), marketing certificate (MQ–94—Wheat (1954)), or intermediate buyer's record and report (MQ–95—Wheat (1954)), or the report and penalty receipt (MQ–81—Wheat (1954)), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired.

§ 728.489 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in §§ 728.486, 728.487, or 728.488 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 728.490 *Records to be kept and reports to be made by producers.* Each person who in 1954 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. The operator of the farm in connection with which a farm marketing excess is determined and in connection with which producers are ineligible to receive marketing cards or marketing certificates under § 728.466 or § 728.467 shall file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ–98—Wheat (1954) showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in 1954, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat marketed to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or

consideration for the wheat, (e) the amount of unmarketed wheat of the 1954 crop on hand, and (f) wheat acreage for 1954. The report in connection with any such farm shall be made not later than 60 days after the date, as determined by the county committee and the State committee, in accordance with § 728.461 (a), on which the threshing of the wheat is normally substantially completed for the county in which the farm is situated. Upon the request of the county committee or county office manager the operator of any other farm shall make a similar report within 15 days after the request therefor is made.

§ 728.491 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 728.492 *Enforcement.* It shall be the duty of the county committee to report or arrange for the county office manager to report in writing to the State committee forthwith each case of failure or refusal to make any report or keep any record as required by this subpart and each case of making any false report or record. It shall be the duty of the State committee to report each such case in writing to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.493 *Farms on which the acreage planted is not in excess of 15 acres*—(a) *Conditions of exception.* A farm marketing quota for wheat for the 1954 crop shall not be applicable to any farm on which the wheat acreage for the 1954 crop is not in excess of 15 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.466 to 728.469, inclusive.

§ 728.494 *Farms on which the normal production of the wheat acreage is less than 200 bushels*—(a) *Conditions of exemption.* A farm marketing quota for wheat of the 1954 crop shall not be applicable to any farm on which the normal production of the 1954 wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.466 to 728.469, inclusive.

§ 728.495 *Experimental wheat farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of the 1954 crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to wheat produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.466 to 728.469, inclusive.

§ 728.496 *Redelegation of authority.* Any authority delegated to the State committee by this subpart may be redelegated by the State committee.

Issued this 7th day of January 1954.

[SEAL] ROSS RIZLEY,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-196; Filed, Jan. 11, 1954; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53412]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PROBABLE UNPAID DUTIES OR TAXES; RELEASE OF PACKAGES

The purpose of the following amendment is to provide the importer with a prompt notice of proposed disagreement with the entered rate or value and to afford him a reasonable opportunity to present objections should he desire to do so. The practice of furnishing this information on the permit to release is discontinued, as this form must be surrendered to obtain delivery of the examination packages and is frequently not seen by the importer of record.

The information will be furnished whether or not a specific request for value information has been filed under the provisions of § 14.4 of these regulations. Appraising officers will continue to furnish information in their possession prior to entry in response to such specific requests, but in order to avoid unduly burdening examiners with routine inquiries importers should limit requests to those instances in which appraising officers may reasonably be expected to be in possession of information not readily available to the importer.

Section 8.29 (c) is amended to read as follows:

(c) If the examiner believes that the entered rate or value of any merchandise in the shipment is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties exceeds $15, he shall promptly notify the importer of record, on such form as may be appropriate at the port, as to the value or rate believed to be applicable or as to the excess quantity found. If the correct rate, value or quantity cannot be immediately determined or if the information is too voluminous to be set forth in detail, the notice shall specify the nature of the difference by means of an explanatory notation such as "Rate Advance," "Value Advance," or "Excess," and shall advise the importer to call at the examiner's office for additional information. The notice shall be furnished at the time the examination packages are released or as soon thereafter as the information is received by the examiner, whether the merchandise has been examined at the appraiser's stores or elsewhere. The importer shall be afforded a reasonable opportunity to present objections to proposed advances in rate or value prior to completion of action with respect to advisory classification or appraisement.

(R. S. 161, sec. 499, 46 Stat. 728, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1499, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: January 5, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-177; Filed, Jan. 11, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-356A]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATIONS; LANDING WEIGHTS FOR NONTRANSPORT CATEGORY AIRPLANES IN SCHEDULED OVERSEAS AND FOREIGN PASSENGER OPERATION

Correction

In Federal Register Document 53-10786, published at page 8745 of the issue for Tuesday, December 29, 1953, the following changes should be made:

1. In the fourth paragraph, "25,000 pounds" should read "25,200 pounds."

2. In footnote 1 the last sentence should read: "Furthermore, corresponding military versions of the DC-3 have been operated at maximum weights in excess of 30,000 pounds."

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 55]

Part 609—Standard Instrument Approach Procedures

ALTERATIONS

Correction

In F. R. Doc. 53-10604, appearing in the issue for Wednesday, December 23, 1953, at page 8636, Procedures TVOR-15 and TVOR-21 under Washington, D. C., were inadvertently omitted. They should appear as set forth below:

WASHINGTON, D. C. Washington National Airport, 16' TVOR-DTXV 116.2 mc, DCA Procedure No. TVOR-15 Effective date: August 24, 1953	Springfield Rbn	072—12.0	1,800	S side course: 327 outbound. 147 inbound. 1,800' within 15 miles (NA beyond 15 miles).	600*	150—4.1	T-dn C-dn* S-dn* 15 A-dn*	300-1 600-1 600-1 800-2	300-1 600-1.5 600-1 800-2	Make right climbing turn to 1,500' on course of 182° within 10 miles of TVOR. *Indicated landing ceiling minimums applicable only if Airport Surveillance Radar monitors entire approach. If radar not employed, descent to not lower than 900' on final authorized after passing Georgetown Rbn. If Georgetown Rbn not identified on final, descent below 1,200' not authorized. CAUTION: 596' monument, 1.8 miles N of airport.
	Herndon VOR	124—25.0	1,800							
	Andrews LFR	327—15.0	1,500							
	Washington LFR	002—6.0	1,500							
	Abeam Riverdale Rbn	234—6.0	1,600							
	Georgetown Rbn—Final (Identified by either ADF or radar).	147—4.0	600*							
	Radar terminal area transition altitude.	All directions (within 25 miles).	1,800							
	Radar terminal area transition altitude (final).	147 (within 10 miles).	1,300*							
Procedure No. TVOR-21 Effective date: August 24, 1953.	Springfield Rbn	072—12.0	1,800	E side course#: 054 outbound. 234 inbound##. 1,800' within 10 miles. (NA beyond 10 miles).	700*	233—1.0	T-dn C-dn* S-dn* 21 A-dn*	300-1 700-1 700-1 800.2	300-1 700-1.5 700.1 800.2	Make left climbing turn, climb to 1,500' on course of 054° within 10 miles of TVOR, or to Riverdale Rbn. *Indicated landing ceiling minimums applicable only if Airport Surveillance Radar monitors entire approach. If radar not employed, descent to not lower than 900' on final authorized after passing Riverdale Rbn. If Riverdale Rbn not identified on final, descent below 1,900' not authorized. # Procedure turn to E to avoid prohibited area. ##May be intercepted on final from Riverdale holding pattern via 229° course from Riverdale Rbn. CAUTION: 596' monument, 1.8 miles N of airport.
	Herndon VOR	124—25.0	1,800							
	Andrews LFR	327—15.0	1,500							
	Washington LFR	002—6.0	1,500							
	Abeam Riverdale Rbn	234—6.0	1,600							
	Abeam Riverdale Rbn—Final (Identified by either ADF or radar).	234—6.0	700*							
	Radar terminal area transition altitude.	All directions (within 25 miles).	1,800							
	Radar terminal area transition altitude (final).	234 (within 10 miles).	1,000*							

[Amdt. 54]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Mullan Pass, Mont. (LFR)	Missoula, Mont. (LFR)	9,000

2. Section 610.107 *Amber civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (LFR).....	W. Palm Beach, Fla. (LFR)	1,500

3. Section 610.231 *Red civil airway No. 31* is amended to eliminate:

From—	To—	Minimum altitude
Stanton, Minn. (LF/RBN)	Red Wing (INT), Minn.	2,400

4. Section 610.306 *Red civil airway No. 106* is amended to eliminate:

From—	To—	Minimum altitude
Scottsbluff, Nebr. (LFR)	North Platte, Nebr. (LFR)	5,800

5. Section 610.306 *Red civil airway No. 106* is amended to read:

From—	To—	Minimum altitude
Scottsbluff, Nebr. (LFR)	Chappell (INT), Nebr.	5,800

6. Section 610.621 *Blue civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Columbiana (INT), Ohio.	Youngstown, Ohio (LFR).	3,000

7. Section 610.6001 *VOR civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Atlantic City, N. J. (VAR).	Colts Neck, N. J. (VOR).	1,500

8. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (VOR).....	N. Bay Shore (INT), Fla.[1]	1,500
N. Bay Shore (INT), Fla.	West Palm Beach, Fla. (VOR)	[2]2,100

[1] 2,100'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

9. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Herndon, Va. (VOR)..	Kensington (INT), Md.	1,800

10. Section 610.6006 *VOR civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR).	Newark, N. J. (ILS/LOM).	2,500

11. Section 610.6006 *VOR civil airway No. 6* is amended to eliminate:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR) via N. alter.	Hallton (INT), Pa.,[1] via N. alter.	[2]8,000
Hallton (INT), Pa.,[1] via N. alter.	Philipsburg, Pa. (VOR) via N. alter.	[2]5,000

[1] 8,000'—Minimum reception altitude.
[2] 4,000'—Minimum terrain clearance altitude.

12. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR), via N. alter.	Lake Shore (INT), Ohio,[1] via N. alter.	2,600
Lake Shore (INT), Ohio,[1] via N. alter.	Youngstown, Ohio (VOR), via N. alter.	2,600

[1] 3,000'—Minimum reception altitude.

13. Section 610.6010 *VOR civil airway No. 10* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR).	Belle Mead (INT), N. J.	2,500
Belle Mead (INT), N. J.	New Brunswick (INT), N. J.	2,000
New Brunswick (INT), N. J.	Colts Neck, N. J. (VOR).	1,500

14. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR).	Lake Shore (INT), Ohio.[1]	2,500
Lake Shore (INT), Ohio.[1]	Perry (INT), Ohio....	2,500
Perry (INT), Ohio.....	Kingsville (INT), Pa.	2,300
Kingsville (INT), Pa..	Erie, Pa. (VOR).....	2,000
Cleveland, Ohio (VOR), via N. alter.	Erie, Pa. (VOR), via N. alter.	2,500

[1] 3,000'—Minimum reception altitude.

15. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).	Locustgrove (INT), Va.[1]	3,000
Locustgrove (INT), Va.[1]	Andrews, Md. (LFR)..	1,500
Andrews, Md. (LFR)..	Dover, Del. (VOR)....	1,500
Colts Neck, N. J. (VOR).	Woolf (INT), N. J.[1]...	1,500
Woolf (INT), N. J.....	Riverhead, N. Y. (VOR).	[2]2,000
Riverhead, N. Y. (VOR).	Salem (INT), Conn....	1,800

[1] 2,000'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

16. Section 610.6029 *VOR civil airway No. 29* is amended by adding:

From—	To—	Minimum altitude
Salisbury, Md. (VOR).	Dover, Del. (VOR)....	1,500
Dover, Del. (VOR)....	Int. W crs. Philadelphia, Pa., ILS Localizer and 358° M. rad. Dover, Del. (VOR).	1,500
Int. W crs. Philadelphia, Pa., ILS Localizer and 358° M. rad. Dover, Del. (VOR).	West Chester, Pa. (VOR).	1,600

17. Section 610.6030 *VOR civil airway No. 30* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR).	Newark, N. J. (ILS/LOM).	2,500

18. Section 610.6030 *VOR civil airway No. 30* is amended to eliminate:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR), via N. alter.	Hallton (INT), Pa., via N. alter.	[1] 8,000
Hallton (INT), Pa., via N. alter.	Phillipsburg, Pa. (VOR), via N. alter.	[2] 5,000

[1] 8,000'—Minimum reception altitude.
[2] 4,000'—Minimum terrain clearance altitude.

19. Section 610.6036 *VOR civil airway No. 36* is amended by adding:

From—	To—	Minimum altitude
Branchville (INT), N. J.	Hackensack (INT), N. J.	3,000

20. Section 610.6041 *VOR civil airway No. 41* is amended to read:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR)	Woodworth (INT), Ohio.	2,500
Woodworth (INT), Ohio.	Youngstown, Ohio Ohio.	3,000

21. Section 610.6043 *VOR civil airway No. 43* is amended to read in part:

From—	To—	Minimum altitude
Fredericksburg (INT), Ohio.	Marchand (INT), Ohio.	[1] 5,000
Marchand (INT), Ohio.	Youngstown, Ohio (VOR).	2,500

[1] 2,500'—Minimum terrain clearance altitude.

22. Section 610.6044 *VOR civil airway No. 44* is amended by adding:

From—	To—	Minimum altitude
Baltimore, Md. (VOR)	Engleside (INT), Md.	1,500

23. Section 610.6046 *VOR civil airway No. 46* is added to read:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR).	Glen Cove (INT), N. Y.	1,700

24. Section 610.6058 *VOR civil airway No. 58* is amended by adding:

From—	To—	Minimum altitude
Salem (INT), Conn.	Hartford, Conn. (VOR).	2,000

25. Section 610.6072 *VOR civil airway No. 72* is amended by adding:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR)	Hadley (INT), Pa.[1]	2,500
Hadley (INT), Pa.	Bradford, Pa. (VOR).	4,000

[1] 4,000'—Minimum reception altitude.

26. Section 610.6091 *VOR civil airway No. 91* is amended by adding:

From—	To—	Minimum altitude
Wilton, Conn. (VOR).	Glen Cove (INT), N. Y.	1,600

27. Section 610.6119 *VOR civil airway No. 119* is amended by adding:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	Brookville (INT), Pa.[1]	3,500
Brookville (INT), Pa.	Bradford, Pa. (VOR).	4,000

[1] 4,000'—Minimum reception altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 12, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-197; Filed, Jan. 11, 1954; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter D—Approved Forms, Federal Power Act

[Docket No. R-132; Order 168]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

ELECTRIC UTILITIES AND LICENSEES (CLASSES A AND B)

The Commission has under consideration in this proceeding the amendment of § 141.1 of its general rules and regulations (18 CFR Part 141) by revising six schedules of the Annual Report, FPC Form No. 1, required of Class A and B electric utilities and licensees.

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to simplify and clarify certain previously prescribed schedules of FPC Form No. 1.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Federal Power Act.

(3) Good cause exists that these amendments become effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, and particularly sections 3 (13), 4 (a) through (c), 301 (a), 304 (a), 309, and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825 (a), 825 c (a), 825 h, 825 j), orders:

(A) Section 141.1, entitled "Annual Report, Form No. 1, electric utilities and licensees (Classes A and B)" of Part 141 of the Commission's general rules and regulations (18 CFR, Part 141) is hereby amended in the following respects:

1. Instruction 4 to the schedule entitled "Other Physical Property" page 22, is amended to read as follows:

4. List separately any property previously devoted to public service which has a book value of $50,000 or more and give date of transfer to Account 110, Other Physical Property, in addition to date acquired as called for by column (b). Other items of property previously devoted to public service may be grouped.

2. Add the following sentence to Instruction 3 of the schedule entitled "Investments" page 23: "Investments included in Account 123, Temporary Cash Investments, also may be grouped by classes."

3. Delete the words "size of coal and" from Instruction 3 of the schedule entitled "Production and Fuel Oil Stocks" page 30.

4. Substitute the following for the heading of column (c): "Estimated Additional Cost of Project" of the schedule entitled "Construction Work in Progress" page 64.

5. Substitute "$25,000 or more" for "$10,000 or more" where the latter appears in the instructions as the amount of each annual rent to be reported by Class A utilities in the schedule entitled "Rents Charged to Electric Operating Expenses" page 82.

6. In the schedule entitled "Transmission Lines Added During the Year" page 104, add the following sentence to Instruction 1: "It is not necessary, however, to report minor revisions of lines."

and delete the second and third sentences of Instruction 2 and substitute the following: "If actual costs of completed construction are not readily available for reporting in columns (l) to (n), it is permissible to report in these columns, the estimated final completion costs. Designate, however, if estimated amounts are reported."

(B) This order, and the amendments to the Annual Report FPC Form No. 1 herein prescribed, shall become effective December 31, 1953, for the filing of annual reports on FPC Form No. 1 by Class A and B electric utilities and licensees for the year 1953 and thereafter until further order of the Commission.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

Adopted: January 4, 1954.

Issued: January 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-180; Filed, Jan. 11, 1954; 8:48 a. m.]

Subchapter G—Approved Forms, Natural Gas Act

[Docket No. R-131; Order 167]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

FORMS AND SCHEDULES REQUIRED OF CLASS A AND B NATURAL GAS COMPANIES

The Commission has under consideration in this proceeding the amendment of § 260.1 of its general rules and regulations (18 CFR Part 260) by revising five schedules of the Annual Report, FPC Form No. 2, required of Natural Gas companies (Classes A and B).

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to simplify and clarify certain previously prescribed schedules of FPC Form No. 2.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists that these amendments become effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, and particularly sections 8, 10, and 16 thereof (52 Stat. 821, 825, 826 and 830; 15 U. S. C. 717, 717g, 717i, 717o), orders:

(A) Section 260.1, entitled "Form No. 2, Annual Reports for Natural Gas Companies (Classes A and B)" of Part 260 of the Commission's general rules and regulations (18 CFR, Part 260) is hereby amended in the following respects:

1. Instruction 4 to the schedule entitled "Other Physical Property" page 22, is amended to read as follows:

4. List separately any property previously devoted to public service which has a book value of $50,000 or more and give date of transfer to Account 110, Other Physical Property, in addition to date acquired as called for by column (b). Other items of property previously devoted to public service may be grouped.

2. Add the following sentence to Instruction 3 of the schedule entitled "Investments" page 23: "Investments included in Account 123, Temporary Cash Investments, also may be grouped by classes."

3. Delete the words "size of coal and" from Instruction 3 of the schedule entitled "Production and Fuel Oil Stocks" page 30.

4. Substitute the following for the heading of column (c): "Estimated Additional Cost of Project" of the schedule entitled "Construction Work in Progress" page 65.

5. Substitute "$25,000 or more" for "$10,000 or more" where the latter appears in the instructions as the amount of each annual rent to be reported by Class A Natural Gas Companies in the schedule entitled "Rents Charged to Gas Operating Expenses" page 92.

(B) This order, and the amendments to the Annual Report Form No. 2 herein prescribed, shall become effective December 31, 1953, for the filing of annual reports on FPC Form No. 2 by Class A and B Natural Gas Companies for the year 1953 and thereafter until further order of the Commission.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Adopted: January 4, 1954.

Issued: January 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-179; Filed, Jan. 11, 1954; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, as amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

COORDINATION OF RAILROAD RETIREMENT PROGRAM WITH OLD-AGE AND SURVIVORS INSURANCE PROGRAM; BENEFITS IN CASE OF VETERANS

Correction

In Federal Register Document 53-10667, appearing at page 8692 of the issue for Thursday, December 24, 1953, the reference in § 404.1412 to the Railroad Retirement Act should read "section 5 (l) (4) of the Railroad Retirement Act."

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 51]

PART 1606—GENERAL ADMINISTRATION

PROTECTION OF RECORDS AND DISCLOSING INFORMATION THEREFROM

The Selective Service Regulations are hereby amended as follows:

1. Section 1606.22 is amended to read as follows:

§ 1606.22 *Protection of records.* Selective service offices shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted or delivered in his files in the place from which the record was withdrawn. When cover sheets of registrants are transmitted by mail a strict accounting shall be maintained of the dispatch and receipt thereof.

2. The following new section is added to Part 1606 immediately following § 1606.41:

§ 1606.42 *Disclosing information to former employers.* A State Director of Selective Service may disclose to the former employer of a registrant who is serving in, or who has been discharged from, the armed forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the armed forces.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460, E. O. 9979, 13 F. R. 4177, 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director of Selective Service.*

JANUARY 6, 1954.

[F. R. Doc. 54-170; Filed, Jan. 11, 1954; 8:46 a. m.]

[Amdt. 52]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Paragraph (a) of § 1670.4 is amended to read as follows:

§ 1670.4 *Protection of records.* (a) Records of or in the physical custody of the Federal record depots of the Selective Service System shall not be loaned, transmitted, or delivered into the physical custody of any person or agency other than an official or office of the Selective Service System without the approval of the Director of Selective Service. When records are transmitted between offices of the Selective Service System in different States, they shall be channeled through State Headquarters for Selective Service. When cover sheets of registrants are transmitted by mail between Federal record depots and other offices of the Selective Service System strict accounting shall be maintained of the dispatch and receipt thereof.

2. a. Subparagraphs (7), (8), (21), and (22) of paragraph (b) of § 1670.31 are revoked.

b. Paragraph (b) of § 1670.31 is amended by redesignating subparagraph

(9 as subparagraph (7), subparagraph (10 as subparagraph (8), subparagraph (11) as subparagraph (9), subparagraph (12) as subparagraph (10), subparagraph (13) as subparagraph (11), subparagraph (14) as subparagraph (12), subparagraph (15) as subparagraph (13), subparagraph (16) as subparagraph (14), subparagraph (17) as subparagraph (15), subparagraph (18) as subparagraph (16), subparagraph (19) as subparagraph (17), subparagraph (20) as subparagraph (18), and subparagraph (23) as subparagraph (19).

c. Subparagraph (7), as redesignated, of paragraph (b) of § 1670.31 is amended to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(7) *Department of State.* The Department of State may obtain such information upon the request of (i) the Secretary of State, (ii) the Under Secretary of State for Administration, (iii) the Director, Office of Personnel, (iv) the Director of the Bureau of Security and Consular Affairs, (v) the Director or a Special Agent of the Office of Security, (vi) the Director of the Visa Office, (vii) the Director of the Passport Office, (viii) the Director of the Office of Protective Services, (ix) the Assistant Legal Adviser for European Affairs, or (x) a Consul or a Vice Consul United States Foreign Service.

3. Subparagraphs (2), (6), (22), (23), (37), and (44) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(2) *Territory of Alaska.* The officials of the Territory of Alaska authorized to obtain such information are (i) the Adjutant General, (ii) the Acting Adjutant General, (iii) the Director, Department of Public Welfare, (iv) the Executive Director, Unemployment Compensation Commission, (v) the Commissioner of Veterans' Affairs, (vi) the Administrative Assistant to the Commissioner of Veterans' Affairs, and (vii) the Director of Vital Statistics, Department of Health.

* * * * *

(6) *State of Colorado.* The officials of the State of Colorado authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, State Employment Office, (iii) the Warden, State Reformatory, (iv) the Director, State Mental Hospital, (v) the General Secretary, State Prison Board, (vi) the Secretary and the General Counselor of the Legal Aid Society, (vii) the Secretary, Civil Service Commission, (viii) the Director, Department of Public Welfare, (ix) the District Attorney of the Second Judicial District, (x) the Executive Director and the Assistant Directors, State Department of Parole, and (xi) the Director, Department of Veterans' Affairs.

* * * * *

(22) *State of Massachusetts.* The officials of the State of Massacshusetts authorized to obtain such information are (i) the Adjutant General, (ii) the Director and the Manager of the Division of Employment Security, (iii) the State Treasurer, (iv) the Deputy State Treasurer for the Commonwealth of Massachusetts Bonus Division, (v) the Commissioner and the Agents, Veterans' Service Departments and Information Centers, (vi) the Commissioner and the Agents, Bureau of Old Age Assistance and Public Welfare, and (vii) the Commissioner of Correction.

(23) *State of Michigan.* The officials of the State of Michigan authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Commission, (iii) the Director, State Office of Veterans' Affairs, (iv) the Director, Department of Social Welfare, (v) the Commissioner of State Police, (vi) the Chairman, Social Welfare Commission, (vii) the Director of the Bureau of Pardons and Paroles, (viii) the Executive Secretary of the Board of Trustees, Michigan Veterans' Trust Fund, (ix) the Chairman of the Legal Aid Committee, Bureau of Legal Aid, (x) the Executive Officer of the State Board of Control for Vocational Education, (xi) the Commissioner, State Health Department, (xii) the Director of Corrections Commission, Bureau of Corrections, (xiii) the Secretary of State, and (xiv) the Attorney General.

* * * * *

(37) *State of Oklahoma.* The officials of the State of Oklahoma authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Commission, (iii) the Director, the Supervisor of the Division of Public Assistance, and Directors of County Departments, Department of Public Welfare, and (iv) the Warden, Oklahoma State Penitentiary.

* * * * *

(44) *State of Tennessee.* The officials of the State of Tennessee authorized to obtain such information are (i) the Adjutant General, (ii) the Commissioner, Department of Employment Security, (iii) the Director, Department of Veterans' Affairs, and (iv) the Commissioner, Department of Public Health.

(Secs. 6, 7, 61 Stat. 32, sec. 10, 62 Stat. 613, as amended; 50 U. S. C. App. 326, 327, 460)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JANUARY 6, 1954.

[F. R. Doc. 54-171; Filed, Jan. 11, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Rev. Commissioner's Reorganization Order 2, Amdt. 1]

CERTAIN APPELLATE OFFICERS

REDELEGATION OF AUTHORITY WITH RESPECT TO INCREASE IN SCOPE OF SETTLEMENT

1. Paragraph 7 (a) of Commissioner's Reorganization Order No. 2 (Revised July 1, 1953) as modified by Commissioner's Reorganization Order No. 17, dated July 7, 1953, is amended to read as follows:

(a) Subject to the exceptions set forth in subparagraph (c) of this paragraph, the Regional Commissioner will exclusively represent the Commissioner in the determination of Federal income, profits, estate, and gift tax liability (whether before or after the issuance of a statutory notice of deficiency) and in the determination of Federal excise and employment tax liability, as defined in paragraph 15, in all cases originating in the office of any District Director of Internal Revenue situated within the Region, in which the taxpayers have protested the determination of liability made by that officer: *Provided*, That the Regional Commissioner may delegate to the Chief of the Appellate Division or to any Associate Chief of the Appellate Division his authority to represent the Commissioner in the determination of tax liability in any case in his jurisdiction, and may delegate to any Assistant Chief of the Appellate Division or to any Special Assistant to the Chief, with respect to cases assigned to the technical advisors under their supervision, his authority to represent the Commissioner in the settlement of any such case in which the net deficiency or net overassessment determined by the District Director does not exceed $50,000 and the basis of settlement does not involve a net overassessment in excess of $50,000.

2. Paragraph 7 (b) of Commissioner's Reorganization Order No. 2 (Revised July 1, 1953) as modified by Commissioner's Reorganization Order No. 17, dated July 7, 1953, is amended to read as follows:

(b) Subject to the exceptions set forth in subparagraph (c) of this paragraph, the Regional Commissioner will also have exclusive authority to settle (1) all cases docketed in the Tax Court of the United States and placed on a calendar for hearing at any place within the territory comprising the Region and (2) all cases originating in the office of any District Director situated within the Region which are placed on the Washington, D. C., calendar of the Tax Court: *Pro-*

vided, That the Regional Commissioner may delegate to the Chief of the Appellate Division or to any Associate Chief of the Appellate Division his authority to settle any such docketed case, and may delegate to any Assistant Chief of the Appellate Division or to any Special Assistant to the Chief, with respect to cases assigned to the technical advisors under their supervision, his authority to settle any such docketed case in which the deficiency (or deficiencies) determined in the statutory notice does not exceed $50,000 and the basis of settlement does not involve a net overassessment in excess of $50,000.

3. Paragraph 8 (b) of Commissioner's Reorganization Order No. 2 (Revised July 1, 1953) as modified by Commissioner's Reorganization Order No. 17, dated July 7, 1953, is amended to read as follows:

(b) The Assistant Appellate Counsel at any office will have authority to concur with the authorized representative of the Appellate Division in a settlement of any docketed case in which the deficiency (or deficiencies) determined in the statutory notice does not exceed $50,000 and the basis of settlement does not involve a net overassessment in excess of $50,000. This limitation on authority to concur in settlement does not apply to Associate Appellate Counsel.

4. This order shall be effective January 6, 1954.

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

Approved: January 5, 1954.

ELBERT P. TUTTLE,
General Counsel for the Treasury Department.

Approved: January 6, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-178; Filed, Jan. 11, 1954; 8:47 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPUTY SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO ACT FOR AND EXERCISE POWERS OF THE SECRETARY ON ANY AND ALL MATTERS

In accordance with the provisions of subsection 202 (f), and subsection 203 (a) of the National Security Act, as amended, (61 Stat. 495; 5 U. S. C. 171a), and section 5 of Reorganization Plan Number 6 of 1953 (67 Stat. 638), I hereby delegate to Deputy Secretary of Defense Roger M. Kyes full power and authority to act for an in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 54-183; Filed, Jan. 11, 1954; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. WILLIAM ASPENWALL BRADLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mrs. William Aspenwall Bradley (Mrs. Jenny Serruys Bradley), 18, Quai de Bethune, Paris 4°, France, Claim No. 41371; $99.14 in the Treasury of the United States. All right, title and interest and claim of whatsoever nature arising out of an agency interest in a publication contract dated September 7, 1923, between Barnard Grasset and D. Appleton & Company, covering royalties on the work, Ariel Ob La Via De Shelley, by Andre Maurois, and a supplementary letter dated July 10, 1925 from Grasset to Appleton, and instructions from the author to Appleton on April 29, 1941, defining and affirming the agency interest of W. A. Bradley, to the extent owned by Mrs. William A. Bradley immediately prior to the vesting thereof by Vesting Order No. 3918, effective July 19, 1944.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-185; Filed, Jan. 11, 1954; 8:49 a. m.]

RENE MICHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rene Michel, 67 Boulevard Lannes, Paris, 16e, France, Claim No. 61610; $6,659.00 in the Treasury of the United States.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-186; Filed, Jan. 11, 1954; 8:49 a. m.]

ANGELA FISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angela Fischer, Geismar, Germany, Claim No. 3994; $5,593.16 in the Treasury of the United States.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-187; Filed, Jan. 11, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Amory Garment Co., Inc., South Main and Third Streets, Amory, Miss., effective 1-7-54 to 1-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Big Dad Manufacturing Co., Inc., Starke, Fla., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees; work pants, etc.).

Elk Brand Shirt & Overall Co., Hopkinsville, Ky., effective 1-12-54 to 1-11-55; 10

learners for normal labor turnover purposes (overalls, work pants, work shirts).

F. Jacobson & Sons, Inc., 127 Arch Street, Albany, N. Y., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

F. Jacobson & Sons, Inc., Smith and Cornell Street, Kingston, N. Y., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

L. & H. Shirt Co., Cochran, Ga., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Lancaster-Walker Manufacturing Co., Inc., Columbia, Ky., effective 1-4-54 to 7-3-54; 30 learners for expansion purposes (sport shirts).

The H. D. Lee Co., Inc., 600 East State Street, Trenton, N. J., effective 1-9-54 to 1-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Lee Ray Sportswear Co., 82 North Main Street, Dover, Pa., effective 12-31-53 to 12-30-54; 5 learners for normal labor turnover purposes (sport jackets).

Little River Garment Co., Cadiz, Ky., effective 2-5-54 to 2-4-55; 5 learners for normal labor turnover purposes (dungarees and coveralls).

Lykens Dress Co., Inc., Williamstown Plant, Williamstown, Pa., effective 1-7-54 to 1-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Morgan Shirt Co., Inc., Morgantown, W. Va., effective 12-31-53 to 5-4-54; 10 percent of the total number of factory production workers engaged in the production of ladies' shirts and dresses for normal labor turnover purposes (shirts and dresses).

Publix Shirt Corp., Gallitzin, Pa., effective 1-4-54 to 1-3-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Reliance Manufacturing Co., "Capitol" Factory, Mitchell, Ind., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants, dungarees, etc.).

Salant & Salant Inc., First Street, Lawrenceburg, Tenn., effective 1-20-54 to 1-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Knoxville Glove Co., 819 McGhee Street, Knoxville, Tenn., effective 12-31-53 to 12-30-54; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951; 16 F. R. 10733).

James Hosiery Mills, Inc., Greeneville, Tenn., effective 1-25-54 to 1-24-55; 5 learners for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

St. Clair Shoe Manufacturing Corp., St. Clair, Mo., effective 1-15-54 to 1-14-55; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Proctor Manufacturing Corp., State Road No. 3 KM 3.1, Rio Piedras, P. R., effective 1-1-54 to 4-30-54; 65, learners; machine assembly, final assembly, surface grind, metal polish and buff, inspection and testing, machining, special molding; each 160 hours at 34 cents an hour (assembly of electric appliances (flat irons)).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 4th day of January 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-184; Filed, Jan. 11, 1954; 8:49 a. m.

FEDERAL POWER COMMISSION

[Docket No. G-2254]

LAKE SHORE PIPE LINE CO.

NOTICE OF EXTENSION OF TIME

JANUARY 5, 1954.

Upon consideration of the request of Lake Shore Pipe Line Company, filed January 4, 1954, for an extension of time within which to serve copies of its testimony and exhibits which it proposes to offer at the hearings scheduled to commence on February 15, 1954, in the above-designated matter;

Notice is hereby given that an extension of time is granted to and including February 1, 1954, within which Lake Shore Pipe Line Company shall serve upon all parties copies of the testimony and exhibits it proposes to offer at said hearings. Paragraph (D) of the Commission's order issued September 24, 1953, is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-181; Filed, Jan. 11, 1954; 8:48 a. m.]

[Docket Nos. 2310, 2330, 2331]

IROQUOIS GAS CORP. ET AL.

NOTICE OF APPLICATIONS

JANUARY 6, 1954.

In the matters of Iroquois Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2310; New York State Natural Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2330; Tennessee Gas Transmission Company, Docket No. G-2331.

Take notice that there have been filed with the Federal Power Commission by the persons and on the dates hereinafter designated several interrelated applications, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the individual applicants to construct, acquire and operate certain natural gas facilities hereinafter described, all as more fully described in the respective applications.

Iroquois Gas Corporation (Iroquois), a New York corporation with its principal place of business in Buffalo, New York, and Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with its principal place of business in Houston, Texas, on November 10, 1953, filed as joint applicants in Docket No. G-2310 an application for a certificate of public convenience and necessity for the construction, acquisition and joint operation of certain underground natural gas storage facilities. The proposed storage facilities, including connecting pipe lines and compressor equipment, will be located principally in the Towns of Aurora, Colden, Boston, Concord, North Collins, Wales, and Eden, Erie County, New York, and will include Iroquois' Aurora Storage Pool authorized in Docket No. G-2129.

The application contemplates a joint storage development between Iroquois and Tennessee to be known as the Colden Storage Field, with an estimated capacity of approximately 10 billion cubic feet of active gas. When completed the facilities, including those authorized in Docket No. G-2129, will contain approximately 120 new wells, 53 reconditioned wells, and 30 reclaimed wells; approximately 17 miles of 16-inch delivery line, along with approximately 62 miles of 12-inch, 8-inch, 6-inch, and 4-inch gathering and well lines, providing connection into the existing systems of both Iroquois and Tennessee.

In order to effectuate the joint undertaking, Tennessee requests authority to acquire from Iroquois an undivided one-half interest in and to the facilities constructed and to be constructed in said Colden Storage Field, as well as authority to construct additional 4,000 H. P. compressor station facilities at its existing Station No. 229, one decissicant type and one glycol type dehydration plant, and two twin 10-inch tube metering stations at the point of connection between Tennessee's existing transmission line and the storage field.

The proposed project is to be used to provide Iroquois with storage facilities to handle additional gas supplies including those authorized in Docket No. G-1969, and to enable Tennessee to store gas for its customers.

Iroquois estimates that the total cost to it of the proposed facilities, including those authorized in Docket No. G-2129, is $2,672,000, which it proposes to finance by issuing to its parent corporation, National Fuel Gas Company, long-term notes or stock, or both. The estimated total cost of acquisition and construction, including base storage gas to Ten-

nessee is $7,982,974, which it proposes to finance as a part of its overall financing program by the issuance of mortgage bonds, preferred stock and debentures, and common stock and retained earnings.

New York State Natural Gas Corporation (New York Natural), a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, and Tennessee, on December 11, 1953, filed as joint applicants in Docket No. G-2330 an application for a certificate of public convenience and necessity authorizing the acquisition, development and joint operation of certain underground storage facilities in northern Pennsylvania and southern New York.

The requested authority is proposed to cover (1) acquisition by Tennessee from New York Natural of an undivided one-half interest in and to certain properties of New York Natural known generally as the "Harrison Pool," the "Ellisburg Pool," and the "State Line Pool," and joint operation thereof; (2) the immediate joint development and operation of the full top storage capacity of 19,680,000 Mcf of the Harrison Pool, including the drilling of new wells, redrilling of abandoned wells, construction of pipe lines, measuring equipment, and an 11,000 H. P. compressor station; and (3) the sale of gas by Tennessee to New York Natural for storage by New York Natural in these pools.

The requested facilities are proposed to be used to balance the gas supplies of the two companies against increasing and varying demands.

New York Natural's share of the estimated total cost of the project is $3,682,866 for construction of facilities in the Harrison Pool and $2,192,860 for base storage cost or a total of $5,875,726 which amounts are to be secured from its parent company, Consolidated Natural Gas Company, in accordance with the methods explained in the testimony given by the company officers in Docket No. G-1391. The estimated total cost of acquisition, construction and base storage gas to Tennessee is $6,844,997, including $180,750, the cost of acquisition of the one-half interest in the Ellisburg and State Line Pools, which total amount it proposes to finance as a part of its overall financing program.

Tennessee, joint applicant in Dockets No. G-2310 and G-2330, on December 11, 1953, filed its interdependent application (dependent upon its joint applications with Iroquois in Docket No. G-2310 and with New York Natural in Docket No. G-2330) for a certificate of public convenience and necessity authorizing: (1) The construction and operation of 243 miles of 24-inch new line from Tennessee's existing Compressor Station No. 313 in Potter County, Pennsylvania in the Hebron Storage Field, eastwardly across the States of Pennsylvania, New Jersey, and New York to a point of connection with Northeastern Gas Transmission Company (Northeastern) on the New York-Connecticut line near Greenwich, Connecticut, with a 28 mile 24-inch spur line extending south from the main line in New Jersey to a point near Newark, New Jersey, there connecting with facilities of the Public Service Electric and Gas Company of New Jersey; (2) the construction of approximately 18 miles of 24-inch new line connecting Tennessee's existing Compressor Station No. 313 in the Hebron Field in Potter County, Pennsylvania, with the Harrison storage field facilities; and (3) the utilization of thirty-five billion cubic feet of underground top storage capacity, twenty billion cubic feet of which is available from Tennessee's previously authorized development of the Hebron storage field and the remaining fifteen billion cubic feet available from the proposed Colden storage area (Docket No. G-2310) and Harrison storage field (Docket No. G-2330); together with necessary measuring and metering facilities. The new 24-inch line will also connect with existing facilities of Consolidated Edison Co. of New York at a point near New York City.

Tennessee intends, after receipt of authorization requested in the above applications, to apply for modification of the certificate issued in Docket No. G-1573 by relinquishing authorization to construct the 263 mile 24-inch line which would connect Tennessee's Hebron field with Northeastern at a point on the New York-Massachusetts state line. This 263-mile line has not yet been built.

The requested facilities are in compliance with conditions contained in the Commission's order issued September 1, 1953, in Docket No. G-1969, and are proposed to be used to provide additional firm contracted demand service to Tennessee's present customers, as follows:

	Mcf per day
New York State Natural Gas Corp	20,000
Iroquois Gas Corp	10,000
Pennsylvania Gas Co	5,000
Inland Gas Corp	3,000
Louisville Gas & Electric Co	1,000
Total	39,000

and to the following new customers at points of delivery near Newark, New Jersey, and White Plains, New York:

	Mcf per day
Consolidated Edison Co. of New York, Inc	30,000
Public Service Electric & Gas Co. of New Jersey	30,000
The Brooklyn Union Gas Co	25,000
Long Island Lighting Co	5,000
Total	90,000

with storage service options to these new customers. In addition, the proposed facilities will provide Northeastern Gas Transmission Company, one of Tennessee's existing customers, with a new delivery point near Greenwich, Connecticut.

The estimated cost of construction is stated by Tennessee to be approximately $33,677,000, which it proposes to finance as a part of its overall financing program.

Protests or petitions to intervene in any of the above designated matters may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of January 1954.

The foregoing applications are on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-182; Filed, Jan. 11, 1954; 8:48 a. m.]

[Docket No. G-2334]

NORTHERN NATURAL GAS CO., AND INDEPENDENT NATURAL GAS CO.

NOTICE OF APPLICATION

JANUARY 5, 1954.

Take notice that on December 14, 1953, Northern Natural Gas Company (Northern) and Independent Natural Gas Company (Independent), both Delaware corporations having their principal places of business at Omaha, Nebraska, filed a joint application, pursuant to the provisions of section 7 of the Natural Gas Act, wherein Independent, a wholly owned subsidiary of Northern, requests permission and approval to abandon by sale to Northern all of its facilities now owned and operated by it, and Northern seeks a certificate of public convenience and necessity authorizing it to acquire and operate such facilities.

The facilities involved include the Grayco Compressor Station in Gray County, Texas, approximately 21 miles of 20-inch pipeline extending from said compressor station northwesterly to a point of interconnection with facilities of Northern in Carson County, Texas, and appurtenant facilities. Through such facilities, Independent presently compresses, transports and sells to Northern an average of approximately 36,000 Mcf per day, and in addition compresses and transports for the account of Northern approximately 10,000 Mcf per day being purchased by Northern from Phillips Petroleum Company. Applicants state that the proposed acquisition will result in elimination of duplicating items of expense with consequent savings to Northern and its customers. Applicants further state that upon approval by the Commission of the proposed sale and acquisition Northern will assume all of the outstanding liabilities of Independent, outstanding common stock of Independent will be surrendered and cancelled, and Independent will be dissolved.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of January 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-165; Filed, Jan. 11, 1954; 8:45 a. m.]

[Docket No. G-2338]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 5, 1954.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, filed, on December 17, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 100 feet of 4-inch lateral line connecting its existing transmission system with the proposed metering and regulating station at Peekskill, New York;

(2) One 4-inch main line tap;

(3) One 4-inch orifice measuring and regulating station;

(4) One secondary regulating station and connecting facilities;

(5) One gas scrubber.

The facilities are proposed to be used to sell and deliver to Consolidated Edison Company of New York, Inc. (Consolidated), a maximum of 10,000 Mcf per day of natural gas on an emergency basis, thus providing an alternate supply to Consolidated, thereby providing emergency stand-by and improving the reliability of service to Consolidated's customers.

The estimated over-all cost of the proposed facilities is $29,570, which Applicant proposes to finance out of current funds with Consolidated reimbursing Applicant for expenses incurred, relative to the measuring station, up to $30,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of January 1954.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-166; Filed, Jan. 11, 1954; 8:45 a. m.]

[Docket No. G-2339]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JANUARY 5, 1954.

Take notice that on December 21, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities as hereinafter described.

The facilities which Applicant proposes to construct and operate are as follows:

(1) Approximately 13.3 miles of 12¾" O. D. pipeline extending from the section side of Applicant's existing Tucson main line compressor station located on the 26" and 30" California system in Pima County, Arizona, and continuing in a generally northeastwardly direction to a point in Pinal County, Arizona.

(2) Approximately 5.5 miles of an 8⅝" O. D. pipeline extending from the termination of the 12¾" line designated in item (1) above, in a northwestwardly direction to a point of delivery to the proposed Saguaro power plant located in Pinal County, Arizona.

(3) A sales meter station for the purpose of metering gas delivered to the proposed Saguaro power plant to be located at the terminus of the facility mentioned in item (2) above.

The proposed facilities will be utilized for the delivery and sale of natural gas to the Arizona Public Service Company for use by the company in the steam-generating plant, which is known as the Saguaro power plant and is located in Pinal County, Arizona.

The estimated annual requirements (stated in Mcf at 14.73 psia) and estimated peak day requirements for the first 3 full years of operation expected to be made to Arizona Public Service Company for use in its Saguaro power plant are as follows:

	Estimated requirements	Peak day requirements	
		Summer	Winter
April through December 1954	3,774,172	24,075	12,037
January through March 1955	915,584	----------	12,037
April through December 1955	9,445,077	80,577	24,075
Calendar year 1956	11,414,115	80,577	24,075
Calendar year 1957	12,340,800	80,577	24,075

The total estimated cost of the proposed facilities is approximately $479,879, which Applicant proposes to temporarily finance out of its current working funds.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-167; Filed, Jan. 11, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3153]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF INSTALLMENT NOTES BY SUBSIDIARY TO HOLDING COMPANY

JANUARY 6, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary Cumberland and Allegheny Gas Company ("Cumberland" having filed a joint application with the Commission pursuant to sections 6 (b), 9, and 10 of the Public Utility Holding Company Act of 1935 ("the act") with respect to the following proposed transactions:

Cumberland, a West Virginia corporation, is a gas utility company operating in the States of West Virginia and Maryland. In order to provide additional cash required for its construction program, Cumberland proposes to issue and sell at par from time to time, but not later than March 31, 1954, and Columbia proposes to buy, $1,450,000 principal amount of Cumberland's __ Percent Installment Promissory Notes. Said Notes will become due in equal annual installments on February 15 of each of the years 1955 to 1979 inclusive. Interest on the unpaid principal will be payable semiannually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛th of 1 percent, as shall be not less than the cost of money to Columbia in its next sale of Debentures. Any Notes issued prior to the sale of Debentures by Columbia will bear interest at 4 percent per annum, subject to change as set forth above.

The issuance and sale of the proposed notes has been approved by the Public Service Commission of West Virginia, in which state Cumberland is organized and doing business.

The expenses of applicants in connection with the proposed transactions are estimated at $1,895 for Cumberland and $150 for Columbia.

It is requested that the Commission's order be expedited and made effective upon issuance.

Due notice having been given of the filing of the joint application, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted forthwith, without the imposition of terms and conditions other than those prescribed in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application be granted

forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 54-168; Filed, Jan. 11, 1954; 8:45 a. m.]

[File No. 70-3171]

COMMONWEALTH EDISON CO.

NOTICE OF FILING OF APPLICATION FOR ACQUISITION OF SECURITIES BY AN EXEMPT HOLDING COMPANY AND FOR AN ORDER CONTINUING EXEMPTION HERETOFORE GRANTED APPLICANT

JANUARY 6, 1954.

Notice is hereby given that Commonwealth Edison Company ("Edison"), an exempt holding company and an electric and gas public utility company, has filed with the Commission an application pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), regarding (a) the acquisition by Edison of certain shares of stock to be issued by Northern Illinois Gas Company ("Northern Illinois"), a corporation formed for the purpose of acquiring and operating the gas utility and heating properties of Edison, and (b) the issuance of an order continuing thereafter the exemption set forth in the Commission's order dated June 30, 1948, granting Edison an exemption from the provisions of the act. Applicant has designated sections 9 (a) (2) and 3 (a) (1) of the act and Rule U-23, promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 18, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 18, 1954, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Edison, an Illinois corporation, is primarily engaged in the electric utility business supplying electric service in the city of Chicago, Illinois and in the northern part of Illinois. In addition, Edison is engaged in the distribution at retail of gas outside of the city of Chicago and in the northern part of Illinois. Edison also provides heating service to a limited number of customers outside the city of Chicago, Illinois. As of July 31, 1953, Edison's gas utility properties represented, on a consolidated basis, approximately 11 percent of its gross plant and accounted for approximately 14 percent of its total operating revenues for the 12 months ended on that date. It has two subsidiary companies, Sterling Hydraulic Company, an Illinois corporation, which presently holds title to a dam and certain water rights, but conducts no operations and Chicago District Electric Generating Corporation ("Chicago District"), an Indiana corporation and a public utility company, which owns and operates an electric generating station located in Indiana on the shore of Lake Michigan at the Illinois-Indiana State line. Edison purchases the major portion of Chicago District's output of electric energy and the remainder thereof is sold to Northern Indiana Public Service Company, a non-affiliated company operating in Indiana.

Edison proposes to separate its gas and heating properties from its electric facilities by the transfer of all of the gas and heating properties to a new corporation, Northern Illinois, formed under the laws of the State of Illinois for the purpose of acquiring and operating such gas and heating properties. Northern Illinois upon acquiring such properties will become a gas utility company under the act. The transfer of such properties will be made pursuant to the provisions of a Separation Agreement proposed to be entered into between Edison and Northern Illinois. Under the terms and conditions of the Separation Agreement the following transactions are proposed:

Edison agrees, (a) to procure from the Trustee under its Mortgage Indenture dated July 1, 1923, as supplemented, the release from the lien of said mortgage of all of its gas properties and heating properties, together with certain franchises and inventories related thereto; (b) to subject the gas properties (with certain exceptions) to the lien of a new Indenture, dated January 1, 1954, with the Continental Illinois National Bank and Trust Company of Chicago, as Trustee, providing for the issuance as the initial series, of $60,000,000 principal amount of Edison's Gas Divisional Lien Bonds; (c) to issue and sell said bonds to underwriters to be selected by Edison and to deposit the entire purchase price derived from such sale with the Trustee under Edison's existing mortgage; and (d) to transfer and convey to Northern Illinois the gas properties, subject to the lien of the new Indenture securing its Gas Divisional Lien Bonds, together with the heating properties, and certain franchises and inventories related to said properties, in exchange for 5,500,000 shares of common stock, par value $5 per share, of Northern Illinois, representing all of the common stock of Northern Illinois to be initially issued, plus an additional number of shares of said common stock (to be determined as hereinafter set forth as soon as practicable after such initial issuance). In addition Edison proposes, in order to provide Northern Illinois with working capital, to purchase from Northern Illinois 100,000 shares of its 5 percent Convertible Preferred Stock, par value $100 per share, proposed to be issued by Northern Illinois, for a consideration of $10,000,000.

Northern Illinois, as consideration for the transfer and conveyance to it of the aforesaid gas and heating properties, agrees, (1) to adopt as its own the Indenture dated January 1, 1954, securing the aforesaid Gas Divisional Lien Bonds proposed to be issued by Edison and to assume the payment thereof as the sole obligor under said Indenture; (2) to assume certain other liabilities of Edison; and (3) to issue and deliver to Edison the aforesaid 5,500,000 shares of its common stock, par value $5 per share, representing all of its common stock to be initially outstanding, plus an additional number of shares to be determined as hereinafter set out; and (4) to issue and sell to Edison the aforesaid 100,000 shares of its 5 percent Convertible Preferred Stock for a consideration of $10,000,000.

The additional number of shares of common stock of Northern Illinois to be issued and delivered to Edison in excess of the aforesaid 5,500,000 shares of common stock to be issued to Edison will be determined as follows:

There will be deducted from the book value of the gas utility and heating assets as determined by Edison from its books at the close of business on a day to be determined, the total of (1) the sum of the amounts of accrued depreciation allocable to the gas utility assets and the heating assets, respectively, (2) the aggregate principal amount of Edison's Gas Divisional Lien Bonds assumed by Northern Illinois, (3) the aggregate amount of certain other undetermined liabilities assumed by Northern Illinois, and (4) the amount of $55,000,000; and by dividing the remainder by $10, the resulting quotient (dropping any fractions) being the number of such additional shares of common stock of Northern Illinois to be issued to Edison.

Applicant states that of the 5,500,000 shares of common stock of Northern Illinois to be issued, 100 shares will be issued against incorporators' subscriptions assigned to Edison and will be deemed to have been paid for by a $1,000 undivided portion, in net book value, of the gas and heating assets transferred to Northern Illinois.

Northern Illinois' authorized capital stock will consist of 250,000 shares of preferred stock, par value $100 per share and 12,500,000 shares of common stock, par value $5 per share. Upon completion of the transfer of the gas and heating properties of Edison to Northern Illinois, the outstanding securities of Northern Illinois will initially consist of $60,000,000 principal amount of bonds, $10,000,000 of 5 percent convertible preferred stock, par value $100 per share, (each share convertible into 10 shares of common stock after January 31, 1957) and $27,500,000 of common stock of the par value of $5 per share, plus the par value of any additional shares issued as heretofore indicated.

Edison is subject to the jurisdiction of the Illinois Commerce Commission and Northern Illinois upon consummation of the proposed transactions will be subject to the jurisdiction of that Commission. The proposed transactions, including the

proposed acquisition of securities by Edison, are subject to approval of the Illinois Commerce Commission.

Edison, in support of its proposal to acquire the securities of Northern Illinois and of its request for the continuance of its exemption under section 3 (a) (1) of the act, represents, among other things, that the corporate structure of the Edison system has been materially simplified since 1948; that the proposed separation of its electric and gas operations will be a desirable objective under the act; that the gas operations of Edison will be benefited by their transfer to a new company concentrating on their development; and that the operating effectiveness of Edison as an electric utility will also be enhanced. With respect to its application for the continuance of its exemption Edison states that no material part of its income is derived from its subsidiary, Chicago District, and that upon consummation of the proposed transactions Northern Illinois will be a public utility company organized and operating wholly within Illinois.

Edison requests that the Commission's order herein issue pursuant to Rule U-23 on or before January 19, 1954, and that such order become effective upon issuance.

By the Commission.

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

[F. R. Doc. 54-169; Filed, Jan. 11, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28808]

CEMENT FROM SOUTHERN TERRITORY TO FLORIDA

APPLICATION FOR RELIEF

JANUARY 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: West Palm Beach, Fort Lauderdale, Miami and Homestead, Fla., and points grouped therewith.

Grounds for relief: Rail competition, circuity, competition with water carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1392, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-144; Filed, Jan. 8, 1954; 8:46 a. m.]

[4th Sec. Application 28810]

ROOFING MATERIALS FROM CINCINNATI, OHIO, TO HOUSTON, TEX.

APPLICATION FOR RELIEF

JANUARY 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing, composition or prepared, cement, roofing, shingles or siding, and related articles, carloads.

From: Cincinnati, Ohio.

To: Houston, Texas.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 177.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-146; Filed, Jan. 8, 1954; 8:46 a. m.]

[4th Sec. Application 28812]

SILICA GEL OR SILICA GEL CATALYST FROM CINCINNATI, OHIO, TO POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent for carriers parties to schedule listed below.

Commodities involved: Silica gel or silica gel catalyst, in bags, barrels, boxes, carloads.

From: Cincinnati, Ohio.

To: Baytown, Houston, Port Arthur, and Texas City, Tex.

Grounds for relief: Rail competition, circuity, and competition with motor-water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 178.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-172; Filed, Jan. 11, 1954; 8:46 a. m.]

[4th Sec. Application 28813]

CLAY BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin, or pyrophyllite, carloads.

Between: Specified points in southern territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, additional origins, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons

other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-173; Filed, Jan. 11, 1954; 8:46 a. m.]

[4th Sec. Application 28814]

POTASH FROM CARLSBAD AND LOVING, N. MEX., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atchison, Topeka and Santa Fe Railway, Agent, for carriers parties to its tariff I. C. C. No. 14478.

Commodities involved: Potassium (potash) and guano, carloads.

From: Carlsbad and Loving, N. Mex.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company, I. C. C. No. 14478, supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-174; Filed, Jan. 11, 1954; 8:47 a. m.]

[4th Sec. Application 28815]

VARIOUS COMMODITIES FROM AND TO THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 4064, 3945, 3967, and 3908, pursuant to fourth-section order No. 17220.

Commodities involved: Ethylene glycol, pulpboard or fibreboard, ammunition boxes, etc., carloads.

Between: Points in the Southwest on the one hand and points in southern territory and Kansas, on the other.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-175; Filed, Jan. 11, 1954; 8:47 a. m.]

[No. 31375]

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

MOVEMENT OF HIGHWAY TRAILERS BY RAIL

JANUARY 6, 1954.

The Commission has assigned to Division 3 for administrative handling the petition of the New York, New Haven & Hartford Railroad Company for a declaratory order, under section 5 (d) of the Administrative Procedure Act, to remove a number of uncertainties concerning the legal relations, limitations, and obligations incident to the transportation of highway trailers on railroad flat cars. Under section 5 (d) the Commission may issue a declaratory order "to terminate a controversy or remove uncertainty."

The New Haven petition seeks to ascertain from the Commission whether its trailer-on-flat-car service lawfully may be confined to the transportation of motor common carrier trailers, to those of motor common carriers and private carriers, or to a limited number of motor common carriers and private carriers; whether it may refuse such service to contract carriers; private carriers, or freight forwarders; whether, in this service, through-route and joint-rate arrangements may be established with motor common and contract carriers and freight forwarders; what tariff-publishing requirements are applicable and must be observed; and it seeks answers to several other questions arising from these operations.

The Commission has also taken note of the widespread carrier and public interest in the movement of highway trailers on flat cars. This transportation development has been the subject of widespread press comment, both news and editorial, which reflects anxiety and uncertainty in culminating business arrangements relating thereto on the part of carriers and shippers. It has also been the subject of resolutions adopted by carrier and labor groups of national scope. A matter currently of much interest among carriers is the question whether a railroad may transport its own freight in trailers on flat cars without holding therefor a motor carrier certificate issued under part II of the Interstate Commerce Act. In sum, the widespread interest in this matter by carriers, shippers, and the public generally requires more than ordinary attention on the part of the Commission.

Division 3 has therefore been authorized by the Commission to proceed under section 4 of the Administrative Procedure Act, the end result of which will be somewhat broader than the requested proceeding under section 5 (d) of that act. The Division proposes, under the foregoing docket number and title, to construct proposed rules governing this area of transportation, after consultation with the various bureaus of the Commission that are involved, and after studying other available data bearing on the subject, particularly the petition filed by the New Haven and any others that may be filed as this matter progresses. Such proposed rules will be published at an early date, as contemplated by section 4 (a) of the Administrative Procedure Act. Thereafter a conference probably will be held with interested parties, looking toward a hearing before Division 3 or its Chairman, and/or oral argument before the Commission all to the end of formulating rules that will enable this type of transportation to develop, if it is otherwise destined to do so, with a minimum of legal controversy and uncertainty.

The Division also invites and will receive suggestions from interested parties for formulation of the proposed rules on or before February 15, 1954, and expresses the hope that this matter progress to an early conclusion.

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-176; Filed, Jan. 11, 1954; 8:47 a. m.]