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

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1954-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable with respect to 1954 price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart containing additional specific requirements, will be issued for each commodity for which price support is made available and to which the provisions of this subpart are to be applicable.

- Sec.
- 421.401 Administration.
 - 421.402 Commodities covered by this subpart.
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 - 421.420 Purchase of notes.
 - 421.421 CSS commodity offices.

AUTHORITY: §§ 421.401 to 421.421 issued under sec. 4, 62 Stat. 1070, as amended; 15

U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. Sup. 714c; 7 U. S. C. Sup. 1441, 1447, 1421.

§ 421.401 *Administration.* The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the President, CCC, and in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and CSS commodity offices. Producers interested in participating in the program should contact their county office through which the price support documents will be distributed. All documents will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committees to designate certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees designated to approve documents in behalf of the county committee shall be submitted to the State committee for approval. State and county committees and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.402 *Commodities covered by this subpart.* The provisions of this subpart shall apply to any commodity for which a price support program for 1954 is announced and for which a supplement to this subpart (hereinafter referred to as a "commodity supplement") is issued.

§ 421.403 *Methods of price support.* This subpart applies to farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.404 *Disbursement of loans.* Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. No disbursements shall

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be made later than 15 days after the final date of availability of loans set forth in the applicable commodity supplement to this subpart, unless authorized by the President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under the applicable supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.405 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.

§ 421.406 *Approved storage.* Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in approved warehouse storage, is in existence, and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of (1) public warehouses for which a CCC uniform storage agreement for the commodity is in effect, or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county committees.

§ 421.407 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as may be specified in the commodity supplements

to this subpart, which together with the provisions of this subpart and the applicable commodity supplements, govern the rights and responsibilities of the producer. Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, Producer's Note and Loan Agreements, and Purchase Agreements must be dated, signed by the producer and delivered to the county committee as specified in the applicable commodity supplement. Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A), secured by Commodity Chattel Mortgage (Commodity Loan Form AA) and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Approved forms shall consist of the Producer's Note and Loan Agreement, Commodity Loan Form B (CCC Rice Form B in the case of rice), secured by warehouse receipts and such other forms and documents as may be required by CCC. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, the Delivery Instructions (Commodity Purchase Form 3) issued by the county committee, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in the commodity supplement to this subpart.

§ 421.408 *Liens.* If there are any liens or encumbrances on the commodity, waivers acceptable to the county committee must be obtained.

§ 421.409 *Service charges.* (a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of pounds or 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or an identity-preserved warehouse storage loan.

Method of price support	Service charges		
	Per bushel	Per 100 pounds	Minimum charges
(1)	(2)	(3)	(4)
Farm-storage loans.....	(Cents) 1	2	\$3.00
Warehouse-storage loans.....	½	1	\$1.50
Purchase agreements.....	½	1	1.00

¹ Except rice for which State committees are authorized to require prepayment of \$5 for each lot sampled.

² Except rice for which the service charge for warehouse-storage loans shall be 2 cents per 100 pounds with a minimum charge of \$3.

(b) In the case of farm-storage loans and identity-preserved warehouse-storage loans, State committees are authorized to require prepayment of \$3.00 of the service charge, except that State committees are authorized to require prepayment of \$5.00 of the service charge for each lot of rice sampled.

(c) No refund of service charges will be made.

§ 421.410 *Set-offs.* Any storage payment due the producer for storage of the commodity in farm-storage structures shall be applied to any storage facility loan or mobile drying equipment loan made to the producer until fully repaid. Any amount of such storage payments not so applied, together with all payments for related services due the producer, shall be subject to set-off in the same manner as provided in this section for loan or purchase proceeds. If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.411 *Interest rate.* Loans shall bear interest at the rate of ___ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of a farm-storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.412 *Transfer of producer's interest—(a) Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse storage loan. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.417.

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

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.413 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.414 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.415 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage or identity-preserved warehouse-storage loans, except that, subject to the provisions of § 421.414, physical loss or damage occurring after disbursement of the loan funds without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure and resulting solely from an external cause other than insect infestation, rodents or vermin, will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed or in an amount equivalent to the extent of the damage as determined by CCC, provided the producer has given the county committee immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight drafts or check, the date of the draft or check shall con-

stitute the date of disbursement of the funds.

§ 421.416 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and personally liable for the amount of the loan (including interest) and for any resulting expense incurred by any holder of the note.

§ 421.417 *Release of the commodity under loan.* A producer may at any time obtain release of the commodity remaining under loan by paying to the holder of the note or note and loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the commodity prior to maturity may be arranged with the county committee after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. In the case of warehouse-storage loans, such partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts in his behalf. Such written authorization must be made within 10 days prior to repayment of the loan.

§ 421.418 *Liquidation of loans and delivery under purchase agreements—*

(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county committee. If the producer desires to deliver the commodity he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the commodity is going out of condition or is in danger of going out of condition, the producer shall notify the county committee, and such committee shall determine whether prompt removal of the commodity is necessary. If CCC is unable to take delivery within a reasonable length of time of a commodity which the county committee determines should be removed, the producer may request and obtain through the county committee an inspection and grade and quality determination. When delivery is completed

settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy, or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the President, CCC. Settlement will be made at the applicable support rate, subject to the provisions of the Producer's Note and Supplemental Loan Agreement and the applicable commodity supplement according to grade and quality. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered. Settlement will be made on the quantity delivered by the producer as determined by the county committee in accordance with the applicable commodity supplement.

(2) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the ASC county committee which initially approved the loan. Any payment due to the producer will be made by sight draft drawn on CCC by the ASC county office.

(3) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* (1) If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the commodity in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 421.419. Any payment due the producer because of an overplus realized from the sale or pooling of the commodity or any refunds of unearned or prepaid storage on loans called prior to maturity will be made by the appropriate CSS Commodity Office.

(2) In the case of commodities stored identity-preserved where the warehouseman does not guarantee quality and quantity, if the producer does not repay his loan by maturity, the county committee shall specify a period within which the producer shall either furnish official weight and grade certificates (as required by the applicable commodity supplement) or repay his loan. If the producer does not repay his loan during such specified period, settlement for difference in quantity or quality shall

be made, prior to sale or pooling, in accordance with the applicable commodity supplement to this subpart. Any amount determined to be due CCC or the producer shall be paid as provided in subparagraphs (2) and (3) of paragraph (a) of this section.

(c) *Payments and collections; amounts not exceeding \$3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of \$3.00 or less will be paid only upon his request and a deficiency of \$3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the eligible commodity not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county committee of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart, or such earlier date as may be prescribed by the President, CCC.

(2) In the case of eligible commodities stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of commodity he elects to sell to CCC. In the case of eligible commodities stored in other than approved warehouse storage, or stored identity-preserved in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain a commodity stored in other than approved warehouse storage for a period of 60 days after the loan maturity date, without any cost to CCC.

(4) Eligible commodities delivered under a purchase agreement will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Commodities stored commingled in approved warehouses will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents. Commodities stored identity-preserved in an approved warehouse and commodities

delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery (in accordance with requirements for the determination of such factors under the loan program), and agreed to by the producer on Commodity Purchase Form 4.

(e) *Applicable support rate for settlement.* The provisions of this paragraph apply only to barley, corn, flaxseed, grain sorghums, oats, rye, soybeans, and wheat.

(1) In the case of commodities stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraph (3) of this paragraph.

(2) In the case of commodities delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraph (3) of this paragraph. If the producer is directed by the county committee to deliver his commodity to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the commodity any distance greater than the distance from the point where the grain is stored by the producer to the customary shipping point.

(3) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

§ 421.419 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note may remove the commodity from storage, and may sell it (the commodity may be processed before sale), either by separate contract or after pooling it with other lots of the commodity similarly held. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any surplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to

the producer without right of assignment by him.

§ 421.420 *Purchase of notes.* Notes evidencing loans will be purchased from approved lending agencies in accordance with the terms of the lending agency agreement. The purchase price to be paid by CCC will be the principal sums remaining due on such notes plus an amount computed according to the lending agency agreement to cover interest. At maturity, or earlier upon request, lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

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

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

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

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

Minneapolis 9, Minnesota, 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Territory of Hawaii, Territory of Alaska.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1447, 1421)

Issued this 16th day of February 1954.

[SEAL] TRUE D. MORSE,
President,
Commodity Credit Corporation.

[F. R. Doc. 54-1197; Filed, Feb. 18, 1954;
8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

FEES AND CHARGES

On November 24, 1953, there was published in the FEDERAL REGISTER (18 F. R. 7495) a notice of a proposal to amend § 26.74 of the regulations of the Secretary of Agriculture under the United States Grain Standards Act (7 CFR 26.74; 7 U. S. C. 71-87). Interested parties were given 30 days in which to submit written data, views, or arguments concerning the proposed amendment. During this period grain trade organizations requested an opportunity to present their views in person. Accordingly on December 31, 1953, a notice of the proposal was again published in the FEDERAL REGISTER (18 F. R. 8904) together with an invitation to interested parties to present their views concerning the proposal at a public hearing in Wash-

ington, D. C., on January 18, 1954. Such notice also extended the time for filing written comments through January 29, 1954.

After due consideration of all relevant material presented at the hearing and received in writing, the said § 26.74 is hereby amended pursuant to the provisions of section 8 of the United States Grain Standards Act (7 U. S. C. 84) to read:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in car-load lots, \$5.00 per car;

(b) For bulk or sacked grain in trucks and trailers, \$3.00 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, \$1.50 per thousand bushels or fraction thereof, with a minimum of \$3.00 per lot;

(d) For a submitted sample or package of grain, \$2.00 per sample or package;

(e) For all lots of grain other than those referred to in paragraphs (a), (b), (c), and (d) of this section, \$1.50 per thousand bushels or fraction thereof, with a minimum fee of \$3.00 per lot.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department, all such additional items to be determined by the Administrator. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed.

The purpose of the amendment is to bring the current fees and charges, which have been in effect since August 1, 1949, more nearly into line with the increased costs of rendering the service.

The foregoing amendment shall become effective on the first day of June 1954.

(Sec. 8, 39 Stat. 485; 7 U. S. C. 84)

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-1176; Filed, Feb. 18, 1954;
8:49 a. m.]

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

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1954 CROP OF WHEAT

DEFINITIONS

The amendments herein are issued under the Agricultural Adjustment Act of 1938, as amended, because many producers in counties outside of the counties now approved for "green manure, cover crop, or hay practice" have followed such

practice in the past and it is found that in fairness and justice to all producers, all counties in the United States shall be approved as "green manure, cover crop, or hay counties." In order that producers may proceed with plans for the marketing of their crop as expeditiously as possible, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.411 is amended by changing subparagraphs (1) and (5) of paragraph (k) to read as follows:

(k) (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) which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity.

(5) "Green manure, cover crop, and hay counties" means all counties in the United States wherein the practice of using wheat for green manure, cover crop, or hay is followed.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 301, 334, 52 Stat. 38, 53; 7 U. S. C. 1301, 1334)

Done at Washington, D. C., this 16th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54-1177; Filed, Feb. 18, 1954;
8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. 4]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), and January 6, 1954 (19 F. R. 160), is further amended as follows:

1. Section 1101.517 is amended by adding the following as the last sentence preceding "Maximum Federal cost-share":

§ 1101.517 *Practice A-2: Initial establishment of a permanent cover of perennial legumes or perennial grasses,*

*or mixtures of legumes and perennial grasses, on severely eroded land or land so subject to erosion or with soils so shallow, alkaline, stony, or incapable of drainage, or so sandy or of such low inherent productive capacity, or where the average rainfall is so low, that for soil protection its use should be in permanent vegetative cover. * * ** Notwithstanding the limitations on the applicability of this practice, Federal cost-sharing may be authorized under this practice on cropland which as a part of a needed land-use adjustment is being shifted to enduring protective vegetative cover other than as a part of a regular crop rotation.

2. Section 1101.518 is amended by adding the following as the last sentence preceding "Maximum Federal cost-share":

§ 1101.518 *Practice A-3: Initial establishment on cropland of perennial or biennial legumes or perennial grasses, or mixtures of legumes and perennial grasses, to retard erosion and to improve soil structure, permeability, or water-holding capacity, as a part of a crop rotation. * * ** Notwithstanding any limitations in this practice as to counties where the practice may be used or as to the total acreage on a farm on which Federal cost-sharing may be authorized, Federal cost-sharing may be authorized for an acreage increase equal to the net reduction in 1954 in allotment crops from the acreage of these crops in 1953.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590j)

Done at Washington, D. C., this 15th day of February 1954.

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

[F. R. Doc. 54-1175; Filed, Feb. 18, 1954;
8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 385, Amdt. 2]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

On December 4, 1953, a notice of rule making was published in the FEDERAL REGISTER (18 F. R. 7825) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred dogs entitled "Livre des Origines Francais" and the amendment of § 151.10 of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 151.10, as amended).

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19

U. S. C. and Sup., sec. 1201, par. 1606), hereby recognizes the said book of record, and hereby amends said § 151.10 by adding to the subdivision of paragraph (a) of said section relating to dogs the following book of record:

Dogs

Name of breed	Book of record	By whom published
Various breeds:	Livre des Origines Français.	Société Centrale Canine pour l'Amélioration des Races de Chiens en France, 3 Rue de Choiseul, Paris 2, France, C. Guilbert, president.

Under a proviso in paragraph (a) of said § 151.10 no dog registered in the above book of record shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the various breeds issued by the sponsoring Association is submitted for such animal.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 23d day of March 1954.

Done at Washington, D. C., this 15th day of February 1954.

[SEAL]

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1196; Filed, Feb. 18, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 58]

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 610.217 *Red civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
Waterloo (INT), Ill....	Scott AFB, Ill. (LFR)	2,000
Scott AFB, Ill. (LFR)	St. Elmo (INT), Ill....	1,900

2. Section 610.225 *Red civil airway No. 25* is amended to read in part:

From—	To—	Minimum altitude
Drifton (INT), Fla....	Cross City, Fla. (LFR)	1,300
Tidewater (INT), Fla.	Tampa, Fla. (LFR)	1,500

3. Section 610.230 *Red civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Drifton (INT), Fla....	Jacksonville, Fla. (LFR)	1,300

4. Section 610.272 *Red civil airway No. 72* is amended to eliminate:

From—	To—	Minimum altitude
Idlewild, N. Y. (LFR)	Int. SE crs. Idlewild, N. Y. (LFR), and SW crs. Islip, N. Y. (VAR).	1,500

5. Section 610.292 *Red civil airway No. 92* is amended to eliminate:

From—	To—	Minimum altitude
Int. SE crs. Newark, N. J. (LFR), and SW crs. Islip, N. Y. (VAR).	Fire Island (INT), N. Y.	1,500
Fire Island (INT), N. Y.	Islip, N. Y. (VAR)....	1,700
Islip, N. Y. (VAR)....	Int. NE crs. Islip, N. Y. (VAR), and SE crs. Bridgeport, Conn. (LFR).	1,600

6. Section 610.296 *Red civil airway No. 96* is amended to read in part:

From—	To—	Minimum altitude
Beaumont, Tex. (LFR)	Lake Charles, La. (LFR)	1,400

7. Section 610.606 *Blue civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
South Bend, Ind. (LFR)	Benton Harbor (INT), Mich.	2,100

8. Section 610.609 *Blue civil airway No. 9* is amended to eliminate:

From—	To—	Minimum altitude
Columbia, Mo. (LFR)	Kirksville, Mo. (LFR)	2,200

From—	To—	Minimum altitude
Kirksville, Mo. (LFR)	Int. NW crs. Kirksville, Mo. (LFR), and 8 crs. Des Moines, Iowa (LFR)	2,500
Int. NW crs. Kirksville, Mo. (LFR), and 8 crs. Des Moines, Iowa (LFR)	Des Moines, Iowa (LFR)	2,200

9. Section 610.610 *Blue civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Fresno, Calif. (LFR)...	Los Banos (INT), Calif.	3,000
Los Banos (INT), Calif.	Morgan Hill, Calif. (FM)	6,000
Morgan Hill, Calif. (FM)	Evergreen, Calif. (LF/RBN); ¹ Northwestbound only; Southeastbound.	5,000
		6,000

¹6,000'—Minimum crossing altitude at Los Banos (INT), northwestbound.
²6,000'—Minimum crossing altitude at Evergreen (LF/RBN), southeastbound.

10. Section 610.1001 *Direct routes; United States* is amended by adding:

From—	To—	Minimum altitude
Florence, S. C. (LFR)	Greensboro, N. C. (LFR)	3,000
Fayetteville, N. C. (LF/RBN)	Myrtle Beach, N. C. (LF/RBN)	1,500
Kearney (INT), Mo...	Liberty, Mo. (LF/RBN), southbound only.	2,200
Orrick (INT), Mo....	Liberty, Mo. (LF/RBN), westbound only.	2,200
Buckner (INT), Mo...	Liberty, Mo. (LF/RBN), westbound only.	2,200
Bonner Springs (INT), Kans.	Farley, Mo. (LF/RBN), northbound only.	2,400
Plattsburg (INT), Mo.	St. Joseph, Mo. (LFR), westbound only.	2,400
Hutchinson, Kans. (VOR)	Anson (INT), Kans.	3,000

11. Section 610.6012 *VOR civil airway No. 12* is amended by adding:

From—	To—	Minimum altitude
Palmdale, Calif. (VOR) ¹	Daggett, Calif. (VOR)	6,000

¹6,000'—Minimum crossing altitude at Palmdale, southwestbound.

12. Section 610.6046 *VOR civil airway No. 46* is amended to eliminate:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR)	Nantucket, Mass. (VOR)	1,500

13. Section 610.6065 VOR civil airway No. 65 is amended to eliminate:

From—	To—	Minimum altitude
Columbia, Mo. (VOR), dir. or E. alter.	Kirksville, Mo. (VOR), dir. or E. alter.	2,200
Kirksville, Mo. (VOR), dir. or E. alter.	Des Moines, Iowa. (VOR), dir. or E. alter.	2,500

14. Section 610.6113 VOR civil airway No. 113 is amended by adding:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Modesto, Calif. (VOR).	7,000

15. Section 610.6131 VOR civil airway No. 131 is amended to eliminate:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Modesto, Calif. (VOR).	7,000

16. Section 610.6137 VOR civil airway No. 137 is added to read:

From—	To—	Minimum altitude
Fontana (INT), Calif. ¹	Palmdale, Calif. (VOR). ²	12,000
Palmdale, Calif. (VOR). ³	Wheeler Ridge (INT), Calif.	10,000
Wheeler Ridge (INT), Calif.	Bakersfield, Calif. (VOR). ⁴	6,000
	Northbound.....	6,000
	Southbound.....	10,000

¹ 12,000'—Minimum crossing altitude at Fontana (INT), northwestbound.

² 11,000'—Minimum crossing altitude at Palmdale (VOR), southeastbound.

³ 8,000'—Minimum crossing altitude at Palmdale (VOR), northwestbound.

⁴ 7,000'—Minimum crossing altitude at Bakersfield (VOR), southbound.

(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 February 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.
[F. R. Doc. 54-1184; Filed, Feb. 18, 1954;
8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-134; Order No. 169]

PART 1—RULES OF PRACTICE AND PROCEDURE EVIDENCE

The Commission has under consideration in this proceeding the amendment

of § 1.26 of Part 1 of its general rules and regulations (18 CFR Chapter I, Subchapter A, Part 1) by adding a new subparagraph relating to the receipt of public documents in evidence.

Paragraph (c) (2) of the above-designated section, which permits the receipt in evidence of certain documentary material by reference, provides the only exception to the requirement that all documentary evidence in a hearing must be produced and marked for identification. The exception relates only to such reports or other documents as may be "on file with the Commission", i. e., only such reports or other documents that are a part of the material in the Commission's files.

The subparagraph in question does not except published reports, documents or other official governmental publications regularly consulted as sources of basic facts but which are not part of the Commission's official files, such as United States Geological Survey Water Supply Papers, Weather Bureau Statistics, and United States Army Engineers' "308 Reports."

It appears that enlargement of the scope of the exception set forth in Paragraph (c) (2) would be of considerable benefit to hearings in progress if a suitable amendment of § 1.26 is made effective at once.

In the circumstances herein recited, it is in the public interest to amend § 1.26 of the rules of practice and procedure to permit the incorporation of such reports and documents or parts thereof into the record as "public document items" without the usual requirement of copies when it has been established that the document in question is accessible to the public generally.

It appears also that the proposed amendment represents a matter of procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The following proposed amendment is necessary and appropriate for the purposes of the Federal Power Act and Natural Gas Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 308 and 309 (49 Stat. 858, 16 U. S. C. 825g, 825h), and the Natural Gas Act, particularly sections 15 and 16 (52 Stat. 833) 15 U. S. C. 717o, orders:

(A) Section 1.26 (c) (2) of the rules of practice and procedure be redesignated as § 1.26 (c) (2) (i), and a new subparagraph added as follows:

(ii) *Public document items.* Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive Departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or

marked for identification, but may be offered in evidence as a public document item by specifying the document or relevant part thereof without regard to the requirements of subparagraph (5) of this paragraph.

(B) The added subparagraph (2) (ii) of § 1.26 (c) herein prescribed be and it is hereby made effective from and after its date of publication in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o)

Adopted: February 10, 1954.

Issued: February 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1166; Filed, Feb. 18, 1954;
8:47 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION OF ANIMAL FEED CONTAINING ANTIBIOTICS UNDER CERTAIN CONDITIONS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (l), 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 352 (l), 357 (c); 67 Stat. 18), I find that the requirements of sections 502 (l) and 507 of the act with respect to animal feed containing chlortetracycline and certain other designated drugs, when used for the prevention or treatment of certain specified diseases of poultry, swine, and calves, are no longer necessary to insure safety and efficacy of such drugs when used for the purposes indicated, and hereby promulgate the following amendments exempting such drugs from the requirements:

Section 146.62 *Animal feed containing penicillin* * * * is amended in the following respects:

1. Paragraph (g) is amended to read as follows:

(g) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) and hexamitiasis in poultry, infectious swine enteritis, and/or calf scours; its labeling bears adequate directions and warnings for such use, and it contains not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

2. Paragraph (h) is amended to read as follows:

(h) It is intended for use solely as a treatment for chronic respiratory disease (air-sac infection), sinusitis, non-specific infectious enteritis, blue comb, mud fever, and hexamitiasis in poultry, and/or infectious swine enteritis; its

labeling bears adequate directions and warnings for such use, and it contains not less than 100 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 100 grams per ton of feed. If it is intended for use solely in poultry it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid, or if it is intended for continuation of coccidiosis prevention based on nitrofurazone medication, it shall contain 0.0056 percent of nitrofurazone.

3. The following new paragraph is added:

(m) It is intended for use solely in the prevention of coccidiosis, chronic respiratory disease (air-sac infection) and hexamitiasis in poultry; its labeling bears adequate directions and warnings for such use, and it contains 0.0056 percent nitrofurazone and not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

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

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

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

Dated: February 15, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1174; Filed, Feb. 18, 1954;
8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

FOREIGN DECORATIONS

Section 578.25 is revised to read as follows:

§ 578.25 *Foreign decorations*—(a) *Consent required.* No person holding any office or profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince or foreign state.

(b) *Congressional authorization.* Except for such foreign awards as previously may have been specifically authorized by the Congress to be accepted, each tender of an award by a foreign government to a member of the Army will be forwarded through The Adjutant General to the Department of State, where

it will be held in escrow pending approval by the Congress for the proposed recipient to accept. No foreign decorations or ribbons therefore will be worn prior to such approval by the Congress.

(c) *Participation in ceremonies.* In the event an individual is advised that a friendly foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the award notwithstanding the absence of the consent of Congress to accept it. The receipt of a foreign award at such ceremony will not constitute an acceptance of the award by the recipient. Immediately following the ceremony the individual to whom the award has been presented will advise The Adjutant General by letter setting forth all circumstances pertinent to the award and ceremony and will enclose the award and all allied documents. In such cases and where the presentation was made without previous notification, the appropriate representative of the foreign nation concerned will be advised of the provisions of the constitution as indicated above.

(d) *Military Assistance Program.*

(1) Except as indicated in subparagraph (2) of this paragraph, members of the armed forces and civilian employees holding an office of profit or trust under the United States within the provisions of article 1, section 9, clause 8, of the United States Constitution are not authorized to receive decorations from foreign governments for duties performed in connection with the Military Assistance Program. Personnel so assigned are not authorized to participate in ceremonies as authorized in paragraph (c) of this section.

(2) Personnel of Military Assistance Advisory Groups and Aid Missions are authorized to receive awards, in the manner described in paragraph (c) of this section, for services in connection with actual combat operations.

(e) *Authorization not required*—(1) *Former members of armed forces of friendly foreign nations.* The approval of the Congress, as prescribed in this section, is not required to accept any foreign decoration tendered or awarded for services while the recipient was a bona fide member of the armed forces of the respective foreign nation and provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into active Federal service of the Armed Forces of the United States.

(2) *Reserve components of the Armed Forces of the United States.* Individuals while not on active duty and while not holding an office of profit or trust under the Government may, without specific consent of the Congress, accept a foreign decoration and may, when authorized to do so by service regulations, wear such decoration on his uniform, provided the award is not in recognition of services performed while the recipient was on active duty with the Armed Forces of the United States.

(3) *Posthumous.* The approval of the Congress, as prescribed in this section is not required to accept any foreign decoration tendered or awarded posthu-

mously to a former member of the Armed Services.

[C7, AR 600-45, Feb. 9, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1180; Filed, Feb. 18, 1954;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-2]

DMO V-2—ESTABLISHMENT OF A TITANIUM ADVISORY COMMITTEE

By virtue of the authority vested in me by Executive Order 10480 of August 15, 1953 and Reorganization Plan No. 3 of June 12, 1953, and in order to obtain advice which will facilitate the coordination of Federal policies and programs with respect to the supply of titanium to meet the requirements for both current defense activities and readiness for any future national emergency, it is hereby ordered:

1. There is established in the Office of Defense Mobilization a Titanium Advisory Committee. The Committee shall consist of the Assistant Secretary for Mineral Resources, Department of the Interior, and two other members selected by the Director of the Office of Defense Mobilization, one of whom he shall designate as Chairman.

2. The Titanium Advisory Committee shall advise the Office of Defense Mobilization on problems relating to plans and programs pertaining to titanium; and shall, in cooperation with other Federal agencies concerned, develop recommendations with regard to the Government's program on titanium expansion.

3. This order shall take effect on February 17, 1954.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director.

[F. R. Doc. 54-1179; Filed, Feb. 17, 1954;
2:36 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BOSTON HARBOR AND ADJACENT WATERS, MASS.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.75 governing the operation of drawbridges in Boston Harbor and waters adjacent thereto, is hereby amended in respect to drawbridges across Fort Point Channel above Summer Street bridge, as follows:

§ 203.75 *Boston Harbor, Mass., and adjacent waters; bridges.* * * *

(1) *Fort Point Channel.* * * *

(2) *Bridges upstream from Summer Street Bridge.* (i) The owners of or agencies controlling bridges over Fort Point Channel upstream from Summer Street Bridge will be required to keep draw tenders in constant attendance from 8:00 a. m. to 4:00 p. m., Monday through Friday, of each week. At all other times of the day or night from Monday through Friday of each week and on Saturdays and Sundays, 24 hours' advance notice will be required for the opening of the draws of the subject bridges.

(ii) During the periods when bridge tenders are in constant attendance the draws of the subject bridges shall be opened promptly on receiving the call signals prescribed in paragraph (d) of this section; *Provided*, That when a vessel or other watercraft has started passage through a bridge it is to be afforded a continuous passage through the remaining bridges, subject to such limitation as may be imposed on the operation of the railroad bridge, due regard being had for causing minimum interference with train schedules.

(iii) During the periods when a 24-hour advance notice is required any one desiring an opening of the draws of the subject bridges for the passage of a vessel or other watercraft shall contact, in person, by telephone, or letter, the Chief Train Dispatcher of the New York, New Haven and Hartford Railroad Company, at South Station, Boston, Massachusetts, or at Hubbard 2-7800, Extension 331, informing him of the time and date the opening is desired. The dispatcher will notify the party requesting the openings of the exact time the openings will be made (dependent on train schedules) and will make such arrangements with the authorized representatives of the owners of or agencies controlling each of the other drawbridges as may be necessary to have those bridges opened at the time specified to provide a continuous passage for the vessel or other watercraft. In case of emergency, the draws of the respective bridges shall be opened promptly upon notification.

(iv) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of each bridge, in such manner that it can be read at any time, a copy of the regulations in this section, together with a notice stating how the authorized representative of the owner of or agency controlling the bridge may be reached in an emergency.

[Regs., Jan. 27, 1954, 823.01 (Boston Harbor, Mass.)-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL]

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1182; Filed, Feb. 13, 1954; 8:51 a. m.]

PART 207—NAVIGATION REGULATIONS

ST. JOHNS RIVER, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.166 establishing and governing the use and navigation of a naval restricted area in St. Johns River, adjacent to the United States Naval Station, Green Cove Springs, Florida, is hereby prescribed, as follows:

§ 207.166 *St. Johns River, Fla.; naval restricted area, United States Naval Station, Green Cove Springs, Fla.*—(a) *The area.* The waters of the St. Johns River within the following described area: Beginning on the shore at latitude 29°59'20", longitude 81°40'00"; thence to latitude 29°59'40", longitude 81°39'49.5"; thence to latitude 29°59'42", longitude 81°39'39"; thence to latitude 29°59'11", longitude 81°38'39"; thence to latitude 29°58'56", longitude 81°38'41"; thence along a line 50 feet south of and parallel to pier "A" to the shore; thence with the shore and bulkhead line to the point of beginning.

(a) *The regulations.* (1) No vessel or other craft except vessels operated by the Navy shall enter the restricted area or within 300 feet of piers Nos. 1 through 12 and ships moored in the area, or within 50 feet of pier "A", unless specific permission to enter has been granted the vessel or craft by the enforcing agency.

(2) Fishing is prohibited in the area.

(3) This section shall be enforced by the Commanding Officer, U. S. Naval Station, Green Cove Springs, Florida, and such agencies as he may designate.

[Regs., Jan. 21, 1954; 800.2121 (St. Johns River, Fla.)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL]

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1181; Filed, Feb. 18, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 941]

KANSAS

REVOKING PUBLIC LAND ORDER NO. 182 OF OCTOBER 1 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 182 of October 1, 1943, withdrawing the following described lands for use of the War Department as an aerial gunnery range is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 14 S., R. 32 W.,

Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 40 acres. The tract is in land-capability classes VI and VII and is not suitable for agriculture. It is located adjacent to a county road. Any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries concerning the lands shall be addressed to the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

ORME LEWIS,

Assistant Secretary of the Interior.

FEBRUARY 15, 1954.

[F. R. Doc. 54-1160; Filed, Feb. 18, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 39]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

EXEMPTIONS GRANTED TO INCOME OF FOREIGN GOVERNMENTS, INTERNATIONAL ORGANIZATIONS AND THEIR EMPLOYEES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set

forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the

authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

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

In order to conform Regulations 118 (26 CFR Part 39) to the provisions of section 247 of the Immigration and Nationality Act, enacted June 27, 1952, such regulations are amended as follows:

PARAGRAPH 1. Section 39.116-2 is amended as follows:

(A) By striking "All" at the beginning of paragraph (a) (2) and inserting in lieu thereof the following: "Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, all"

(B) By adding at the end of paragraph (a) (2) the following: "Section 247 (b) of the Immigration and Nationality Act provides as follows:

(b) The adjustment of status required by subsection (a) [of the Immigration and Nationality Act] shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

An employee of a foreign government who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 116 (h) of the Code. As a consequence, such exemption does not apply to income received by such alien after the date of filing of the waiver."

(C) By striking "Subject to" at the beginning of paragraph (b) (2) and inserting in lieu thereof the following: "Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, and subject to"

(D) By adding a subparagraph (4) to paragraph (b) and a new paragraph (c) (following the text of section 9 of the International Organizations Immunities Act) as follows:

(4) An officer or employee of an international organization who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 116 (h) of the Code. As a consequence, such exemption does not apply to income received after the date of filing of the waiver.

(c) Tax conventions, consular conventions, and international agreements. A tax convention or consular convention between the United States and a foreign country, which provides that the United States may include in the tax base of its residents all income taxable under the internal revenue laws, and which makes

no specific exception for the income of the employees of that foreign government, does not provide any exemption (with respect to residents of the United States) beyond that which is provided by the internal revenue laws. Accordingly, the effect of the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act by an employee of a foreign government which is a party to such a convention is to subject the employee to tax to the same extent as provided in paragraph (a) of this section with respect to the waiver of exemption under section 116 (h). On the other hand, if a tax convention, consular convention, or international agreement provides that compensation paid by the foreign government or international organization to its employees is exempt from Federal income tax, and the application of this exemption is not dependent upon the provisions of the internal revenue laws, the exemption so conferred is not affected by the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act. For examples of exemptions which are not affected by the Immigration and Nationality Act, see Article X of the British Tax Convention, Article IX, section 9 (b) of the Articles of Agreement of the International Monetary Fund (60 Stat. 1401), and Article VII, section 9 (b) of the Articles of Agreement of the International Bank for Reconstruction and Development (60 Stat. 1440).

[F. R. Doc. 54-1150; Filed, Feb. 18, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 962]

[Docket No AO 162-A4]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held on December 17, 1953, at Macon, Georgia, after notice thereof published in the FEDERAL REGISTER (18 F. R. 7895), on a proposed amendment to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962; 18 F. R. 3013), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of fresh peaches grown in Georgia, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on January 22, 1954, filed with the Hearing Clerk, United States Department of Agriculture,

his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 54-578; 19 F. R. 490). No exception to said recommended decision was filed.

The material issue, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54-578; 19 F. R. 490) are hereby approved and adopted as the material issue, findings and conclusions, and general findings of this decision as if set forth in full herein.

Amendment to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia" and "Order Amending the Order, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendment shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

Done at Washington, D. C., this 16th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia

§ 962.0 Findings and determinations. The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part

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

900), a public hearing was held on December 17, 1953, at Macon, Georgia, upon a proposed amendment to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR 962), regulating the handling of fresh peaches grown in Georgia. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended, and as hereby further amended, regulates the handling of fresh peaches grown in Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes such different terms applicable to different marketing areas, as are necessary to give due recognition to such differences in the marketing of such peaches.

It is therefore ordered, That, on and after the effective date hereof, the handling of fresh peaches grown in Georgia shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the proviso in the first sentence of § 962.41 and insert in lieu thereof the following: "Provided, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 962.71 or against peaches that are exempt from inspection pursuant to § 962.64."

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the calendar year 1953 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Georgia, in the production of peaches for market, to ascertain whether such producers favor the issuance of an order amending Order No. 62, as amended, effective April 27, 1942, regulating the handling of fresh peaches grown in the State of Georgia; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Minard F. Miller and G. A. Nahstoll of the Fruit and Vegetable Division, Agricultural

Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 62 as amended, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., at the office of the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, Citrus Mutual Building, Lakeland, Florida, or at the office of the Industry Committee, Georgia Peach Marketing Agreement and Order, Grand Building, Macon, Georgia. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at said office of the Field Representative or from any referendum agent or appointee.

[F. R. Doc. 54-1194; Filed, Feb. 18, 1954; 8:54 a. m.]

[7 CFR Part 987]

[Docket No. AO-252]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Mississippi Assembly Room, State Office Building, Jackson, Mississippi, beginning at 10:00 a. m., March 15, 1954.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Central Mississippi marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Jackson Grade-A Dairy Producers Association, Jones County Dairy Association, and Hattiesburg Dairymen's Association:

DEFINITIONS

§ 987.1 *Act*. "Act" means Public Act No. 10, 73d Congress, as amended and

reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

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

§ 987.3 *Department of Agriculture*. "Department of Agriculture" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions specified in this subpart.

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

§ 987.5 *Cooperative association*. "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

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

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

§ 987.6 *Central Mississippi marketing area*. "Central Mississippi marketing area", hereinafter called "marketing area," means all the territory within the boundaries of the Counties of Hinds, Madison, Rankin, Warren, Marion, and Jones and Forrest, excluding Beat 5 thereof, all within the State of Mississippi.

§ 987.7 *Fluid milk plant*. "Fluid milk plant" means (a) any milk plant approved by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area and used during the delivery period for the processing and packaging of Grade A milk all or a portion of which is disposed of as Class I milk to wholesale or retail outlets (including delivery by a vendor or sale from a plant store) in the marketing area except another fluid milk plant, or (b) any receiving station which is operated by a person operating a distributing plant described in paragraph (a) of this section, and used for the receipt of Grade A milk which is shipped to such distributing plant during the delivery period.

§ 987.8 *Nonfluid milk plant*. "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 987.9 *Handler*. "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant(s) or (b) a producer-handler.

§ 987.10 *Producer*. "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by a health authority duly authorized to administer laws and regulations governing the quality of milk for consump-

tion as milk in the marketing area and whose milk (a) is received at a fluid milk plant as defined under § 987.7 or (b) is diverted during any of the months of March through July by the operator of such fluid milk plant, for the handler's account, from the farm to a non-fluid milk plant. Milk so diverted shall be deemed to have been received at the fluid milk plant by the handler who causes it to be diverted.

§ 987.11 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received directly from the farm of such producer at a fluid milk plant.

§ 987.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant other than that skim milk and butterfat contained in producer milk or received from other handlers, except a producer-handler.

§ 987.13 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by a health authority duly authorized to administer regulations and laws governing the quality of milk disposed of in the marketing area and who processes or packages milk from his own production and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 987.14 *Base.* "Base" means a quantity of producer milk expressed in pounds per day computed pursuant to § 987.82.

§ 987.15 *Base milk.* "Base milk" means producer milk delivered each month which is not in excess of the producer's base multiplied by the number of days of delivery in such month.

§ 987.16 *Excess milk.* "Excess milk" means producer milk delivered in excess of base milk.

§ 987.17 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

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

- To administer its terms and provisions;
- To receive, investigate, and report to the Secretary complaints of violation;
- To make rules and regulations to effectuate its terms and provisions; and
- To recommend amendments to the Secretary.

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

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds provided by § 987.94 the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 987.93, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

(g) Audit all reports and payments by each handler by inspection of such handler's records and of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31 or payments pursuant to § 987.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each delivery period the minimum price for Class I milk computed pursuant to § 987.51 and the Class I butterfat differential computed pursuant to § 987.54 (a).

(2) On or before the 6th day of each delivery period, the minimum price for Class II milk computed pursuant to § 987.53 and the Class II butterfat differential computed pursuant to § 987.54 (b);

(3) On or before the 10th day after the end of each of the months of August through February, the uniform price for each handler computed pursuant to § 987.71 and the butterfat differential computed pursuant to § 987.91; and

(4) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk for each handler computed pursuant to § 987.72

and the butterfat differential computed pursuant to § 987.91.

(j) On or before the 10th day after the end of each delivery period, mail to each handler, at his last known address a statement showing for such handler:

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

(2) For the months of March through July the amounts and value of his base and excess milk respectively; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through July the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

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

§ 987.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, and each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe as follows:

(a) On or before the 20th day after the end of the delivery period his producer payroll for such delivery period which shall show for each producer: (1) His name and address, (2) total pounds of milk received from such producer, including for the delivery periods of March through July the total pounds of base and excess milk, (3) the number of days on which milk was received from such producer if less than a full calendar month, (4) the average butterfat content of such milk, and (5) the net amount of such handler's payment together with the price paid and the amount of any deduction authorized in writing by such producer.

(b) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours

of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat;

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

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

(d) Payments to producers.

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

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 through 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.42 through 987.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including "reconstituted skim milk") and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream and ice cream mixes); (2) used to produce concentrated (including frozen) milk; (3) in inventory variations; and (4) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) contained in frozen storage cream; (2) used to produce ice cream and ice cream mixes and any product other than those classified as Class I milk pursuant to paragraph (a) of this section; (3) disposed of for livestock feed or dumped skim milk; and (4) in shrinkage not to exceed 2 percent of receipts of skim milk and butterfat,

respectively, in producer and other source milk.

§ 987.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

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

(b) Prorate the resulting amounts between such handler's receipts of skim milk and butterfat in producer milk and in other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if later disposed of (whether in original or other form) by such handler or another handler in another class.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of in the form of milk, skim milk, or cream by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted to a fluid milk plant of another handler, except a producer-handler, unless utilization in Class II is claimed by the transferor-handler in writing to the market administrator on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 987.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *Provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler.

(c) As Class I milk if transferred or diverted to a nonfluid milk plant, unless the following conditions are met:

(1) The handler claims classification in Class II milk;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II milk: *Provided*, That the skim milk and butterfat so assigned to Class II milk shall be limited to the amount thereof in Class II milk in such nonfluid milk plant, and any additional amounts of skim milk and butterfat so transferred or diverted shall be assigned to Class I milk.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administra-

tor shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 987.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 987.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage in producer milk determined pursuant to § 987.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 987.44 (a);

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

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 987.50 *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to § 987.54, each handler shall pay in the manner set forth in § 987.90 for producer milk received at his fluid milk plant(s) during each delivery period not less than the Class I and Class II prices per hundred-weight set forth in §§ 987.51 and 987.53, respectively.

§ 987.51 *Class I milk.* The Class I price shall be an amount calculated by multiplying \$6.30 by the formula index computed pursuant to § 987.52 and dividing by 100: *Provided*, That such price shall not be higher than the average price per hundredweight paid or reported to be paid for milk at the plants or places in § 987.51 (a) during the preceding month plus \$3.00 nor lower than such paying price plus \$2.00: *And provided further*, That in no event from the effective date of this subpart, through February 1954, shall such price be less than the Class I price pursuant to Order No.

42, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at the 61-70 milk zone less 35 cents per hundredweight.

(a) Divide by 3.5 and multiply by 4.0 the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 987.52 *Formula index.* Based on data available on the 28th day of each month, or the first business day thereafter if the 28th is not a business day, the market administrator shall calculate a formula index for the following delivery period as follows:

(a) Divide the latest available monthly wholesale Price Index for All Commodities (1947-49=100) as announced by the Bureau of Labor Statistics, U. S. Department of Labor, by 1.122.

(b) Divide by 3, the sum of the three latest monthly Indexes of Business Activity for the Jackson, Vicksburg, Laurel, and Hattiesburg Districts (1952=100) as announced by the Business Research Station, Mississippi State College, State College, Mississippi.

(c) Compute a labor-feed index as follows:

(1) Divide by 0.0372 the daily farm wage rate without board or room for the latest available month as reported by the Department of Agriculture for the State of Mississippi and multiply by 0.3;

(2) Divide by 0.0458 the average price paid per hundredweight for all mixed dairy feed, for the latest available month as reported by the Department of Agriculture for the State of Mississippi and multiply by 0.7;

(3) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Add the results determined pursuant to paragraphs (a), (b), and (c) of this section, and divide by 3. The resulting number shall be known as the formula index and shall be rounded to the nearest one-tenth unit.

§ 987.53 *Class II milk.* The Class II price shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for

which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.54 *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to § 987.46 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 987.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply such price reported for the current month by 1.15 and round to the nearest one-tenth cent.

§ 987.55 *Use of equivalent factors.* If for any reason a price, index, or wage rate specified by this subpart, for use in computing class prices and for other purposes is not reported or published in the manner described in this subpart, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 987.60 *Producer-handlers.* Sections 987.40 through 987.46, 987.50 through 987.55, 987.70 through 987.72, 987.80 through 987.83, and 987.90 through 987.95 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICES

§ 987.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price, and (d) add or subtract, as the case may be, an amount, except those subject to the provisions of § 987.92, necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of

skim milk and butterfat for previous months.

§ 987.71 *Computation of the uniform price for each handler.* For each of the months of August through February the market administrator shall compute for each handler the uniform price for milk received from producers as follows:

(a) To the amount computed pursuant to § 987.70 add, if the average butterfat content of milk received from producers by such handler is less than 4.0 percent, or subtract if such average butterfat content is more than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers computed pursuant to § 987.91, and multiply the result by the total hundredweight of such milk;

(b) Add the amount represented by any deductions made pursuant to paragraph (c) of this section for fractions of a cent in computing the uniform price for the preceding month;

(c) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 987.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of March through July, the market administrator shall compute for each handler the uniform price for base milk and for excess milk received from producers as follows:

(a) To the amount computed pursuant to § 987.70 add, if the average butterfat content of milk received from producers by such handler is less than 4.0 percent, or subtract if such average butterfat content is more than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers computed pursuant to § 987.91 and multiply the result by the total hundredweight of such milk;

(b) Add the amount represented by any deductions made pursuant to § 987.71 (c) or (e) and (f) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(c) Subject to the condition set forth in paragraph (d) of this section, compute the value of excess milk by multiplying the quantity of such milk by the Class II price;

(d) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (c) of this section from the value obtained pursuant to paragraph (b) of this section: *Provided,* That, if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 987.51, such value in excess thereof shall be added to the value computed pursuant to paragraph (c) of

this section to the extent that the excess price shall not exceed the base price as calculated in this order. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(e) Divide the result obtained in paragraph (d) of this section by the quantity of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "base milk" of 4.0 percent butterfat content; and

(f) Divide the result obtained in paragraph (e) of this section by the quantity of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "excess milk" of 4.0 percent butterfat content.

BASE RATING

§ 987.80 *Base operating period.* The base operating period shall be the months of March through July.

§ 987.81 *Base forming period.* The base forming period for each year shall be the months of September through January immediately preceding the base operating period.

§ 987.82 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator, as follows: Divide the total pounds of milk received by a handler(s) from such producer during the base forming period by the number of days from the first day of delivery by such producer during such period to the last day of January, inclusive, but not less than 120 days.

§ 987.83 *Computation of base.* The base of each producer to be applied during the base operating period shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was delivered to such handler during the delivery period.

§ 987.84 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producers' immediate family who carried on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be moved from one handler to another handler.

§ 987.85 *Announcement of established bases.* On or before March 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each delivery period for milk received during the first 15 days of the delivery period at not less than the price per hundredweight for Class II milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of August through February for milk received during such delivery period at not less than the uniform price per hundredweight computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of March through July, after deducting the amount of payment made pursuant to paragraph (a) of this section, and proper deductions authorized in writing by such producer, for milk received during the delivery period as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 987.91.

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 987.91.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of such deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

§ 987.91 *Producer butterfat differential.* In making payments to each producer there shall be added to the uniform price(s) for each one-tenth of 1 percent that the average butterfat content of such milk delivered by such

producer is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month by .115 and round to the nearest one-tenth of a cent.

§ 987.92 *Adjustments of accounts.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 987.93 *Marketing service.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to verify samples, tests, and weights of milk received from such producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 987.90 (d).

§ 987.94 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source

milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 987.95 *Termination of obligations.* The provision of this section shall apply to any obligation under this subpart for the payment of money.

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

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

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

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

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

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

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

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

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

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this subpart.

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

Modifications or provisions proposed by:

Hattiesburg Creamery:

1. The Central Mississippi Marketing Area be designated to comprise the counties of Warren, Hinds, Madison, Rankin, Simpson, Lawrence, Jefferson Davis, Covington, Jones, Wayne, Walt-

hall, Marion, Lamar, Forrest, Perry, Greene, Stone and George, all within the State of Mississippi.

Blue Ribbon Creamery:

2. Include the counties of Adams, Claiborne, Lincoln, Copiah, Scott, Newton, Washington, Humphries, Sharkey, Yazoo, Jefferson, Simpson, Leake, Neshoba in any Marketing Area that may be considered by the Department.

Blue Ribbon Creamery and Hattiesburg Creamery:

3. Insert a provision in the proposed order to provide that milk on hand in the possession of any handler on the day any order should become effective be priced at that time so that it will not at a later time reflect a higher price to the handler.

4. Define Class II milk as follows: "Class II shall be all skim milk and butterfat (1) used to produce any product other than those specified in Classes I and III, and (2) milk diverted and delivered in producers' cans to nonfluid plants."

5. Define Class III milk as follows: "Class III milk shall be (1) all milk the butterfat from which is sold to a butter plant or an ice cream plant for the manufacture of butter or ice cream; (2) whole milk transferred to a nonfluid milk plant; and (3) shrinkage up to two percent of receipts from producers."

6. Classify milk transferred or diverted to a nonfluid milk plant as Class II or III when the handler claims classification in Class II or III and the market administrator is furnished, upon his request, with certification by the nonfluid milk plant as to utilization of such skim milk or butterfat received at such nonfluid milk plant outside the marketing area.

7. Permit each handler, in making prescribed payments, to deduct ten cents per hundredweight from the uniform price of base and excess milk during the delivery periods of March through July and for all milk during the delivery periods of August through February for each producer with respect to all such milk received from such producer at a fluid milk plant other than a bottling plant, located more than forty miles from the fluid milk plant at which the milk is bottled.

8. Whenever verification of a handler's records discloses payment to any producer of an amount which is more than the uniform price being paid by the handler to producers, occasioned by clerical or other such error, the amount of such overpayment shall be deducted and retained by the handler at the time of making payment to producers next following such disclosure. Any such erroneous payment, if discovered by handler, shall be reported promptly to the market administrator.

9. Provide that no producer shall be required to pay the market administrator for marketing services any amount in excess of the amount charged by a cooperative association which is actually performing the services of verifying samples, tests and weights of milk received, pursuant to the laws of Mississippi and the regulations of the Mississippi Department of Agriculture and Commerce promulgated thereunder and

providing producers with market information.

10. Minimum prices: Subject to the appropriate butterfat differential each handler shall pay for milk received at his plant from producers at not less than the prices per hundredweight set forth in 1 and 2 below:

(1) *Class I milk.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section, and the price computed pursuant to (2) (b), plus 20 cents, all for the second preceding month.

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during said month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4:

Present Operator and Location

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

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (i) and (ii) of this paragraph:

(i) To the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, add 20 percent thereof, and multiply by 4.0.

(ii) For the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

(2) *Class prices—(a) Class I milk.* The price for Class I milk shall be the basic formula price, plus \$2.05, for all delivery periods.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid for ungraded milk of 4 percent butterfat content received from farmers during the second preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven, Miss.
Pet Milk Co., Kosciusko, Miss.

(c) *Class III milk.* The price for Class III milk shall be the price computed according to paragraph (b) above, less 50 cents.

11. Require the market administrator to announce the price for Class I milk computed pursuant to the proposed order on or before the first day of each delivery period.

Madison County Dairies, Inc.

12. Exclude Madison county from the marketing area or add Holmes and Yazoo counties.

Bush Dairy

13. Provides that the marketing area shall include the counties of Wayne, Clarke, Jasper, Newton, Neshoba, Smith, Simpson, Copiah, Covington, Perry, Greene, and Jones, all in Mississippi.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 16, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1195; Filed, Feb. 18, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TRANSFER OF CERTAIN FUNCTIONS FROM FOREST SERVICE TO SOIL CONSERVATION SERVICE

Pursuant to the authority contained in section 161, Revised Statutes (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, sections 300 and 400 of the Secretary's order of December 24, 1953 (19 F. R. 74), are amended to transfer from the Forest Service to the Soil Conservation Service the use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010-1012) and the related provisions of Title IV thereof of the nursery projects designated and described in Executive Order 10516 of January 26, 1954 (19 F. R. 467), and the Brooksville Nursery in Hernando County, Florida, containing 847 acres, and to read as follows:

SEC. 300. Assignment of functions.

h. The protection, management and administration under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010-1012), of lands under the administration of this Department including the custodianship of lands under

lease to States and local agencies, except as otherwise assigned in paragraph e of section 400.

SEC. 400. Assignment of functions.

e. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010-1012) and the related provisions of Title IV thereof of the nursery projects designated and described in Executive Order 10516 of January 26, 1954 (19 F. R. 467), and the Brooksville Nursery in Hernando County, Florida, containing 847 acres.

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1178; Filed, Feb. 18, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-289]

ACCIDENT OCCURRING NEAR BUFFALO, NEW YORK

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United

States Registry N 94244, which occurred near Buffalo, New York, on January 20, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on February 24, 1954, at 9:00 a. m. (local time) at the Statler Hotel, Delaware Avenue and Genesee Street, Buffalo, New York.

Dated at Washington, D. C., February 15, 1954.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 54-1192; Filed, Feb. 18, 1954; 8:53 a. m.]

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF REASSIGNMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or modified so as to eliminate therefrom

authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding heretofore assigned to be held on February 23, 1954, at 10:00 a. m., e. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., is hereby reassigned to be held on March 8, 1954, at 10:00 a. m. in Room 7852 of the same building at the same address before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 16, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1193; Filed, Feb. 18, 1954;
8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GAETANO SIMI ET AL.

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

Gaetano Simi, Ugo Simi, Dina Simi, Anna Simi, and Nila Simi, S. Giuliano Terme, Pisa, Italy, Claim No. 31788; \$455.90 in the Treasury of the United States, one-fifth thereof to each claimant.

Executed at Washington, D. C., on February 15, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1185; Filed, Feb. 18, 1954;
8:51 a. m.]

MILTON ALLEN AND SARA ATLEE FRITZE

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, 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

Milton Allen, guardian for Sara Atlee Fritze, nee Carpenter, also known as Atlee Fritze, Bremen, Germany, Claim No. 44619; \$2,179.60 in the Treasury of the United States and stock of The Oil & Waste Saving

Machine Company, a Pennsylvania corporation, consisting of twenty-five (25) shares, capital stock, par value \$100 per share, Certificate No. 307, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Executed at Washington, D. C., on February 15, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1186; Filed, Feb. 18, 1954;
8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket DA-377, Oregon]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 12, 1954.

Pursuant to determination DA-377, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 P. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described, so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

OREGON

T. 12 S., R. 12 E., W. M.
Sec. 27, Lots 12, 13, and 14.

The area described aggregates 30.53 acres.

The lands described constitute an isolated tract lying on a bench in the Canyon of Crooked River at an average elevation of 2,400 feet. Twenty-one and two-tenths acres are level to slightly rolling and the soil varies from medium sandy loam to heavy clay loam and the topography of the remaining area is rough and mountainous containing gravel and rock. The tract is classified as suitable for cultivation and entry under the desert land laws, or subject to disposal under the public sale laws.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public

highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended, and subject to the stipulation that if and when the land is required in whole or in part for purposes of power development, any structures or improvements placed thereon which are found to interfere with such development shall be removed or relocated so as to eliminate interference, without cost or expense to the United States, its permittees or licensees. This order shall not otherwise effect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

W. G. GUERNSEY,
Regional Administrator.

[F. R. Doc. 54-1161; Filed, Feb. 18, 1954;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8954, 9015, 10793, 10794]

WISCONSIN BROADCASTING SYSTEM, INC.,
ET AL.

ORDER MODIFYING ISSUES

In re application of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, File No. BPCT-377, Docket No. 8954; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, File No. BPCT-472, Docket No. 9015; Milwaukee Area Telecasting Corporation, Milwaukee, Wisconsin, File No. BPCT-1578, Docket No. 10793; Kolero Telecasting Corporation, Milwaukee, Wisconsin, File No. BPCT-1796, Docket No. 10794; for construction permit for new television station in Milwaukee, Wisconsin.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1954;

The Commission having under consideration the petition filed on January 6, 1954, by Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, requesting that the Commission's order of December 2, 1953, designating for hearing the above-entitled applications be amended by deleting from Issue No. 1 all reference to Wisconsin Broadcasting System, Inc.; and

It appearing, that in its order of December 2, 1953, the Commission designated the application of Wisconsin Broadcasting System, Inc., for hearing on an issue, among others, to determine whether the installation of its station

would constitute a hazard to air navigation; and

It further appearing, that the Commission was advised by letter dated December 2, 1953, that the Regional Airspace Subcommittee will not interpose objection to the erection of the proposed television antenna tower of Wisconsin Broadcasting System, Inc., and that the tower will not constitute a hazard to air navigation provided it will be marked and lighted in accordance with Part 17 of the Commission's rules;

It is ordered, That the request for deletion from Issue No. 1 of all reference to Wisconsin Broadcasting System, Inc., is granted subject to the condition that its antenna structure shall be painted and lighted in accordance with Part 17 of the Commission's rules;

It is further ordered, That the Commission's order of December 2, 1953, released December 7, 1953, designating for hearing the above-entitled applications is modified by deleting from Issue No. 1 all reference to Wisconsin Broadcasting System, Inc.

Released: February 15, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1187; Filed, Feb. 18, 1954;
8:52 a. m.]

[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company, Inc., Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

At the request of KXA, Inc., and with the consent of all other participants in the proceeding hearing in the above-entitled matter is continued from 10:00 a. m., February 12, 1954, to 10:00 a. m., February 25, 1954.

Dated: February 11, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1188; Filed, Feb. 18, 1954;
8:53 a. m.]

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND
BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No.

10560, File No. BPCT-906; for construction permits for new television broadcast stations.

Upon oral request from all parties and good cause having been shown;

It is ordered, This 11th day of February 1954, that the further hearing in this proceeding presently scheduled for Friday, February 19, 1954, is continued to Thursday, February 25, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1189; Filed, Feb. 18, 1954;
8:53 a. m.]

[Docket No. 10735]

ARCTIC RADIO TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of revocation of license of aeronautical and aeronautical fixed Station KWS7/KWP74, Arctic Radio Telephone Co., P. O. Box 1601, Anchorage, Alaska, Docket No. 10735.

The Commission having under consideration the motion filed by The Safety and Special Radio Services Bureau on January 19, 1954, requesting a continuance of the hearing in the above entitled proceeding presently scheduled for February 8, 1954, so as to enable counsel for the Commission to further study the appropriate procedure to be followed in the disposition of this proceeding, and

No objection to said continuance being filed by the licensee named herein; it is ordered this 3d day of February 1954, that the hearing in the above entitled proceeding presently scheduled to be held in Washington, D. C., on February 8, 1954, before the undersigned examiner be and it is hereby continued until April 5, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1190; Filed, Feb. 18, 1954;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2170, G-2201, G-2213, G-2267,
G-2294; G-2326]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 15, 1954.

In the matters of Texas Gas Transmission Corporation, Docket No. G-2170; Shelbyville Gas Company, Docket No. G-2201; Michigan-Wisconsin Pipe Line Company, Docket No. G-2213; Transcontinental Gas Pipe Line Corporation, Docket No. G-2267; Algonquin Gas Transmission Company, Docket No. G-2294; Pennsylvania Gas Company, Docket No. G-2326.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its orders adopted February 10, 1954, issuing certificates of public

convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1162; Filed, Feb. 18, 1954;
8:46 a. m.]

[Docket No. E-6544]

DEPARTMENT OF THE INTERIOR, BUREAU
OF RECLAMATION, EKLUTNA PROJECT,
ALASKA

NOTICE OF APPLICATION

FEBRUARY 15, 1954.

Take notice that on February 9, 1954, the Secretary of the Interior through the Assistant Commissioner of the Bureau of Reclamation submitted a proposed schedule of rates, designated Schedule A-F1, covering wholesale firm power service, Eklutna Project, Alaska, for the confirmation and approval of the Federal Power Commission in accordance with the requirements of the Eklutna Project Act (act), 64 Stat. 382.

The proposed rate schedule as set forth in the application is, basically, comprised of a two-part rate with monthly charges for both capacity and energy on the following basis: A capacity charge of \$2.25 per kw. of billing demand which is stated to be the highest 30-minute integrated demand measured during the month; an energy charge of 6 mills per kwh. It is proposed to be made applicable to power sales to public bodies, cooperatives and others as set forth in the act from the initial date of commercial service by the Project.

The application indicates that the proposed rate will apply at all points on the project's transmission system with adjustment for deliveries at transmission voltage.

The application states that anticipated revenues under the proposed rate schedule will be sufficient to amortize, over a 50-year period, the project investment with interest at 2½ percent and create an estimated surplus in excess of \$11,000,000 in addition to meeting annual operating expenses.

The application further states that the proposed rate schedule was patterned after other Bureau of Reclamation project rates and is similar in design to the Fort Peck Project firm power rate schedule confirmed and approved by Commission order issued January 15, 1954, in Docket Nos. IT-5891, IT-5932, E-6199.

The application is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest or petition in regard to said application should on or before the 5th day of March 1954, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1163; Filed, Feb. 18, 1954;
8:46 a. m.]

[Docket No. G-1956]

CAROLINA NATURAL GAS CORP.

NOTICE OF ORDER ALLOWING WITHDRAWAL OF APPLICATION AND TERMINATING PROCEEDING

FEBRUARY 15, 1954.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, allowing withdrawal of application and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 54-1164; Filed, Feb. 18, 1954;
8:46 a. m.]

[Docket No. G-1997]

ILLINOIS POWER CO. AND MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF COMPLAINT AND TERMINATING PROCEEDING

FEBRUARY 15, 1954.

In the matter of Illinois Power Company, complainant v. Mississippi River Fuel Corporation, defendant; Docket No. G-1997.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, permitting withdrawal of complaint and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 54-1165; Filed, Feb. 18, 1954;
8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-450]

LIBRARY BINDING INDUSTRY

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

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Library Binding Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 12, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., March 13, 1954, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW.,

Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the business of rebinding and prebinding of books, periodicals, and other documentary material especially for use in public and private libraries.

Issued: February 16, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.[F. R. Doc. 54-1191; Filed, Feb. 18, 1954;
8:53 a. m.]

[File No. 21-455]

ENGRAVED STATIONERY INDUSTRY FOR METROPOLITAN GREATER NEW YORK AREA

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

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Engraved Stationery Industry for the Metropolitan Greater New York area, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 5, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., March 5, 1954, in Room 611, at 119 West Fifty-seventh Street, New York City, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing, or orally, the Commission will proceed to final action on the proposed rules.

The industry for which these rules are proposed is composed of the persons, firms, corporations and organizations engaged in the selling or offering for sale of (1) engraved stationery or allied products (such as engraved letterheads, envelopes, business cards, social stationery and cards, wedding and engagement invitations and announcements, programs, greeting cards, bank notes and stock certificates, (2) any such products which

are represented, directly or indirectly, as being engraved, (3) or intaglioed plates or dies for the engraving of any such products.

Issued: February 17, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.[F. R. Doc. 54-1215; Filed, Feb. 18, 1954;
8:56 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following entries in section 22 (b) (5) are amended as indicated:

1. Opposite "Denver, Colorado" delete the address "Commonwealth Building" and in lieu thereof insert "555 New Customhouse Building."

2. Under the State of New Jersey and following "Newark" delete "New Brunswick (1), Bank of New Jersey Bldg., (See Newark)."

3. Opposite "Buffalo, New York" delete the address "Ellicott Square Bldg." and in lieu thereof insert "U. S. Court House."

4. Under the State of Texas and following "Amarillo" delete "Beaumont (1), Post Office Bldg., (See Houston)."

OSBORNE KOERNER,
Director,
Administrative Services

FEBRUARY 15, 1954.

[F. R. Doc. 54-1167; Filed, Feb. 18, 1954;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28028]

SALT CAKE FROM LOUISVILLE, KY., TO ANDERSON AND UNION, S. C.

APPLICATION FOR RELIEF

FEBRUARY 16, 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 The Carolina and Northwestern Railway Company and other carriers.

Commodities involved: Salt cake (crude sulphate of soda), carloads.

From: Louisville, Ky.

To: Anderson and Union, S. C.

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 Com-

mission, 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. 54-1168; Filed, Feb. 18, 1954;
8:47 a. m.]

[4th Sec. Application 28929]

ROOFING AND BUILDING MATERIALS BETWEEN ILLINOIS TERRITORY AND THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 16, 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. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing and building materials, also roofing slate, carloads.

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

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

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 798.

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. 54-1169; Filed, Feb. 18, 1954;
8:47 a. m.]

[4th Sec. Application 28930]

MALT LIQUORS FROM ILLINOIS TERRITORY TO SOUTHERN TERRITORY
APPLICATION FOR RELIEF

FEBRUARY 16, 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. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Malt liquors, carloads, also empty containers moving in the reverse direction.

From: Specified points in Illinois territory including Ohio River Crossings.

To: Points in southern territory.

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

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 779, supp. 7.

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. 54-1170; Filed, Feb. 18, 1954;
8:47 a. m.]

[4th Sec. Application 28931]

FERTILIZER MATERIALS FROM NORFOLK, VA., TO PLYMOUTH AND WASHINGTON, N. C.

APPLICATION FOR RELIEF

FEBRUARY 16, 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: The Atlantic Coast Line Railroad Company.

Commodities involved: Fertilizer materials, carload.

From: Norfolk, Va. (Import traffic).

To: Plymouth and Washington, N. C.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1358, supp. 9.

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. 54-1171; Filed, Feb. 18, 1954;
8:48 a. m.]

[4th Sec. Application 28932]

CHEESE FROM FRANKLIN, TENN., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 16, 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: Cheese, in carloads.

From: Franklin, Tenn.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1413, supp. 3.

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. 54-1172; Filed, Feb. 18, 1954;
8:48 a. m.]

[4th Sec. Application 28933]

FINE COAL FROM SOUTHWESTERN TERRITORY, BEVIER AND MOBERLY, MO., TO TWIN CITIES AND BLACK DOG, MINN.

APPLICATION FOR RELIEF

FEBRUARY 16, 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 schedules listed below.
Commodities involved: Fine coal, carloads.

From: Mines in southwestern territory, also in Bevier and Moberly, Mo., districts.

To: St. Paul, Minneapolis and Black Dog, Minn.

Grounds for relief: Rail competition, circuitry, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 66; W. J. Prueter, Agent, I. C. C. No. A-3969, supp. 8.

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. 54-1173; Filed, Feb. 18, 1954;
8:48 a. m.]

