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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10574

AMENDMENT OF EXECUTIVE ORDER NO. 10480[1] PROVIDING FOR THE ADMINISTRATION OF THE DEFENSE MOBILIZATION PROGRAM

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 *et seq.*), and as President of the United States, it is ordered as follows:

SECTION 1. Sections 301 and 312 of Executive Order No. 10480 of August 14, 1953, entitled "Further Providing for the Administration of the Defense Mobilization Program", are hereby amended to read as follows:

"SEC. 301. The Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, the Department of Commerce, the Department of the Interior, the Department of Agriculture, and the General Services Administration, in this Part referred to as guaranteeing agencies, each officer having functions delegated to him pursuant to section 201 (a) of this order, and each other agency of the Government having mobilization functions, shall, within areas of production designated by the Director of the Office of Defense Mobilization, develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense."

"SEC. 312. The functions conferred by sections 303, 305 and 306 of this order shall be carried out in accordance with programs certified by the Director of the Office of Defense Mobilization. Each officer and agency of the Government having mobilization functions shall make recommendations to the Director of the Office of Defense Mobilization for the issuance of certificates or other action under sections 302 and 303 of the Defense Production Act of 1950, as amended, and for the issuance of certificates under subsections (e) and (g) of section 168 of the Internal Revenue Code of 1954, with respect to the materials and facilities which are, pursuant to the designation of areas of production by the Director of the Office of Defense Mobilization under section 301 of this order, as amended, within the jurisdiction of such officer or agency."

SEC. 2. Any reference in any regulation or other Executive document issued or approved by the President to any provision of the Internal Revenue Code of 1939 shall, except as may be inconsistent with the Internal Revenue Code of 1954 or otherwise inappropriate, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 5, 1954.

[F. R. Doc. 54-8874; Filed, Nov. 8, 1954; 10:08 a. m.]

[1] 18 F. R. 4939; 3 CFR, 1953 Supp., p. 98.

EXECUTIVE ORDER 10575

ADMINISTRATION OF FOREIGN-AID FUNCTIONS

By virtue of the authority vested in me by the Mutual Security Act of 1954 (68 Stat. 832), by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I. ASSIGNMENT OF FUNCTIONS AND FUNDS

SECTION 101. *Foreign Operations Administration.* (a) Exclusive of the functions otherwise delegated, or excluded from delegation, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of the Foreign Operations Administration all functions conferred upon the President by the Mutual Security Act of 1954 (hereinafter referred to as the Act) and by the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U. S. C. 1611–1613c).

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(b) Subject to sections 103 and 107 (b) of this order, the Director of the Foreign Operations Administration shall administer sections 402, 505, and 201 of the Act. In determining upon the furnishing of assistance on terms of repayment pursuant to sections 201 (a) and 505 of the Act, and upon the amounts and terms of such assistance, the Director of the Foreign Operations Administration shall consult with the National Advisory Council on International Monetary and Financial Problems in respect of policies relating to such assistance and terms. Whenever assistance on terms of repayment, under the said section 505, involves funds available under chapter 1 of Title I of the Act, the said Director shall consult with the Secretary of Defense with respect to the amounts and terms of such assistance. The Director of the Foreign Operations Administration shall also consult the said Council with respect to policies concerning the utilization of funds in the Special Account provided for in section 142 (11) of the Act and concerning such other matters as are within the cognizance of the Council pursuant to section 4 of the Bretton Woods Agreements Act.

(c) Pursuant to section 527 (c) (2) of the Act, it is directed that the authority made available to the Director of the United States Information Agency with respect to his functions by section 2 of Executive Order No. 10477 of August 1, 1953 (18 F. R. 4540), and by Executive Order No. 10522 of March 26, 1954 (19 F. R. 1689), subject to the provisions of law applicable in connection with such authority, may be utilized by the Director of the Foreign Operations Administration with respect to his functions.

(d) It is hereby directed that the Office of Small Business provided for in section 504 (b) of the Act shall be in the Foreign Operations Administration.

SEC. 102. *Department of Defense.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(1) The functions conferred upon the President by chapter 1 of Title I of the Act, exclusive of (i) those so conferred by section 105 (b) (3) of the Act, (ii) so much of those so conferred by section 106 (b) of the Act as consists of determining that a nation or international organization may make available the fair value of equipment, materials, or services, sold thereto or rendered therefor, at a time or at times other than in advance of delivery of the equipment, materials, or services, and (iii) the functions reserved to the President by section 107 of this order.

(2) The functions conferred upon the President by sections 142 (7) and 511 (c) of the Act.

(3) So much of the functions conferred upon the President by sections 142 (10), 511 (b), 527 (a), 528, and 529 (a) of the Act as relates to other functions under the Act administered by the Department of Defense.

(b) The Secretary of Defense is hereby designated to make, with respect to equipment or materials procured for military assistance, the determinations provided for in section 107 of the Mutual Security Appropriation Act, 1955 (68 Stat. 1224).

(c) The Secretary of Defense (1) shall exercise the responsibility and authority vested in him by the Act and the responsibility and authority delegated to him by this order subject to coordination by the Director of the Foreign Operations Administration, and (2) shall keep the Director of the Foreign Operations Administration fully and currently informed of all matters, including prospective action, relating to the utilization of funds under the Act, the establishment of priorities under section 524 (b) of the Act, and the furnishing of military items under chapter 1 of Title I of the Act.

SEC. 103. *Department of State.* (a) There are hereby delegated to the Secretary of State:

(1) The functions conferred upon the President by the laws referred to in section 101 (a) of this order with respect to negotiating and entering into international agreements.

(2) The functions conferred upon the President by sections 105 (b) (3), 405 (a), 413 (b) (2) and (3), and 529 (b) and (c) of the Act.

(3) The functions conferred upon the President by section 504 (a) (2) of the Act so far as they may relate to countries in which the Foreign Operations Administration does not have missions or employees.

(4) So much of the functions conferred upon the President by section 535 (a) of the Act as consists of requesting the cooperation of the United Nations, its organs, and specialized agencies or other international organizations in carrying out the purposes of the Act.

(b) The functions conferred upon the President by section 414 of the Act are hereby delegated to the Secretary of State. In connection with the carrying out of the said functions the Secretary of State shall consult with appropriate agencies of the Government. The designation by the Secretary of State of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under the said section 414 shall require the concurrence of the Secretary of Defense.

(c) The Secretary of State shall be responsible (1) for making the United States contributions under the Act to, and formulating and presenting with the assistance of the Director of the Foreign Operations Administration the policy of the United States with respect to the assistance programs of, the international organizations referred to in sections 132 (c), 306, 405 (a) and (c), 406, and 407 of the Act, and (2) for making the United States contribution under section 408 of the Act to the North Atlantic Treaty Organization for the United States share of the expenses of the Organization.

(d) All functions under the Act and the other statutes referred to in sections 101 (a), 102 (b), and 105 (a) of this order, however vested, delegated, or assigned, shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

(e) The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, Class 3 or Class 4, within the meaning of the Foreign Service Act of 1946 (22 U. S. C. 801 *et seq.*), all under section 526 of the Act, shall require the approval of the Secretary of State.

SEC. 104. *Department of Commerce.* (a) There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 413 (b) (1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in other free nations.

(b) The Secretary of Commerce is hereby designated as the officer through whom shall be carried out the functions provided for in section 416 of the Act.

SEC. 105. *United States Information Agency.* (a) The functions conferred upon the President by section 1011 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 6), as amended, are hereby delegated to the Director of the United States Information Agency and shall be carried out in consultation with the Director of the Foreign Operations Administration.

(b) The United States Information Agency shall perform the functions provided for by law with respect to publicizing abroad the activities carried out under the Act.

SEC. 106. *Allocation of funds.* (a) Funds appropriated or otherwise made available to the President shall be deemed to be allocated without any further action of the President as follows:

(1) Funds for carrying out chapter 1 of Title I of the Act are allocated to the Secretary of Defense, but, for the purposes of the second sentence of section 110 of the Mutual Security Appropriation Act, 1955 (68 Stat. 1224), such funds shall be available only when and in such amounts as they have been apportioned, for use, by the Bureau of the Budget.

(2) All funds for carrying out the Act except those for carrying out chapter 1 of Title I of the Act are allocated to the Director of the Foreign Operations Administration.

(b) The said funds may be allocated by the Secretary of Defense and the Director of the Foreign Operations Administration, respectively, to any agency, department, establishment, or wholly-owned corporation of the Government for obligation or expenditure thereby consistent with applicable law, subject, however, to the provisions of section 107 (a) (2) hereof. The utilization of funds without regard to the existing laws governing the obligation and expenditure of Government funds as authorized by section 411 (b) of the Act shall be limited as far as practicable and shall in any event be confined to instances in which such utilization is deemed (1) to further the more economical, efficient, or expeditious carrying out of functions under the Act, and (2) to obviate or mitigate hardship occurring with respect to personnel administering functions under the Act in connection with the administration of these functions or with respect to the families of personnel by reason of the duties of the respective heads of families under the Act.

(c) The Director of the Foreign Operations Administration shall allocate funds to the Department of State for the contributions referred to in section 103 (c) of this order.

SEC. 107. *Reservation of functions to the President.* (a) There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(1) The functions conferred upon the President by the Act with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmittal of periodic or special reports to the Congress, and the termination or withdrawal of assistance.

(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, directives, or transfers of funds, as the case may be, by sections 104 (b), 105, 132 (a), 141, 401, 403, 404, 410, 501, 503, 521, and 522 (b) of the Act, and by sections 103 (b), 104, 203, and 301 of the Mutual Defense Assistance Control Act of 1951.

(3) The functions conferred upon the President by sections 101, 107 (a) (2), 415, 525, 533, and 545 (d) of the Act and, subject to Part II hereof, the functions so conferred by section 523 (b) of the Act.

(4) The functions conferred upon the President by section 121 of the Act, including all of the functions so conferred with respect to waiving specific provisions of section 142 of the Act, but otherwise excluding so much of the functions conferred upon the President by the said section 121 as may relate to assistance for the support of forces and other expenditures within Indo-China and either is financed from the unexpended balances of appropriations made pursuant to sections 304 and 540 of the Mutual Security Act of 1951, as amended, or is within an obligational limitation of $150,000,000 additional to the said unexpended balances.

(5) So much of the functions conferred upon the President by section 409 (d) of the Act as may relate to funds allocated to the Department of Defense by this order.

(b) The President shall hereafter determine the portions of the sum of $350,000,000 provided for in section 402 of the Act and the portions of the sum of $200,000,000 provided for in section 505 (b) of the Act which shall be applicable to funds allocated pursuant to the Act to the Foreign Operations Administration and the Department of Defense, respectively.

PART II. PROCEDURES FOR COORDINATION ABROAD

SEC. 201. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President, shall serve as the channel of authority on foreign policy and shall provide foreign policy direction to all representatives of United States agencies in such country.

(b) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the representatives of United States agencies (including the chiefs of economic and technical assistance missions, military assistance advisory groups, foreign information staffs, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Act, programs under the Mutual Defense Assistance Control Act of 1951, and the programs transferred by section 2 of Reorganization Plan No. 8 of 1953 (67 Stat. 642); and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and the country concerned, the functions of:

(1) Exercising general direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of representatives of United States agencies are effectively coordinated and are consistent with, and in furtherance of, the established policy of the United States.

(3) Assuring that the interpretation and application of instructions received by representatives of United States agencies from higher authority are in accord with the established policy of the United States.

(4) Guiding the representatives of United States agencies in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees engaged in work on the said programs.

(5) Keeping the representatives of United States agencies fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of representatives of United States agencies, and assuring that such representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs referred to in the introductory portion of this subsection as may be requested of the Secretary of State by the Secretary of Defense, the Director of the Foreign Operations Administration, or the Director of the United States Information Agency, with respect to their respective responsibilities.

(8) Recommending the withdrawal of United States personnel from the country whenever in his opinion the interests of the United States warrant such action.

(c) Each Chief of United States Diplomatic Mission shall perform his functions under this part in accordance with instructions from higher authority and subject to established policies and programs of the United States. Only the President and the Secretary of State shall communicate instructions directly to the Chief of the United States Diplomatic Mission.

(d) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this Part which directly involves the exercise of direction, coordination, or authority.

SEC. 202. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising between representatives of United States agencies in the country concerned with respect to programs referred to in the introductory portion of section 201 (b) of this order. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a representative of a United States agency requests that the issue be referred to the Secretary of State and the United States agencies concerned for decision. If such a request is made, the parties concerned shall promptly refer the issue for resolution prior to taking action at the country level.

SEC. 203. *Further coordination procedures and relationships.* (a) All representatives of United States agencies in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 523 (b) of the Act and by this part.

(b) Subject to compliance with the provisions of this part and with the prescribed procedures of their respective agencies, all representatives of United States agencies affected by this part (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to the programs referred to in the introductory portion of section 201 (b) of this order, and (3) shall furnish to the respective

Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

PART III. GENERAL PROVISIONS

SEC. 301. *Definition.* As used in this order, the word "functions" embraces duties, powers, responsibilities, authority, and discretion.

SEC. 302. *Prior orders.* (a) This order supersedes Executive Order No. 10476 of August 1, 1953 (18 F. R. 4537).

(b) The reference in section 3 (c) of Executive Order No. 10560 of September 9, 1954 (19 F. R. 5927), to Part III of Executive Order No. 10476 shall after the date of this order be deemed to be a reference to Part II of this order.

(c) Except to the extent inconsistent with law or with this order, and except as revoked, superseded, or otherwise made inapplicable before the time of issuance of this order, (1) all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions issued, undertaken or entered into with respect to any function affected by this order shall continue in full force and effect until amended, modified, or revoked by appropriate authority, (2) each reference in any Executive order to any provision of law repealed by the Mutual Security Act of 1954 shall be deemed also to refer to the corresponding provision, if any, of the Mutual Security Act of 1954.

SEC. 303. *Effective date.* Without prejudice to anything done under proper authority with respect to any function under the Act at any time subsequent to the approval of the Act and prior to the approval of this order, the effective date of this order shall be deemed to be the date of the approval of the Act.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 6, 1954.

[F. R. Doc. 54-8875; Filed, Nov. 8, 1954; 10:08 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (4) is added to § 6.142 as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* * * *

(4) Until December 31, 1955, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 54-8818; Filed, Nov. 8, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

[1023 (ELS Cotton -55)-2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF THE NATIONAL ACREAGE ALLOTMENT FOR THE 1955 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES, AND FARMS

GENERAL

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REVIEW OF QUOTAS

722.1227 Review of quotas.

AUTHORITY: §§ 722.1211 to 722.1227 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 343-347, 361-368, 373, 374, 388, 52 Stat. 38, as amended, Pub. Laws 290, 690, 83d Cong.; 7 U. S. C. 1301, 1343-1347, 1361-1368, 1373, 1374, 1388.

GENERAL

§ 722.1211 *Basis and purpose.* (a) The regulations contained in §§ 722.1211 to 722.1227 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1955 crop of extra long staple cotton. The Secretary of Agriculture proclaimed a national marketing quota and a national acreage allotment for the 1955 crop of extra long staple cotton on October 14, 1954 (19 F. R. 6671). The latest available statistics of the Federal Government have been or will be used in making the determinations required to be made in connection with §§ 722.1211 to 722.1227. Prior to preparing the regulations in §§ 722.1211 to 722.1227, public notice was given (19 F. R. 6043) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Agricultural Stabilization and Conservation Committees may establish farm acreage allotments as early as possible prior to the extra long staple cotton referendum, which shall be held on December 14, 1954, it is essential that the regulations in §§ 722.1211 to 722.1227 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1212 *Definitions.* As used in §§ 722.1211 to 722.1227 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

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

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

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

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

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

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

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

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

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

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

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as constituted for 1954; where there is a change in the land in a farm for 1955, the farm acreage allotment will be redetermined in accordance with § 722.1217 (g).

(n) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "State and county code number" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification. In Puerto Rico a comparable identifying number will be used in place of the county code number.

(q) "Old ELS cotton farm" means a farm located in a county designated in § 722.1216 (b) on which extra long staple cotton was planted in any one or more of the years 1952, 1953, and 1954.

(r) "New ELS cotton farm" means a farm located in a county designated in § 722.1216 (b) on which extra long staple cotton is to be planted in 1955 but on which no acreage was planted to extra long staple cotton in any of the years 1952, 1953, and 1954.

(s) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new ELS cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1955.

(v) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to such cotton on the farm in 1955.

(w) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or share-cropper, is entitled to all or a share of the 1955 crop of extra long staple cotton or of the proceeds thereof.

(x) Acreage planted to extra long staple cotton":

(1) *State and county.* For the years 1948, 1950, 1951 and 1952, the acreages of extra long staple cotton to be used in establishing State and county acreage allotments are the official acreages for such years, as determined by the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) of the United States Department of Agriculture. Official estimates of planted acreages shall be used for these years where available from the Agricultural Marketing Service; in other cases, the official estimates of the acreages in cultivation on July 1 of each such year shall be used. For 1953 the measured acreages of extra long staple cotton, as determined in accordance with official instructions, shall be used.

(2) *Farm.* For purposes of establishing farm acreage allotments for the 1955 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land planted to such cotton for the years 1952, 1953, and 1954, which shall be determined as follows:

(i) *For 1952.* The acreage of extra long staple cotton measured or reported to the county committee for the farm, with such adjustment in the reported acreage as is necessary under official instructions. The sum of the reported acreages, as adjusted by the county committee, and the measured acreages shall conform with the official planted acreages of the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics), United States Department of Agriculture, to the extent required under official instructions.

(ii) *For 1953.* The acreage of extra long staple cotton measured in accordance with official instructions.

(iii) *For 1954.* The acreage of extra long staple cotton measured for purposes of the 1954 extra long staple cotton marketing quota program, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act, in accordance with official instructions.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom)

adversely affecting the planting of extra long staple cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to extra long staple cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States in accordance with § 722.1215, adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. In apportioning the State acreage allotment among counties in accordance with § 722.1216 (b), adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in counties on the basis of recommendations of the State committee. Any such adjustment in the acreage planted to extra long staple cotton in a State or county is the amount established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed extra long staple cotton because of abnormal weather conditions. Also, in cases where the acreage of extra long staple cotton in cultivation July 1 is used in apportioning allotments to States and counties, abandonment of extra long staple cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions shall be taken into consideration in determining adjustments, if any, in county acreages of extra long staple cotton.

(z) "Cropland" means the land which in 1954 was tilled or was in regular rotation, as determined in accordance with instructions issued by the State committee, excluding any land which constitutes, or will constitute, if such tillage is continued, a wind erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.1213 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in §§ 722.1211 to 722.1227. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.1214 *Extent of calculations and rule of fractions.* The acreages planted to extra long staple cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1215 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1955 crop of extra long staple cotton is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to extra long staple cotton in each such State for the years 1948, 1950, 1951, 1952, and 1953, with adjustments in such State cotton acreages for abnormal weather conditions. The acreage allotted to a State pursuant to the provisions of this section is referred to herein as the "State acreage allotment". The State acreage allotment for each State for the 1955 crop of extra long staple cotton is as follows:

State:	*State acreage allotments*
Arizona	18,472
California	296
Florida	612
Georgia	157
New Mexico	8,529
Texas	15,964
Puerto Rico	2,124
Total	46,154

§ 722.1216 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment unless, on the basis of the needs of the State as determined under paragraph (c) of this section, the State committee recommends a smaller acreage reserve and the Administrator of the Commodity Stabilization Service approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1955 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, is apportioned to counties on the basis of the average acreage planted to extra long staple cotton in each county in 1948, 1950, 1951, 1952, and 1953 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment".

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section for the purposes set forth in subparagraphs (1) through (5) of this paragraph shall be used as provided in such subparagraphs and in accordance with instructions issued by the Deputy Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage planted to extra long staple cotton in the counties during recent years (the period of years may include the year 1954 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to extra long staple cotton in the country in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions, such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to extra long staple cotton production or are increasing the acreage in extra long staple cotton after having been out of production or having been on a reduced level of such cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted extra long staple cottton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.1217 (e) to adjust indicated farm acreage allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.1217. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1955 acreage allotments for new ELS cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new ELS cotton farms are generally uniform in all designated

counties in the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new ELS cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new ELS cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1217 (e) (3). In States where new areas will be brought into extra long staple cotton production in 1955 or where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.1217 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing fair and reasonable acreage allotments for new ELS cotton farms on the basis of the factors set forth in § 722.1217 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new ELS cotton farms under the 1954 marketing quota program and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established, as provided for in § 722.1217 (e) (4), for making adjustments in farm acreage allotments to correct inequities and to prevent hardship.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton: (1) the amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4), and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If, in accordance with instructions issued by the Deputy Administrator, the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.1217 (c) that, because of different conditions pertaining to the production of extra long staple cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1217 (i) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new forms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1217 *Apportionment of county acreage allotment*—(a) *Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve, shall be allotted to farms by multiplying the adjusted cropland for each old ELS cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to herein as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old ELS cotton farms in designated areas on the basis of the acreage planted to extra long staple cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to herein as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.1216 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the counties which have been approved by the Deputy Administrator for establishing farm allotments on the historical basis.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments for old ELS cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new ELS cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall be not less than 13 percent of the county acreage allotment for a county in which farm allotments are determined on the cropland basis and shall be not less than 10 percent of the county acreage allotment for a county in which farm allotments are determined on the historical basis, unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Deputy Administrator. Any approval of a smaller acreage reserve shall be based upon a showing that such acreage is adequate, on the basis of the factors set forth in paragraph (e) of this section, to make necessary adjustments in indicated allotments for old ELS cotton farms and to establish allotments for new ELS cotton farms. The county acreage reserve approved by the State committee shall be not less than 8 percent for a county in which farm allotments are determined on the cropland basis and not less than 5 percent for a county in which farm allotments are determined on the historical basis, except that the Deputy Administrator may approve a smaller reserve for a county if he finds that the applicable minimum reserve of 8 percent or 5 percent would provide more acreage for adjustments and establishing new farm allotments than is needed in the county.

(c) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old ELS cotton farms as follows:

(1) *Determination of adjusted cropland.* The county committee shall, in accordance with instructions issued by the Deputy Administrator, determine an adjusted cropland acreage for each old ELS cotton farm by deducting from the cropland on the farm the sum of the following acreages:

(i) The 1954 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(ii) The 1954 acreage of tobacco for market (or the 1954 farm acreage allotment, if any, for the applicable type of tobacco if the 1954 acreage has not been determined);

(iii) The 1954 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(iv) The 1954 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-produc-

ing area for 1955, if the 1954 wheat acreage on the farm was reduced substantially below the 1954 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1955 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in subdivision (vi) of this subparagraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (vi) of this subparagraph;

(v) The acreage planted to rice in 1954 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm; and

(vi) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and in Imperial and Riverside Counties, California; and in Dona Ana, Eddy, Luna Otero, and Sierra Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the extra long staple cotton-producing season (seeding to maturity).

(2) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (i) the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments, as defined in subparagraph (3) of this paragraph have been determined for such old cotton farms by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph, which under the preceding factor were not affected by the maximum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(3) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old ELS cotton farm under this paragraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1952, 1953, and 1954.

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(d) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1955 on the historical basis and the Deputy Administrator approves such recommendation, an indicated acreage allotment for each old ELS cotton farm shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section): *Provided*, That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to extra long staple cotton on the farm during each of the three years 1952, 1953, and 1954 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (c) or (d) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1952, 1953, and 1954; the land, labor, and equipment available for the production of such cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to extra long staple cotton on the farm in 1955 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices, the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The acreages planted to extra long staple cotton on a farm in 1952, 1953, and 1954 shall be considered in determining the land, labor, and equipment available for the production of such cotton and in connection with the crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of extra long staple cotton which could be planted on the farm in 1955 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(3) *Acreage allotments for new ELS cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new ELS cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new ELS cotton farms in the county. In counties where farm allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new ELS cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new ELS cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new ELS cotton farms. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.1216 (c) for establishing acreage allotments for new ELS cotton farms. The total acreage reserved for establishing allotments for new ELS cotton farms in the county, including any acreage allotted

to the county for new ELS cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1952, 1953, and 1954.

(ii) *Eligibility of a new ELS cotton farm for a farm acreage allotment.* An acreage allotment for extra long staple cotton for a new ELS cotton farm may be established by the county committee in accordance with instructions issued by the Deputy Administrator if each of the following conditions is met:

(*a*) An application for such an acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1955 (January 15, 1955 in Puerto Rico).

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an acreage allotment for extra long staple cotton is established for 1955.

(iii) *Establishment of acreage allotments for new ELS cotton farms.* If the applicant's farm is eligible for an acreage allotment for extra long staple cotton, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of such cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old ELS cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1952, 1953, and 1954. The sum of the acreage allotments determined by the county committee for new ELS cotton farms shall not exceed the acreage reserves available for such farms under this subparagraph. The acreage allotments for new ELS cotton farms shall be subject to review and approval by the State committee, as provided in § 722.1226.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such reserve shall be used by the county committee where it determines that the farm acreage allotment established under other provisions of this section is inequitable or that such allotment would work undue hardship on the producers on the farm. Such reserve may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (g) of this section.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section shall be used by the county committee for the purposes specified therein and also for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1952, 1953, and 1954, for correcting errors in farm acreage allotments, and for use in establishing acreage allotments for farms which are divided or combined for 1955. Where reconstitutions of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the extra long staple cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as follows:

(1) If land which was constituted as a single farm in 1954 is divided into two or more tracts for 1955 (i) the acreages of extra long staple cotton on the farm in 1952, 1953, and 1954 (as shown in Col. (2), Cotton Table 2 for extra long staple cotton of the county committee's farm cotton acreage record), shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the extra long staple cotton acreage history among the tracts: *Provided,* That, if two or more tracts of land were combined for 1953 or for 1954 to form the single farm and the single farm will be divided for 1955 into the same tracts of land, the extra long staple cotton acreage history for each such tract for any year in the farm base period prior to the combination will be restored to such tract, (ii) in counties where farm allotments are determined on the cropland basis the 1955 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1954 acreage of extra long staple cotton among the tracts pursuant to subdivision (i) of this subparagraph, (iii) in counties where farm allotments are determined on the historical basis the 1955 farm acreage allotment established for the single farm shall be apportioned among the tracts in proportion to the allotment bases determined for such tracts, and (iv) the sum of the 1955 allotments established for the several tracts shall not exceed the 1955 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee.

(2) If two or more tracts of land are combined and operated as a single farm in 1955 the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that the allotment for the single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided,* That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (i) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (ii) increased with released acreage available to the county committee.

(h) *Availability of reserves for inspection by interested producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer of extra long staple cotton.

(i) *Release and reapportionment of extra long staple cotton acreage allotments.* Any part of any 1955 farm acreage allotment which will not be used in 1955 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, and soil and other physical facilities affecting the production of such cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long

staple cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1216 (g). Any farm acreage allotment released for 1955 only shall, in determining future farm acreage allotments for extra long staple cotton, be regarded as having been planted on the farm releasing such allotment if extra long staple cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new ELS cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and extra long staple cotton is planted on the farm in 1955. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm acreage allotments, the planting in 1955 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1955 only if (1) such release is opposed by a person whom the county committee determines will subsequently have an interest in the farm as owner or operator, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(j) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (g) of § 722.1216 may be used for establishing and adjusting farm acreage allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1218 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.1226 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will be interested in the extra long staple cotton produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the extra long staple cotton produced in 1955 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum on December 14, 1954, to determine whether producers of extra long staple cotton favor or oppose marketing quotas for the 1955 crop. Notwithstanding the foregoing provisions of this section, where it is impracticable or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for herein, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.1219 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1955 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton on the farm less the farm marketing excess.

§ 722.1220 *Amount of the farm marketing excess—*(a) *Where the acreage planted to extra long staple cotton is determined.* The farm marketing excess for the 1955 crop of extra long staple cotton shall be the normal production of the acreage of extra long staple cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with regulations to be issued under this part by the Secretary, that the actual production of extra long staple cotton on the farm in 1955 is less than the normal production of the acreage planted to such cotton on the farm in 1955, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

(b) *Where the acreage planted to extra long staple cotton is not determined.* Whenever the determination of the acreage planted to extra long staple cotton on the farm is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of extra long staple cotton produced in 1955 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of extra long staple cotton produced in 1955 on the farm, the farm marketing excess shall be the number of pounds of extra long staple cotton produced in 1955 on the farm in excess of the normal production of the farm acreage allotment.

§ 722.1221 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.1222 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of such cotton.

§ 722.1223 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in the regulations in this subpart, may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1224 *Acreage planted to extra long staple cotton—*(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to extra long staple cotton on a farm in 1955 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Deputy Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1955 and the acreage of such cotton in 1955 is less than the 1955 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage

allotment shall be deemed to be the acreage planted to such cotton on the farm in 1955, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State. The Deputy Administrator shall issue such instructions as are necessary for making the calculations required under this paragraph, taking into consideration the provisions of § 722.1217 (i).

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1955 in excess of the farm acreage allotment for the 1955 crop of such cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1956 and subsequent crops of such cotton.

§ 722.1225 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments, all records pertaining to such cotton acreage allotments and marketing quotas.

§ 722.1226 *Approval of county committee determinations and redelegation of authority by the State committee.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.1217 to 722.1224. All acreage allotments for both old and new ELS cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1211 to 722.1227 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.1227 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.1218, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

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

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 4th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8829; Filed, Nov. 8, 1954; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 850.8 *Proportionate shares for farms in the domestic beet sugar area*—(a) *National acreage and State acreage allocations.* A national acreage objective for 1955-crop sugar beets of 850,000 acres is hereby established and allocated to States as follows:

State:	Acres
California	182,410
Colorado	130,715
Idaho	79,715
Illinois	2,095
Indiana	30
Iowa	1,545
Kansas	7,255
Michigan	81,420
Minnesota	66,035
Montana	50,980
Nebraska	58,720
New Mexico	770
North Dakota	34,600
Ohio	20,220
Oregon	17,685
South Dakota	5,365
Texas	1,590
Utah	30,545
Washington	30,795
Wisconsin	12,865
Wyoming	34,645
Total	850,000

(b) *Instructions and forms.* The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (herein referred to as "Director") shall cause to be prepared for issuance such forms and instructions as are necessary for carrying out the regulations of this section. The instructions shall be approved and issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture (herein referred to as "Deputy Administrator").

(c) *Proportionate shares.* The proportionate share of the 1955 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation specified in paragraph (a) of this section for the State in which the base of operations for the farm is located.

(d) *Administration of proportionate shares program.* In each State the Agricultural Stabilization and Conservation State Committee (herein referred to as "State Committee") shall establish individual farm proportionate shares in accordance with paragraph (h) of this section and instructions issued by the Deputy Administrator. In carrying out the proportionate share program within the State, the State Committee may utilize the services of members of Agricultural Stabilization and Conservation county and community committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors or combinations of these groups. The State Committee shall formulate bases and procedures in written form for establishing proportionate shares within the State in accordance with the provisions of this section. Such bases and procedures shall be reviewed by the Director for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall become effective upon approval of the Director and shall be published in the FEDERAL REGISTER. Copies shall be available for public inspection in State and county offices.

(e) *Requests for proprotionate shares.* Any person desiring a proportionate share for a farm to be operated by him during the 1955-crop season shall file a written request therefor. A form for this purpose may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldman of sugar companies, or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests, the places where they may be filed and the closing date for filing as established by the State Committee.

(f) *Set-aside acreage for new producers and appeals.* Not less than one percent of the State acreage allocation shall be set aside for establishing proportionate shares for farms operated by new producers and not less than an additional one percent shall be set aside for adjustments under appeals.

(g) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for

areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Ability" shall be measured by the area's largest planted acreage during any of the crop years 1950 through 1954. "Past production" shall be measured by the average planted acreage of the area for not less than three crop years during the period 1950 through 1954, except that if the State Committee determines that the period 1950 through 1954 is not representative for the area, a longer period may be used upon prior approval of the Director. Subject to the provisions of paragraph (a) (2) of this section, unused acreage may be reallotted by the State Committee among the aforementioned areas within the State. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation.

(h) *Establishment of individual proportionate shares.* (1) (i) In establishing individual farm proportionate shares from area allotments or from the State allocation, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors will involve the application of a formula to the record of production of sugar beets on the farm during not less than three crop years in the period 1950 through 1954, except that if the State Committee determines that the period 1950 through 1954 is not representative for the area, a longer period may be used upon prior approval of the Director. However, if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, production may be measured by the personal sugar beet production record of the farm operator within such area during such selected years or the State Committee may use a combination of farm and such personal production records. Any formula selected by the State Committee shall be submitted to the Director for approval.

(ii) The acreages resulting from the application of such formula for individual farms shall be adjusted pro rata by the percentage relationship between the total acreage to be allotted and the total acreage resulting from the use of the formula. The resulting acreage for each farm shall then be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for the farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) Redistribution of unused proportionate share acreage: Adjustments in proportionate shares may be made throughout the 1955-crop season within the State acreage allocation in accordance with procedures established by the State Committee to offset general underplanting and failure to plant: *Provided,* That in case of a disagreement between farm operators and a sugar beet processor with respect to the sugar beet purchase contract to be effective in the settlement area, or where no company offers a contract to growers to cover fully the shares established for their farms, the shares allotted to the farms operated by such growers shall not be reduced unless the affected growers voluntarily agree to reductions in their respective proportionate shares, or unless because of unusual circumstances and for good cause the State Committee determines that such shares should be reduced.

(3) New producers: Within the acreage set aside for new producers from the State acreage allocation pursuant to paragraph (f) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares shall be established in an equitable manner for farms which are to be operated by new producers during the 1955-crop year. In determining proportionate shares for farms which are to be operated by new producers, the State Committee shall take into consideration suitability and area of available land, availability of equipment for the production of sugar beets, availability of irrigation water, availability of marketing facilities, and the production experience of the operator. For the purposes of this section, the term "new producer" shall mean a farm operator on a farm without record of sugar beet production for the period of years selected by the State Committee for establishing proportionate shares except that such term shall not include a tenant (including an owner who is also a tenant) whose personal sugar beet production record will be considered under subparagraph (1) of this paragraph. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused shall be available for distribution to other farms.

(4) Small producers, cash tenants, share tenants, and sharecroppers: In establishing proportionate shares, the State Committee shall, insofar as practicable, protect the interests of small producers and the interests of producers who are cash tenants, share tenants, or sharecroppers.

(i) *Notification of proportionate shares.* Farm operators shall be notified in writing on behalf of the State Committee of the proportionate shares established in response to their requests, even if the acreage established is "none", and such notices shall explain the appeal procedure specified in paragraph (j) of this section.

(j) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date established therefor by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed and forwarded with recommendations to the State Committee. The State Committee shall review the appeal, and any increase in the proportionate share approved by the State Committee by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (f) of this section and any other acreage remaining unused within the State allocation. The State Committee shall notify the operator in writing as soon as possible regarding its decision in the case. If the farm operator is dissatisfied with the decision of the State Committee, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by such Committee in the establishment of the farm proportionate share to be reviewed.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. As a condition for payment, section 301 (b) of the act requires compliance with the proportionate share established for the farm. In the domestic beet sugar area, the term "proportionate share" is the individual farm's share of the total acreage of sugar beets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugar beets grown on a farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share established for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugar beets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers.

General. Restrictive proportionate shares are required when the indicated sugar supply for an area will be greater than the quantity needed to fill the quota and provide a normal carryover inventory for such area.

The sugar extracted from each crop in the beet sugar area is normally marketed during two calendar years. Since the processing of the crop in most of the beet sugar factory districts usually begins in the month of October, only a minor portion of the total sugar extracted from a crop is marketed during the balance of the calendar year.

The yield of beets per acre and the outturn of sugar per ton of beets of the 1953 crop far exceeded estimates made at

the beginning of harvest. Although the marketing of beet sugar was accelerated during the final weeks of 1953, the total production of 1,873,000 tons resulted in an effective carryover inventory on January 1, 1954, of 1,444,000 tons (stocks of beet sugar actually on hand plus the sugar to be produced from the remainder of the 1953 crop). Since the 1953-crop production exceeded the quota of 1,800,000 tons for the beet sugar area and producers were indicating a desire to increase planting for the 1954 crop, steps were taken early in 1954 to invoke marketing allotments for individual sugar beet processors to promote orderly marketing of the quota. Moreover, various actions were taken by the Department to encourage producers and processors to curtail the 1954 production to the quota level. Despite the exercise of considerable restraint in many producing districts, the 1954-crop acreage will exceed the acreage of the 1953 crop by about 18 percent. Current estimates indicate that production of sugar from the 1954 crop may reach 2,000,000 tons. Accordingly, it is estimated that the effective carryover inventory at the end of 1954 will be about 200,000 tons larger than that at the beginning of the year. This situation requires the curtailment of the 1955 crop.

Acreage control. The need for curtailment of the 1955 crop was recognized early in the current crop season. The Department encouraged industry representatives to develop an industry control program for the 1955 crop and assisted in developing a proposed plan. When the attempt to provide for industry controls failed, the Department proceeded to develop a restrictive proportionate share program under the Sugar Act. A proposal was developed and forwarded to industry groups on August 12, 1954, providing for a review of the problem and consideration of the proposal at an informal public hearing in Denver, Colorado, on August 23. Grower associations, processors and field offices of the Department were represented at the hearing, at which general approval of the Department's proposal was expressed. In developing this determination, consideration was given to the testimony presented at the hearing, to the written statements filed thereafter, to the varied conditions under which sugar beets are grown and processed, and to the indicated beet sugar production and inventory situation.

Production objective. With an estimated effective carryover inventory of sugar on January 1, 1955 of approximately 1,650,000 tons, only about 150,000 tons of 1955-crop sugar can be marketed in the calendar year 1955. The production of a 1955 crop of quota size (1,800,000 tons) will result in a similar carryover on January 1, 1956. Since the average production per planted acre for the crops of 1952, 1953 and 1954 (estimated) is 2.2 tons of sugar, raw value, and since some proportionate share acreages may not be used, an allocation of 850,000 acres is required to yield a crop of quota size. Accordingly, a national production objective of 850,000 acres is established by the determination. The production from such acreage should enable the area to meet its quota and carryover requirements. At the hearing the Department proposed possible allocations of 900,000 and 875,000 acres. Various representatives of the industry recommended that "not more than 875,000 acres" be allocated. However, the increase in the estimated 1954-crop production since the hearing requires a lower acreage objective.

Sugar beet production. Sugar beets are produced annually on about 35,000 farms. The production is distributed over a minimum of 21 States and 300 counties under a wide range of production conditions requiring consideration under an acreage control program. The crop is grown under annual contracts with beet sugar companies. A total of 19 of such companies maintain about 75 processing plants. Since sugar beets are heavy, bulky and perishable, transportation is a significant factor. Therefore, for farm shares to be useful, the total shares established in a given district must warrant the operation of a factory within a reasonable distance from the farms. This matter is particularly important to eleven companies owning but one factory each.

Sugar beets are grown in crop rotations that differ significantly between States and even among districts within a State. In a number of States, the crop occupies as an average not more than ten percent of the area of the producing farms and the crop is not grown regularly on many of those farms. In other States, one-fourth to one-third of farm areas are commonly devoted to the crop. In certain of the sugar beet States, the turnover of sugar beet farms from year-to-year exceeds 50 percent and a turnover of 25 percent is common in a number of States. While a larger part of the production occurs on farms which are owner-operated, there are many districts wherein it is a common practice for owner-operators to rent fields of neighboring farms for beet production. In a few districts the main part of the crop is produced by tenant-operators, many of whom grow the crop exclusively from year-to-year on tracts of land not regularly devoted to sugar beet production and which is rented from non-resident land holders in many cases. Accordingly, in such districts the production records of such tenant-operators are more important than the production records of the tracts of land.

State allocations. Because of the variable conditions under which sugar beets are produced and processed, as described above, it is not feasible to allot the 850,000 acres to individual farms under one general formula. To do so would result in inequities among producers, uncertainty of the tonnage of beets available locally for processing and uncertainty of total outturn. Accordingly, there is a need for smaller administrative units. The field set-up of the Department is organized on a State basis. Therefore, the determination establishes State allocations and provides for administration on a State basis.

The State allocations were derived from Sugar Act payment data on planted acreages for the crops of 1950 through 1953 and from planted acreages for the 1954 crop, as furnished by beet sugar companies and released by the Sugar Division on August 12, 1954. The allocation for each State was computed by the following steps:

1. An initial base acreage was computed by giving a weighting of 75 percent to the average acreage for the crops of 1950–54, as a measure of "past production", and giving a weighting of 25 percent to the largest acreage of any of the crops of 1950–54, as a measure of "ability to produce."
2. If the initial base acreage was less than 97.4 percent of the 1953–54 average acreage for the State, the base acreage was increased to the 97.4 percent level.
3. If the initial base acreage was more than 125 percent of the 1954 acreage for the State, the base acreage was reduced to the 125 percent level.
4. The base acreages computed in steps 1 through 3 above, which total 899,741 acres, were reduced pro rata (with rounding to the nearest 5-acre units) to a total of 850,000 acres.

The most recent five-crop period appears to be a representative and adequate base period for determining State acreage allocations. Although production patterns were seriously disrupted during World War II, beginning with the 1942 crop and continuing for several seasons after active warfare ceased, the 1950-crop season was especially free from complications and a relatively large acreage resulted. Thus, the 1950 crop demonstrated both the ability and interest of growers in producing the crop under such conditions. Accordingly, the base period begins with that crop year and includes the crops produced subsequently.

Following suggestions made at the hearing, the proposed "floor" for State allocations of 100 percent of 1953–54 crop average acreages has been reduced to 97.4 percent.

This level represents the relationship of the national acreage objective of 850,000 acres to the national average of 1953–54-crop acreages of 872,821 acres. The use of this "floor" recognizes current trends in production.

The use of a "ceiling" on State allocations at 125 percent of 1954-crop acreages reflects the need for some limitation in certain minor beet producing States wherein the current demand for acreage is less than the former demand, since it would be unfair to allow growers in such States to plant unlimited acreages while growers in other States are required to restrict their acreages.

Administration of proportionate shares. The proportionate share program within a State will be carried out by the ASC State Committee. Such committee may utilize the services of members of ASC county and community committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors, or combinations of these groups. Local representatives of sugar beet processors are in almost daily contact with the growers to assist and advise them with respect to production problems. Beet growers are well organized into local and regional

associations for such purposes as negotiating contracts, checking on operations under contracts, and promoting the interests of growers. Accordingly, such grower and processor representatives are in position to render helpful advice toward an equitable and practicable administration of the program.

The determination provides that the State Committee may subdivide the State allocation into area allotments under prescribed standards and general procedure. Standards and general procedure are also prescribed for establishing individual farm shares. Subject to such standards and procedure, the State Committee, in establishing such shares, will take into consideration the conditions peculiar to the production of sugar beets in the State. The State Committee is authorized under certain conditions to use individual sugar beet production records of tenant-operators, since their ability to produce sugar beets, as demonstrated by their production records, is of primary importance in establishing proportionate shares in certain districts.

Provision is made for adjustments in shares under criteria specified in the determination to facilitate practical results. Each State Committee is required to set aside acreages for establishing shares for new producers and for making adjustments under appeals. Moreover, the interests of small producers, cash tenants, share tenants, and sharecroppers are to be protected insofar as is practicable.

It is believed that this determination provides an equitable basis for establishing proportionate shares for farms in the beet sugar area for the 1955 crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932, 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup., 1132)

Issued this 4th day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8831; Filed, Nov. 8, 1954; 8:53 a. m.]

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

[Avocado Order 5, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of avocados grown in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) (i) of § 969.305 (Avocado Order 5; 19 F. R. 6990) are hereby amended to read as follows:

(i) Any avocados, grown in South Florida, which do not grade at least No. 2 Grade, as defined in § 969.130 (b) of the supplementing rules and regulations (19 F. R. 5439): *Provided*, That such avocados may fail to meet the requirements of such grade with respect to anthracnose (black spot) and sunburn.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 5, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[F. R. Doc. 54-8795; Filed, Nov. 8, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-5]

PART 60—AIR TRAFFIC RULES

CHANGES IN TERMINOLOGY OF AIRSPACE RESTRICTED AREAS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of November 1954.

Section 60.13 of Part 60 of the Civil Air Regulations, covering airspace restricted areas, currently states that the Administrator may designate as a danger area an area within which he has determined that an invisible hazard to aircraft in flight exists. It also states that no person shall operate an aircraft within an airspace reservation or danger area unless permission has been obtained from the appropriate authority. Section 60.65 defines an airspace reservation as an area established by Executive Order of the President of the United States or by any State of the United States, and defines danger area as an area designated by the Administrator within which an invisible hazard to aircraft in flight exists. These areas are shown on aeronautical charts and in publications of aids to air navigation. It would appear from these definitions and their use in § 60.13 that the flight of aircraft is prohibited in both an airspace reservation and a danger area unless prior approval has been obtained. This is not necessarily true, however, since flight in both areas may not be completely prohibited but limited only in accordance with restrictions which have been placed on the area.

The term "prohibited area" describes more completely and accurately the airspace in which flight is prohibited at all times except when appropriate permission is obtained, and the term "restricted area" more aptly describes the airspace in which flight is subject to certain stated restrictions. This amendment, therefore, eliminates the terms "danger area" and "airspace restricted area", and defines the terms "prohibited area" and "restricted area" so as to include an area within which the flight of aircraft is either prohibited or restricted. It also states who may set up a prohibited or restricted area. This terminology will tend to eliminate any confusion that may currently exist in having different terms apply to the same type of area on domestic and international aeronautical charts since the proposed terms are currently used on international charts. These terms will also conform with the definitions of such airspace areas by the International Civil Aviation Organization.

Section 60.13 is amended to make clear the extent to which avoidance of prohibited and restricted areas is necessary and the necessity of obtaining permission for flight in such areas contrary to the restriction or prohibition applicable thereto. Restriction to flight in such areas will be prescribed in publications of aids to air navigation and on the backs of aeronautical charts. The authority of the Administrator to designate restricted areas, which was previously in § 60.13, has been placed in a new § 60.13a.

Interested persons have been afforded on opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended), effective December 9, 1954:

1. By amending § 60.13 to read as follows:

§ 60.13 *Avoidance of prohibited and restricted areas*—(a) *Prohibited area.* No person shall operate an aircraft within a prohibited area unless prior permission has been obtained from appropriate authority.

(b) *Restricted area.* No person shall operate an aircraft within a restricted area contrary to the restrictions imposed unless prior permission has been obtained from appropriate authority.

NOTE: Prohibited and restricted areas are established in order to conduct certain essential activities either on the ground or

within the airspace area. Avoidance of prohibited areas and operation within restricted areas strictly in accordance with the published restrictions are imperative to the safety of flight or the protection of the activity on the ground. Any person desiring to secure permission to fly in such areas contrary to the prohibition or the restrictions imposed, should contact the agency controlling that area. Prohibited and restricted areas, indicating the prohibitions or restrictions to flight and the name of the using agency, are shown on aeronautical charts or in publications of aids to air navigation.

2. By adding a new § 60.13a to read as follows:

§ 60.13a *Authority for designation of restricted areas by the Administrator.* The Administrator is authorized to designate restricted areas when he finds that a hazard to aircraft in flight exists. (Areas previously designated as danger areas will hereafter be designated as restricted areas.)

3. By amending § 60.65 to read as follows:

§ 60.65 *Prohibited and restricted areas*—(a) *Prohibited area.* Airspace identified by an area on the surface of the earth within which the flight of aircraft is prohibited. A prohibited area may be established by the President of the United States or any State of the United States pursuant to the Air Commerce Act of 1926, or it may be established pursuant to the Civil Aeronautics Act of 1938, as amended.

(b) *Restricted area.* Airspace identified by an area on the surface of the earth within which the flight of aircraft, while not wholly prohibited, is subject to restrictions. A restricted area may be established by the President of the United States or by any State of the United States pursuant to the Air Commerce Act of 1926, or it may be established pursuant to the Civil Aeronautics Act of 1938, as amended, or it may be established by the Administrator of Civil Aeronautics pursuant to the provisions of § 60.13a.

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-8823; Filed, Nov. 8, 1954; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), §§ 345.1, 345.2, 345.4, 345.7, 345.9, 345.10, 345.13 (d), (e), 345.15, 345.16, 345.17 (b), 345.19 (a) and 345.20 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370; 8 F. R. 11894; 9 F. R. 3192; 12 F. R. 2327; 13 F. R. 5329; 16 F. R. 8797; 17 F. R. 2303 and 17 F. R. 8764) are amended by Board Order 54-253, dated October 4, 1954, to read as follows:

§ 345.1 *Statutory provisions.*

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the compensation as is not in excess of $300 for any calender month paid by him to any employee for services rendered to him after June 30, 1939, and before July 1, 1954, and is not in excess of $350 for any calendar month paid by him to any employee for services rendered to him after June 30, 1954: *Provided, however,* That if compensation is paid to any employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than $300 for any month before July 1, 1954, and to not more than $350 for any month after June 30, 1954, of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300 if such month is before July 1, 1954, or less than $350 if such month is after June 30, 1954, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

(1) With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

(2) With respect to compensation paid after December 31, 1947, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on Sept. 30, of any year, as determined by the Board, is:	*The rate with respect to compensation paid during the next succeeding calendar year shall be:*
$450,000,000 or more	½ percent.
$400,000,000 or more but less than $450,000,000	1 percent.
$350,000,000 or more but less than $400,000,000	1½ percent.
$300,000,000 or more but less than $350,000,000	2 percent.
$250,000,000 or more but less than $300,000,000	2½ percent.
Less than $250,000,000	3 percent.

As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year.

The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by Regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this subsection shall be credited to the account.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act: *Provided,* That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.

* * * For the purposes of determining * * * the amount of contributions due pursuant to this Act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded. For purposes of determining * * * the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an "employer", * * * shall be disregarded if the individual having such employment has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for purposes of the Railroad Retirement Act.

§ 345.2 *Employers' contributions.* (a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid by such employer for employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of $300 for any month before July 1, 1954 and in excess of $350 for any month after June 30, 1954 and is paid by the employer to any employee with respect to employment during any one calendar month.

	Percent
(1) With respect to compensation paid from July 1, 1939, to Dec. 31, 1947	3
(2) With respect to compensation paid from Jan. 1, 1948, to Dec. 31, 1948	½
(3) With respect to compensation paid during each succeeding calendar year, the applicable percentage specified in § 345.1.	

(b) If compensation is paid by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than $350 ($300 if prior to July 1, 1954) for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of $350 (or $300) which the amount paid by him to the employee for the month bears to the aggregate compensation paid to such employee by all employers for that month: *Provided, however,*

(1) If such aggregate compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid to the employee by the employer other than a subordinate unit equals or exceeds $350 ($300 if prior to July 1, 1954) for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of the employer other than a subordinate unit with respect to the compensation paid by him to such employee for that month shall be $350 (or $300).

(2) If such aggregate compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer, and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by the employers other than a subordinate unit equals or exceeds $350 ($300 if prior to July 1, 1954) for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of each employer other than a subordinate unit shall be that proportion of $350 (or $300) which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all such employers other than a subordinate unit for that month.

(3) If such aggregate compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate unit is less than $350 ($300 if prior to July 1, 1954) for the month, then the measure of the contribution of each employer other than the subordinate unit shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of the subordinate unit of a national railway-labor-organization employer shall be $350 (or $300) less the total compensation paid to such employee for that month by all other employers.

(4) If such aggregate compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate units is less than $350 ($300 if prior to July 1, 1954) for the month, then the measure of the contribution of each employer other than the subordinate units shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of each subordinate unit of the national railway-labor-organization employer shall be that proportion of $350 (or $300) less the total compensation paid to such employee for the month by all employers other than the subordinate units which the compensation paid by such subordinate unit to the employee for that month bears to the total compensation paid to such employee by all such subordinate units for that month.

§ 345.4 *Employers' reports of compensation of employees.* Each employer shall continue to file with the Board, in accordance with the requirements of § 250.3 of this chapter, as amended, reports of the compensation of each employee, consisting of:

(a) A report of compensation for the calendar quarter or calendar year on Form BA-3 (or punched tabulating cards in lieu thereof),

(b) A monthly report of compensation adjustments, on Form BA-4,

(c) A summary of compensation adjustments reported for the quarter, and

(d) Summary reports of compensation for the calendar quarter or calendar year, on Form BA-5.

§ 345.7 *Execution of employers' contribution reports.* Each contribution report on Form DC-1 shall be signed by (a) the individual, if the employer is an individual; (b) the president, vice president, or other duly authorized officer, if the employer is a corporation; or (c) a responsible and duly authorized member or officer having knowledge of its affairs if the employer is a partnership or other unincorporated organization.

§ 345.9 *Place and time for filing employers' contribution reports.* Each employer's contribution report shall be filed with the Office of Fiscal Accounts, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois.

(a) Except as provided in paragraph (b) of this section, the employer's contribution report for each quarterly period shall be filed on or before the last day of the second calendar month following the period for which it is made. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

(b) For eligible employers who have elected to report contributions annually in accordance with § 345.5 (b) (2), the contribution report shall be filed on or before the last day of the second calendar month following the close of the calendar year. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

§ 345.10 *Payment of employers' contributions.* The contribution required to be reported on an employer's contribution report is due and payable to the Board without assessment or notice, at the time fixed for filing the contribution report. Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable to the Railroad Retirement Board and mailed with the contribution report to the Office of Fiscal Accounts, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois. No employer who tenders a check as provisional payment of contribution shall be released from the obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employer by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered.

§ 345.13 *Refunds.* * * *

(d) *Claim by fiduciary.* If any contribution is paid by or on behalf of an individual who thereafter dies and a claim for refund or credit is filed by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence shall be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver, or other fiduciary pays any contribution and thereafter a claim for refund or credit is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the contribution was paid by the fiduciary and that he is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required to be submitted upon the receipt of a specific request therefor. If a claim is filed by a fiduciary or employer other than the one by whom the contribution was paid, the necessary documentary evidence shall accompany the claim. The claim form may be executed by an agent of the employer on whose behalf the claim is made, but in such case a power of attorney shall accompany the claim.

(e) *Time limit.* No refund will be allowed for any contribution (including interest or penalty, if any) which has been erroneously, illegally, or otherwise wrongfully collected after the expiration of four years after the payment to the Board of the contribution, penalty, or interest, except upon one or more of the grounds set forth in a claim filed therefor prior to the expiration of such four-year period.

§ 345.15 *Jeopardy assessment.* (a) Whenever in the opinion of the Board

it becomes necessary to protect the interests of the Government by effecting an immediate reporting and collection of an employer's contribution, the Board will assess the contribution, together with all penalties and interest thereon. Upon assessment, such contribution, penalty, and interest shall become immediately due and payable, and the Board shall thereupon issue immediately a notice and demand for payment of the contribution, penalty, and interest.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the Board a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the Board may deem necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the employer may deposit with the Board bonds or notes of the United States, or bonds or notes fully guaranteed by the United States as to principal and interest, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the Board in case of default to collect or sell such bonds or notes so deposited. Upon refusal to pay, or failure to pay or give bond, the Board will immediately upon issuances of notice and demand for payment proceed to collect the contribution, penalty, and interest. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law.

§ 345.16 *Interest.* If the employer's contribution is not paid to the Board when due and is not adjusted under § 345.12, interest accrues at the rate of 1 percent per month, or fraction of a month. Interest on past due contributions from the due date thereof until the date paid will be assessed after payment of the contributions, and notice and demand made upon the employer for payment thereof, in any case in which payment of the contributions is made before assessment under § 345.14.

§ 345.17 *Penalty for failure to pay an assessment after notice and demand.* * * *

(b) If, within ten days after the date of issuance of the first notice and demand, a claim for abatement of any amount of the assessment is filed with the Board, the 5 percent penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the Board shall issue notice and demand for such amount. If payment is not made within ten days after the date the Board issues the notice and demand, the 5 percent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest.

§ 345.19 *Penalty for delinquent or false employers' contribution reports*—(a) *Delinquent reports.* Unless the employer required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file such contribution report on or before the due date shall cause to accrue a penalty equal to the following percentage of the contribution required to be reported thereon:

(1) 5 percent, if the contribution report is filed on or before the thirtieth day after the due date;

(2) 10 percent, if the contribution report is filed after such thirtieth day and on or before the sixtieth day after the due date;

(3) 15 percent, if the contribution report is filed after such sixtieth day and on or before the ninetieth day after the due date;

(4) 20 percent, if the contribution report is filed after such ninetieth day and on or before the one hundred and twentieth day after the due date; or

(5) 25 percent, if the contribution report is filed after such one hundred and twentieth day or if the contribution report is never filed by the employer required to file it.

In computing the period of delinquency all Sundays and holidays after the due date are counted.

Every employer filing a contribution report after the due date shall securely attach to the report a signed statement explaining the reason for the delinquency. This declaration shall become a part of the contribution report and shall be subject to the same penalties for false or fraudulent statements as are described on the face of Form DC-1. Upon receipt of this declaration the Board shall determine whether a penalty for late filing shall be assessed against the employer.

§ 345.20 *Assessments.* The Director of Fiscal Accounts is authorized, on behalf of the Board, to issue assessments of contributions, interest, and penalties, and notices and demands for payment thereof.

(Sec. 12, 52 Stat. 1094, 1107; 45 U. S. C. 362)

Dated: November 2, 1954.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 54-8820; Filed, Nov. 8, 1954 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 225—SERVICEMEN'S MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
225.1 Incorporation by reference.
225.2 Definition of terms.
225.3 Maximum mortgage amount; dollar limitation.
225.4 Maximum mortgage amount; ratio of loan-to-value limitation.
225.5 Mortgagor's minimum investment.
225.6 Application of payments.
225.7 Use of mortgage proceeds.
225.8 Eligible mortgagors.
225.9 Location of dwelling.
225.10 Effective date.

AUTHORITY: §§ 225.1 to 225.10 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 225.1 *Incorporation by reference.* (a) All of the provisions of Part 221 of this subchapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply with full force and effect to mortgages insured under section 222 of the National Housing Act except the following provisions:

Sec.
221.17 Maximum amount of loan and mortgagor's minimum investment.
221.23 Application of payments.
221.37 Location of dwelling.
221.42 Eligibility of miscellaneous-type mortgages.
221.44 Effective date.

(b) For the purposes of this part all references in Part 221 to section 203 of the National Housing Act shall be deemed to refer to section 222 of the National Housing Act.

§ 225.2 *Definition of terms.* As used in this part the terms—

(a) "Secretary" shall mean the Secretary of Defense or, in the case of the United States Coast Guard, the Secretary of the Treasury and any officer or employee designated by such Secretary to issue certificates of eligibility and certificates of termination.

(b) "Certificate of eligibility" means the official certificate issued by the Secretary to the Federal Housing Commissioner which established that the person designated on the certificate as the serviceman has met the eligibility requirements set forth in section 222 of the National Housing Act as amended.

(c) "Serviceman" means a person to whom the Secretary has issued a certificate of eligibility.

(d) "Period of ownership by serviceman" means that period of time during which a military service is required to pay mortgage insurance premiums to the Federal Housing Commissioner, commencing with the date the Federal Housing Commissioner endorses a mortgage loan for insurance and terminating when the Secretary furnishes the Commissioner with a certificate indicating that the military service will no longer be liable for payment of insurance premiums to the Commissioner.

§ 225.3 *Maximum mortgage amount; dollar limitation.* The mortgage shall involve a principal obligation not in excess of $17,100 and shall be in an amount of $100 or multiples thereof (except a mortgage having a principal obligation not in excess of $10,000 may be in an amount of $50 or multiples thereof).

§ 225.4 *Maximum mortgage amount; ratio of loan-to-value limitation.* The mortgage shall be in an amount not to

exceed 95 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance.

§ 225.5 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine in cash or its equivalent.

§ 225.6 *Application of payments.* (a) Notwithstanding the provisions of § 221.23 of this subchapter and until such time as the mortgagee has been notified by the Commissioner that the period of ownership by serviceman has been terminated the monthly payments to be made by the mortgagor shall be applied to the following items in the order set forth:

(1) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(2) Service charge, if any;

(3) Interest on the mortgage; and

(4) Amortization of the principal of the mortgage.

(b) After receipt of notification from the Commissioner that the period of ownership by serviceman has been terminated the mortgagee shall apply all monthly payments received from the mortgagor in the order set forth in § 221.23 of this subchapter.

§ 225.7 *Use of mortgage proceeds.* The proceeds of mortgages shall be used for the purpose of financing the construction or purchase of an eligible dwelling by a serviceman.

§ 225.8 *Eligible mortgagors.* A mortgagor must meet the requirements of §§ 221.31 to 221.35 of this subchapter and in addition must hold a certificate of eligibility issued by the Secretary indicating that the mortgagor meets the eligibility requirements set forth in section 222 of the National Housing Act as amended.

§ 225.9 *Location of dwelling.* At the time the mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than one family. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 225.10 *Effective date.* Unless otherwise specified, the rules in this Part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after November 5, 1954.

PART 226—SERVICEMEN'S MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Sec.
226.1 Incorporation by reference.
226.2 Definition of terms.
226.3 Annual mortgage insurance premiums and charges.
226.4 Prepayment premiums.
226.5 Pro-rata refund in event of prepayment.
226.6 Insurance endorsement.
226.7 Contract of insurance.
226.8 Effective date.

AUTHORITY: § 226.1 to 226.8 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 226.1 *Incorporation by reference.* (a) All of the provisions of Part 222 of this subchapter covering mortgages insured under section 203 of the National Housing Act, apply with full force and effect to mortgages insured under section 222 of the National Housing Act except the following provisions:

§ 222.1 Definition of terms.
§ 222.2 Annual mortgage insurance premiums and charges.
§ 222.3 Prepayment premiums.
§ 222.4 Pro-rata refund in the event of prepayment.
§ 222.5 Form of endorsement.
§ 222.6 Contract of insurance.
§ 222.7 Mutual mortgage insurance fund.
§ 222.8 Distribution of participation shares.
§ 229.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this part all references in Part 222 to section 203 of the National Housing Act shall be deemed to refer to section 222 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Servicemen's Mortgage Insurance Fund.

§ 226.2 *Definition of terms.* The definitions set forth in §§ 222.1 and 225.2 of this subchapter shall apply with full force and effect to this part and in addition the terms—

(a) "Service branch" means the military service of which a mortgagor, is a member at the time the mortgage is endorsed for insurance pursuant to section 222 of the National Housing Act, as amended.

(b) "Certificate of termination" means the official notice issued by the Secretary to the Federal Housing Commissioner advising the Commissioner that the period of ownership by a serviceman has been terminated and the service branch will no longer be responsible for payment of mortgage insurance premiums.

§ 226.3 *Annual mortgage insurance premiums and charges.* (a) The service branch shall during the period of ownership by a serviceman have the responsibility for payment of all mortgage insurance premiums and charges. The mortgagee shall be responsible for payment of all such premiums or charges after it has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

(b) The service branch or the mortgagee, as the case may be, shall pay to the Commissioner, either in cash or debentures issued by the Serviceman's Mortgage Insurance Fund at par plus accrued interest, mortgage insurance premiums in accordance with subparagraphs (1) and (2) of this paragraph which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(1) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(2) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the service branch or the mortgagee, as the case may be, shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(3) For the purpose of this paragraph the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(c) The service branch or the mortgagee, as the case may be, shall pay to the Commissioner, in cash, open-end insurance charges in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The initial open-end insurance charge shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the first day of the month following the date the mortgagee requests insurance endorsement and ending with the next anniversary date of the regular mortgage insurance premium. The initial insurance charge shall be in an amount equal to ½ percent of the principal obligation of the open-end advance for a 12-month period and shall be pro-rated for the time period computed as set forth in this subparagraph.

(2) After payment of the initial open-end insurance charge and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the service branch or the mortgagee, as the case may be, shall pay annual insurance charges to the Commissioner. Such annual charge shall be paid on the date the mortgage insurance premium on the original mortgage is paid and shall be in an amount equal to ½ percent of the original principal obligation of the open-end advance for the 12-month period following the date on which the charge is payable.

§ 226.4 *Prepayment premiums.* (a) The service branch shall have the responsibility for payment of all adjusted premium charges which are due and payable to the Commissioner upon the prepayment of an insured mortgage during the period of ownership by the serviceman. The mortgagee shall be responsible for payment of any such adjusted premium charge upon prepayment of an insured mortgage after the mortgagee has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

(b) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage: *Provided*, That when such payment in full prior to maturity occurs during the period of ownership by the serviceman the adjusted premium charge shall be paid to the Commissioner by the service branch.

(c) In no event shall the adjusted premium exceed the aggregate amount of premiums which would have been payable if the mortgage had continued to be insured until maturity.

(d) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus any increased amount resulting from open-end advances made pursuant to § 221.43 of this subchapter.

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for—

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner.

§ 226.5 *Pro-rata refund in the event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the service branch or to the mortgagee, as the case may be, for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium and insurance charge in the case of open-end advances theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs: *Provided*, That no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

§ 226.6 *Insurance endorsement.* Upon compliance, satisfactory to the Commissioner, with the terms of a commitment to insure, the Commissioner will:

(a) Endorse the original credit instrument as follows:

No. ------

Insured under section 222 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder dated November 5, 1954, as amended.

FEDERAL HOUSING COMMISSIONER,
By ------------------------------
(Authorized agent)
Date -------------

(b) Evidence insurance of an open-end advance by delivering to the mortgagee a certificate in form as follows:

No. ------

Insured as an additional advance in the principal amount of $------ under section 222 of the National Housing Act and the Regulations of the Federal Housing Commissioner thereunder, dated November 5, 1954.

FEDERAL HOUSING COMMISSIONER,
By ------------------------------
(Authorized agent)
Date -------------

§ 226.7 *Contract of insurance.* The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

§ 226.8 *Effective date.* The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after November 5, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-8854; Filed, Nov. 8, 1954; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 65—TRANSPORTATION OF EXPLOSIVES

Sec.
65.1 Purpose.
65.2 Applicability.
65.3 Carrier's certification.
65.4 Inspection of motor vehicles.
65.5 Commercial vehicles and drivers.

AUTHORITY: §§ 65.1 to 65.5 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 65.1 *Purpose.* This part provides uniform requirements governing the shipment of ammunition and explosives, Class A and B, by motor vehicles and the safety inspection of motor vehicles tendered or used for the transportation of such commodities.

§ 65.2 *Applicability.* The provisions of this part shall be applicable to the Military Departments and will apply to shipments of ammunition and explosives, Class A and B, by military and commercial motor vehicles forwarded and received by them within the Continental United States.

§ 65.3 *Carrier's certification.* All motor carriers desiring to transport ammunition or explosives, Class A or B, for the Department of Defense shall be required to file with the appropriate Military Department(s) a certificate to the effect that they and their drivers are aware of and will comply with all pertinent requirements of the Interstate Commerce Commission, the Department of Defense, and the States and Municipalities in and through which their vehicles operate.

§ 65.4 *Inspection of motor vehicles.* (a) Each Military Department shall require the inspection of all military and commercial motor vehicles tendered to transport ammunition or explosives, Class A or B, over public highways, and all vehicles delivering such shipments. In conjunction with this inspection the Military Departments shall also require the completion of DD Form 626 to indicate the condition of the vehicles.

(1) Only those vehicles against which no unsatisfactory conditions are noted on DD Form 626 will be accepted for loading. Vehicles will not be rejected if deficiencies are corrected prior to loading.

(2) Deficiencies on vehicles delivering shipments will be corrected at the time of inspection if such action is practicable and is considered necessary for safe delivery to the unloading point. If correction is necessary for safe delivery, but is impracticable, appropriate action will be taken to insure safe delivery of the shipment.

(3) Deficiencies which exist at the time of inspection but which are corrected before loading or unloading will be reported under "Remarks."

(b) Distribution of the completed DD Form 626 will be as follows:

(1) The original will be retained by the activity making the inspection.

(2) One copy will be given to the vehicle operator at origin. This copy will accompany the shipment to destination and will be surrendered to the consignee.

(3) When a commercial vehicle tendered for loading or unloading is rejected or the driver thereof is found to be unsatisfactory, a copy will be distributed to each of the following:

(i) To the nearest field office of the Interstate Commerce Commission.

(ii) To the home office of the carrier concerned.

(iii) As required by the appropriate Military Department.

(4) If deficiencies are discovered during the inspection of commercial vehicles but are corrected before loading or unloading, distributions will be in accordance with subparagraph (3) (ii) and (iii) of this paragraph. A copy will

not be sent in such cases to the nearest field office of the Interstate Commerce Commission.

(5) When a military vehicle is rejected or the driver thereof is found to be unsatisfactory, further distribution will be made as required by the appropriate Military Department.

(c) Photographs of rejected equipment will be attached to the completed DD Form 626 when it is considered desirable in order to clearly indicate the nature of one or more unsatisfactory elements.

§ 65.5 *Commercial vehicles and drivers.* (a) Trip-leased commercial vehicles will not be used to transport ammunition or explosives, Class A or B. The vehicles used must be owned or leased under a valid agreement (paragraph (b) of this section) by the company transporting the shipment, and the vehicle drivers must be full-time employees or under the direct control and responsibility of that company. This is not to be construed, however, as precluding the interchange of equipment in furtherance of a through movement of traffic at a point or points which such carriers are authorized to serve.

(b) The contract of lease must be in writing, signed by the parties thereto, and must not contain a provision authorizing cancellation by either party on less than 30 days' notice. In addition, the contract of lease must provide for the exclusive possession, control, and use of the equipment and for the complete assumption of liability in respect thereto by the lessee. The leased equipment may not be further leased or sublet to any other carrier for the duration of the lease.

(c) The Military Departments will insure that a copy of the appropriate contract of lease is carried in all leased vehicles and is available for inspection.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 15, 1954.

[F. R. Doc. 54-8819; Filed, Nov. 8, 1954; 8:50 a. m.]

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

ELIGIBILITY; APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY FOR ASSIGNMENT TO ARMY MEDICAL SERVICE BRANCHES

In § 561.8, paragraphs (d) and (i) (1) and (3) are amended, and in § 561.18, paragraphs (d) (2) (ii) and (i) (3) are amended, as follows:

§ 561.8 *Eligibility.* * * *

(d) *Mental requirements.* Each applicant must have obtained a score of 110 or higher in the Armed Forces Qualification Test (AFQT)-1 or -2, except the following:

(1) Those who have obtained a score of 110 or higher in the Army General Classification Test (AGCT, the General Classification Test (GCT), or Aptitude Area I, or

(2) Have evidence of satisfactory completion of 120 credit hours at a nationally or regionally credited college or university.

(3) Former officers and warrant officers.

(4) Applicants for appointment for assignment to the Army Nurse Corps and Women's Medical Specialist Corps.

* * * * *

(i) *Security check and cryptographic clearance.* (1) A minimum of a favorable National Agency Check as defined in SR 380-320-10 is required for appointment as a Reserve commissioned or Reserve warrant officer of the Army. Activities and associations which may be considered as establishing sufficient basis for rejection of applicants for appointment as an officer or warrant officer in any component of the Army for security reasons are outlined in SR 600-220-1. When information is obtained as a result of the National Agency Check or from any source which indicates that appointment may not be clearly consistent with the interests of national security the applicant will not be appointed without the specific approval of the Secretary of the Army.

* * * * *

(3) [Revoked.]

* * * * *

§ 561.18 *Appointment as Reserve commissioned officers of the Army for assignment to Army Medical Service Branches.* * * *

(d) *Eligibility.* * * *

(2) *Education and experience.* * * *

(ii) Qualifying education means at least a bachelor's degree awarded by an accredited college or university, and involving the specific degree or subject matter listed for each speciality. Qualifying educational training for these specialities will be uniformly credited as follows:

Qualifying education	*Credit toward grade*
* * *	* *
Degree, doctor of medicine.	Total of 7 years.
Degree, doctor of dental surgery and/or medicine.	
Degree, doctor of philosophy.	
Degree, doctor of veterinary medicine.	
* * *	* *

(i) *Veterinary Corps.* * * *

(3) Appointment will be in grades determined by the applicant's age (paragraph (d) of this section) and active professional experience subsequent to graduation from a veterinary college, as follows:

Years	*Grade*
Less than 4	First Lt.
4 or more but less than 11	Captain.
11 or more but less than 18	Major.
18 or more [1]	Lt. Colonel.

[1] Veterinarians with 25 or more years of professional experience who have achieved national prominence as authorities in their particular specialty may, upon approval of such action by The Surgeon General, Department of the Army, and the Secretary of the Army, be appointed in the grade of colonel.

[C5, AR 140-105, September 30, 1954 and C2, SR 140-105-6, September 30, 1954] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-8797; Filed, Nov. 8, 1954; 8:45 a. m.]

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 743—NAVY EMERGENCY FACILITIES DEPRECIATION BOARD

Sec.
743.1 General provisions.
743.2 Procedure.

Appendix A—Information to be submitted by contractors to the Board to support requests for determination of true depreciation on emergency facilities covered by certificates of necessity.

AUTHORITY: §§ 743.1 and 743.2 issued under 64 Stat. 798-822, as amended; 50 U. S. C. App., Sup., 2061-2166.

SOURCE: Navy Current Procurement Directive 11-55.

§ 743.1 *General provisions*—(a) *Establishment and purpose.* (1) There is hereby established in the Office of Naval Material a board designated the "Navy Emergency Facilities Depreciation Board" (hereinafter referred to as "the Board"). The Board shall consist of three members, one of whom shall be the Chairman. Any two members of the Board shall constitute a quorum. The concurrence of any two members of the Board shall be necessary in arriving at determinations of the Board.

(b) *Jurisdiction; scope.* (1) The Board is hereby authorized, upon written requests of contractors, to determine true depreciation of emergency facilities for which the Defense Production Administration or the Office of Defense Mobilization issues or has issued Certificates of Necessity and for which the Department of the Navy has the responsibility for the making of such determinations. The Board shall make determinations of true depreciation in accordance with the basic principles and other provisions of §§ 121.1 to 121.4 of this title and the provisions of this part.

(2) The Board, in its discretion, may:

(i) Provide for hearing oral presentations by contractors.

(ii) Conduct plant visits by its members or representatives.

(iii) Develop by other available means the facts required for the making of a determination.

(3) The Board shall maintain a record of its proceedings. The determinations of the Board shall be binding upon all Navy Procuring Activities, the Cost Inspection Service of the Comptroller of the Navy, and the other military departments, as provided in §§ 121.1 to 121.4 of this title, with respect to the amount of true depreciation which shall be used by them in computing and allocating depreciation costs of emergency facilities covered by Certificates of Necessity in the contract pricing or repricing of "nego-

tiated contracts" (as that term is defined in § 121.2 (a) of this title).

§ 743.2 *Procedure*—(a) *Requests for determinations.* (1) Requests of contractors for determinations of true depreciation with respect to Certificates of Necessity issued prior or subsequent to December 10, 1952, will be submitted by contractors directly to the Board. Each determination made by the Board will be transmitted by the Board to the contractor concerned, Navy procuring activities, the Cost Inspection Service of the Comptroller of the Navy, and the Emergency Facilities Depreciation Boards of the Departments of the Army and the Air Force.

(2) Requests for determinations received by the Board involving facilities as to which the Department of the Army or the Department of the Air Force is responsible for the making of determinations of true depreciation, pursuant to the provisions of § 121.4 (e) of this title, shall be forwarded by the Board to the Emergency Facilities Depreciation Board of the responsible department. Assignments to each departmental board shall be made in accordance with the provisions of § 121.4 (e) of this title. A liaison committee consisting of one representative to be designated by each board shall, in addition to such other duties as may be assigned to it by joint action of the three boards, make assignments in cases where the responsibility for the making of the determination is in doubt and shall compile and maintain a master assignment list.

(b) *Form of requests for determinations.* (1) Requests for determinations of true depreciation submitted by contractors shall:

(i) Set forth the information called for by the provisions of Appendix A of this part.

(ii) Be signed by a responsible official of the contractor.

(iii) Contain the following certification by the official signing the request:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and belief.

NOTE: The regulations contained in §§ 743.1 to 743.2 implement §§ 121.1 to 121.4 of this title; 17 F. R. 11437.

APPENDIX A—INFORMATION TO BE SUBMITTED BY CONTRACTORS TO THE BOARD TO SUPPORT REQUESTS FOR DETERMINATION OF TRUE DEPRECIATION ON EMERGENCY FACILITIES COVERED BY CERTIFICATES OF NECESSITY

The Contractor shall submit to the Army, Navy or Air Force Emergency Facilities Depreciation Board (as appropriate), his request for a determination of true depreciation (original and four copies). The request shall contain the information indicated below. With regard to certificates issued prior to December 10, 1952, the Contractor shall, to the extent practicable, include all certificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with defense contracts. The responses to these questions may be in narrative or tabular form as the Contractor deems best suited to his circumstances with such amplification as he considers necessary. If the Contractor considers a given question to be inapplicable in his particular case, then he should so state and give reasons therefor.

1. (a) Name and address of Contractor.

(b) Location of the facility or facilities.

(c) Summary of the cost of the facilities (segregated by individual necessity certificates) substantially as follows:

Cost					Date of completion	Percent certified
Land	Buildings and fixed installment	Equipment	Other	Total		

Necessity Certificate No. ......:
Location of Facilities
(City and State)

2. Photostats or similar facsimiles of Necessity Certificate(s). (Form DPAL-101), and a copy of the application(s) (including supporting documentation) to the Defense Production Administration therefor.

3. (a) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?

(b) Why did you plan this expansion program?

4. What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:

(a) Contract number.

(b) Total dollar value.

(c) Undelivered dollar value.

(d) Estimated completion date.

(e) Type of contract. (CPFF, CPFF-fixed overhead, fixed price, fixed price-redetermination, fixed price-incentive, etc.)

5. With which military departments or military Contractors are you now negotiating or do you expect to negotiate for proposed new procurements? Indicate type of product, end item and estimated dollar amount.

6. Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?

(a) Yes or No.

(b) Department(s).

(c) Certificate File Number(s).

7. State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s):

(a) (1) Annual normal depreciation rate currently approved by the Bureau of Internal Revenue for income tax purposes.

(2) Rate at which item is being depreciated by you in your operating accounting records.

(3) Rate being used for military contract pricing.

(b) Is this item, group or category integrated in or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?

(c) Is this item, group or category convertible to your possible post-emergency operations?

(1) Fully or partially and percent of original cost not convertible.

(2) Estimate of useful remaining life in years.

(3) Not convertible.

(d) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?

(e) Explain to what extent, if any, the facility, item, group or category may cause prospective extraordinary obsolescence of pre-existing facilities which are not, in fact, already obsolete.

(f) Describe briefly and state cost of any special construction features included in this facility, item, group or category which were made necessary exclusively by defense production requirements.

8. State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group or category.

9. State your estimate of true depreciation for each facility, item, group or category and your evaluation of the above facts to support such estimate.

Dated: November 3, 1954.

By direction of the Secretary of the Navy.

IRA H. NUNN,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 54-8822; Filed, Nov. 8, 1954; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of September 3, 1954 (Pub. Law 771, 83d Cong.; 68 Stat. 1146); § 251.1 (Reg. U-10) of the rules and regulations governing the occupancy, use, protection and administration of the national forests is hereby amended by adding a new subparagraph as follows under paragraph (c):

(c) *Other authorizations.* * * *

(4) Permits, leases, and easements as authorized by the act of September 3, 1954, (Pub. Law 771, 83d Cong.) to States, counties, cities, towns, townships, municipal corporations, or other public agencies for periods not in excess of 30 years, at prices representing the fair market value, fixed by the Chief, Forest Service, through appraisal, for the purpose of constructing and maintaining on such lands public buildings or other public works.

(Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100; 16 U. S. C. 551. Interprets or applies Sec. 1, 33 Stat. 628, 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, D. C., this 2d day of November 1954.

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

[F. R. Doc. 54-8796; Filed, Nov. 8, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix C—Public Land Orders

[Public Land Order 1027]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH SAYLOR CREEK BOMBING AND GUNNERY RANGE

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:

Subject to valid existing rights, the public lands in the following-described areas in Idaho are hereby withdrawn, except as hereinafter provided, from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with the Saylor Creek Bombing and Gunnery Range:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 8 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 8 E.,
Secs. 1 to 14, inclusive;
Secs. 17, 18.
T. 10 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17, 18.

The public lands in the areas described aggregate approximately 419,120 acres.

This order shall take precedence over but not otherwise affect Departmental Order of April 8, 1935, establishing Idaho Grazing District No. 1, and shall be subject to existing withdrawals of the lands for power purposes. The use of the lands by the Department of the Air Force shall be subject to the following conditions:

(1) The Department of the Air Force shall take all reasonable precautions to prevent and suppress brush and range fires occurring within the withdrawn lands during the period of military use, or outside such lands resulting from military use, and to prevent the pollution of waters on or in the vicinity of the withdrawn lands. The Department of the Air Force may enter into an agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of range fires by the Bureau of Land Management.

(2) Authorized employees of the Department of the Interior and other Federal or State employees shall be permitted by the Department of the Air Force to enter the withdrawn lands on official business upon obtaining proper clearance from the commanding officer, Mt. Home Air Force Base, or other appropriate Air Force officer in charge.

(3) The Department of the Air Force shall not enclose roads or trails commonly in public use except at such times as it may be necessary to do so in the interests of safety or national security in the discretion of the Air Force officer in charge.

(4) Grazing use of the withdrawn lands shall be administered by the Bureau of Land Management. Grazing use shall be permitted at the discretion of the official of the Bureau of Land Management in charge during the period March 1 to May 31 each year during which season no use of the lands for aerial gunnery shall be permitted; provided, that the Air Force officer in charge may authorize Bureau of Land Management to permit grazing use earlier than March 1 or later than May 31 in all or a portion of the withdrawn lands if such use will not interfere with the military use of such lands.

(5) The Department of the Air Force, not later than February 28 each year, shall destroy any unexploded bombs or other munitions left on the area.

(6) The Department of the Air Force shall adequately post the withdrawn lands annually, specifying the dates closed for public use and the dates open to public use.

(7) The Department of the Air Force shall excercise precaution to prevent the destruction of range resources and to provide for reseeding or such other rehabilitation work as may be necessary on the withdrawn lands or public lands adjacent thereto if such lands are damaged by military use. Such rehabilitation shall be accomplished under cooperative agreement between the Department of the Air Force and the Bureau of Land Management.

(8) The Department of the Air Force shall repair, restore, or replace existing or future range improvements upon the withdrawn lands which are damaged or demolished by military operations. Such rehabilitation shall be accomplished under cooperative agreement between the Department of the Air Force and the Bureau of Land Management.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 2, 1954.

[F. R. Doc. 54-8798; Filed, Nov. 8, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1955 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1955 crop of rice, to determine and proclaim the national acreage allotment for the 1955 crop of rice, to apportion among States and counties the national acreage allotment for the 1955 crop of rice, and to formulate regulations for establishing farm acreage allotments and normal yields for the 1955 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1954 the Secretary determines that the total supply of rice for the 1954-55 marketing year will exceed the normal supply for such marketing year by more than 10 per centum, the Secretary shall, not later than December 31, 1954, proclaim

such fact and marketing quotas shall be in effect for the crop of rice produced in 1955.

Section 352 of the act provides that the national acreage allotment of rice for the calendar year 1955 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1950 through 1954, produce an amount of rice adequate, together with the estimated carry-over from the 1954-55 marketing year, to make available a supply for the 1955-56 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1954.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated imports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353 (a) of the act requires that the national acreage allotment of rice for the 1955 crop, less a reserve of not to exceed one percentum thereof, be apportioned among the several States in which rice is produced in proportion to the average number of acres of rice in each State during the 5-year period, 1950-1954 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for trends in acreage during such period. Section 353 (b) of the act requires that the State acreage allotment of rice for the 1955 crop, less a reserve not to exceed three percentum thereof, be apportioned to farms owned or operated by persons who have produced rice in any one of the five calendar years, 1950 through 1954, on the basis of past production of rice by the producer on the farm taking into consideration the acreage allotments previously established for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other physical factors affecting the production of rice. Provision is made that if the State Committee recommends such action and the Secretary determines such action will facilitate the effective administration of the act, he may provide for the apportionment of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators.

Section 353 (c) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county allotments shall be apportioned to farms on the basis of applicable factors set forth in subsection (b) of section 353.

Section 301 (b) (13) (D) of the act requires that a "normal yield" be determined for any land planted to rice in 1955 by taking the average yield per acre thereof during the five calendar years 1950 through 1954. Provision is made that if for any reason there is no actual yield or the data therefor is not available for any year, an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1955 crop of rice and the formulation of regulations for the establishment of farm acreage allotments and normal yields for the 1955 crop of rice consideration will be given to data, views, and recommendations, pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 4th day of November 1954.

[SEAL] J. A. MCCONNELL,
Administrator.

[F. R. Doc. 54-8830; Filed, Nov. 8, 1954; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11218; FCC 54-1384]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on October 26, 1954, by Jack Rose, Albert S. Rose, and S. A. Rosenbaum, d/b as Laurel Television Company, Laurel, Mississippi, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations, as follows:

City	Channel No.	
	Present	Proposed
Laurel, Miss.	33-	7, 33-

This amendment would require a change in the offset requirement of the assignment of Channel 7 to Munford, Alabama, from 7 even to 7 minus.

3. In support of the requested amendment petitioner urges that Laurel is an important industrial and agricultural center; that it is the county seat and trade center of Jones County; that an application will be filed for Channel 7 in the event the amendment is adopted as proposed; and that the assignment of Channel 7 may be made without any other changes in the table and would conform to the Commission's rules.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission, and the Commission may be apprised of such views prior to taking final action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 3, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8826; Filed, Nov. 8, 1954; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11219; FCC 54-1385]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

1. Notice is hereby given that the Commission has received a proposal for rule making in the above entitled matter.

2. The Appalachian Company, permittee of television Station WTVU operating on Channel 73 at Scranton, Pennsylvania, filed a petition on October 25, 1954, requesting that the Commission's table of assignments contained in § 3.606 of its rules governing television broadcast stations be amended to substitute Channel 38 for Channel 73 in Scranton. It is suggested that this change in assignment can be accomplished by making the following changes in the table:

Location	Add channel	Delete channel
Scranton, Pa	38	73
Sunbury, Pa	32	65
Lock Haven, Pa	48	32
Lewiston, Pa	74	38
Shamokin, Pa	65	
Carbondale, Pa	68	
Kingston, Pa	73	

Petitioner further requests that the Commission issue an order to show cause why Appalachian should not be required to operate on Channel 38 instead of Channel 73.

3. In support of its request, Appalachian notes that due to certain technical difficulties connected with receivers and antennas at the high frequency assigned to Station WTVU, the station has been unable to render a satisfactory technical service. It is urged that Station WTVU could render a more satisfactory service on Channel 38 and could thus better compete with the other two UHF stations in the area. Finally, petitioner urges that the proposed amendment would conform to the Commission's rules. Petitioner concedes that the Commission does not recognize differences among the various UHF channels for assignment purposes, but urges that its proposal would improve UHF service in the Pennsylvania area.

4. Petitioner notes that in a recent rule making proceeding, changes were made in the assignments to Sunbury, Lewiston, and Shamokin, Pennsylvania and that these changes were to become effective October 25, 1954. Accordingly, the changes proposed by petitioner for Lewiston and Shamokin have already been accomplished. This petitioner further proposes assignments in Carbondale and Kingston, Pennsylvania, communities not now listed in the table. There is, however, no showing made as to a need or demand for these assignments other than the statement that they are technically feasible. We are of the view that these assignments need not be made at this time. We believe that petitioner's objective can be achieved by making a more simple arrangement. The Commission is therefore proposing to amend its table of assignments as follows:

City	Channel No.	
	Present	Proposed
Lock Haven, Pa	32−	48+
Scranton, Pa	16−, 22−, 73	16−, 22−, 38
Sunbury, Pa	38	32−

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested persons may submit their views. The subject petition is made a part of this docket.

6. Appalachian Company is presently authorized to operate Station WTVU on Channel 73 at Scranton, and the rule making proposal herein would substitute Channel 38 for Channel 73 in that city. Appalachian Company is therefore ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 38 in lieu of Channel 73. A reply in writing to the aforesaid order to show cause should be filed on or before the same date for filing comments in this proceeding.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed by the Commission should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 3, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before December 13, 1954. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments before taking final action in this matter, and if any comment appears to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8825; Filed, Nov. 8, 1954; 8:51 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 11214; FCC 54-1374]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding frequencies in the band 2000–2850 kc in the Seattle, Washington and New Orleans, Louisiana areas.

1. On February 10, 1954, the Commission adopted a report and order in Docket No. 10444 finalizing a plan of frequency assignment for all areas which would be used as the basis for carrying out the Maritime Mobile radiotelephone portions of the Geneva Agreement (1951) in the frequency bands 2000 kc to 2850 kc. However, the availability of certain new frequencies was deferred pending their clearance of conflicts with other services.

2. Among the frequencies whose availability was deferred were the following:

Seattle: 2482 kc (coast); 2430 kc (ship).
New Orleans: 2482 kc (coast); 2382 kc (ship).

Partial clearance of the Seattle pair has been effected which makes it now feasible to propose its daytime use pending further clearance for 24 hour use. Sufficient clearance of the New Orleans pair has been effected to make it feasible now to propose its 24 hour use.

3. The proposed amendment as contained below is issued under the authority contained in sections 303 (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 7, 1954, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The following frequencies in kilocycles would become available for assignment to public coast stations for telephony and to public ship stations for telephone communication with the coast station in the areas indicated:

Coast	Ship	Location
2482[1]	2430[1]	Seattle, Wash.
2482	2382	New Orleans, La.

[1] Temporarily day only.

[F. R. Doc. 54-8827; Filed, Nov. 8, 1954; 8:52 a. m.]

[47 CFR Part 13]

[Docket No. 11215; FCC 54-1375]

COMMERCIAL RADIO OPERATORS

OPERATING AUTHORITY

In the matter of amendment of § 13.61 of the Commission's rules governing commercial radio operators to prescribe qualifications of radio-telephone operators required on board ships for safety purposes.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Cargo ships of the United States of 500 gross tons and upwards but less than 1600 gross tons, which are fitted with a radiotelephone installation in accordance with Part II of Title III of the Communications Act of 1934, as amended, or the radio provisions of the Safety of Life at Sea Convention (London, 1948) are required to carry at least one qualified operator. Both statute and treaty further provide that such qualified operator "may be a member of the crew holding only a certificate for radiotelephony".

3. In accordance with the Commission's statutory authority to prescribe the qualifications of radio operators and its responsibility to establish minimum standards for radiotelephone operators required by statute and treaty for safety purposes on board ships, it is proposed to designate the radiotelephone third-class operator permit as the minimum grade of operator license to be held by such operators. Eligible persons may obtain such a permit by passing a written test in commercial examination Elements One and Two which contain basic questions on radio laws and regulations and on radiotelephone operating practices and procedures. The examination for the radiotelephone third-class operator permit is non-technical in nature and is at a level considered consistent with both the responsibilities of the operator and the latitude provided by statute and treaty for a "member of the crew" to qualify as an operator.

4. Section 13.61 of the Commission's rules defines the scope of operating authority under the various classes of operator licenses and the proposed change would be accomplished by amending paragraph (h) thereof so as to prohibit operation of ship radiotelephone installations coming under the above-mentioned provisions of law by holders of a lower grade of license than the radiotelephone third-class operator permit. Under the Commission's rules this grade of license is valid for the normal operation of ship radiotelephone stations with authorized antenna power up to and including 250 watts.

5. This proposal is issued pursuant to the authority of sections 4 (i), 303 (l), and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person may file with the Commission, on or before December 7, 1954, a written statement or brief in support of or in opposition to the proposed amendments. Comments or briefs in reply to the original comments or briefs may be filed ten (10) days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

7. In accordance with § 1.764 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments should be furnished to the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 13.61 (h) of the rules governing commercial radio operators to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or

(5) Radio stations provided on board vessels for safety purposes pursuant to statute or treaty, or

(6) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc, or

(7) Coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts;

(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided,* That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes.

Provided, That, with respect to any station which the holder of this class of license may operate, such operator is prohibited from making any adjustments that may result in improper transmitter operation, and the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 54-8824; Filed, Nov. 8, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE ARMY, NAVY AND AIR FORCE

REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN CONTRACTS FOR PROCUREMENT OF PUBLIC UTILITY SERVICES

In accordance with the provisions of subsection 202 (f) of the National Security Act, as amended (5 U. S. C. 171a), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 638), I hereby redelegate to the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force, such authority as is vested in me by the delegation of authority from the Administrator of General Services dated October 11, 1954, entitled "Contracts for Procurement of Public Utility Services for Periods Not Exceeding Ten Years" (19 F. R. 6665).

The Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force are hereby authorized to make such further delegations of this authority as they may deem necessary.

This delegation of authority shall be effective as of the date hereof, and supersedes prior delegation of September 14, 1951 (16 F. R. 9666).

C. E. WILSON,
Secretary of Defense.

NOVEMBER 3, 1954.

[F. R. Doc. 54-8833; Filed, Nov. 8, 1954; 8:49 a. m.]

POST OFFICE DEPARTMENT

MERGER OF THE BUREAU OF THE CONTROLLER WITH THE BUREAU OF FINANCE

The following is the text of order of the Postmaster General No. 55760, dated October 27, 1954, relative to the above subject matter:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes in the organization of the Post Office Department take effect on November 1, 1954.

1. The Bureau of the Controller, including its fifteen regional offices, is hereby merged with the Bureau of Finance. The consolidated Bureau shall be known as the Bureau of Finance.

2. The position of Controller is hereby merged with the position of Assistant Postmaster General (Finance). The consolidated position shall be known as Assistant Postmaster General and Controller.

3. There is established and attached to the Office of the Assistant Postmaster General and Controller a Deputy Controller.

4. There are established the following positions which report through the Deputy Controller:

a. Assistant Controller. Director, Accounting Division; Director, Budget Division.

b. Assistant Controller. Director, System and Procedures Division; Director, Cost Analysis Division.

c. Director, Internal Audit Division.

d. Director, Postal Rates Division.

e. Finance Officer. Director, Money Orders Division; Director, Postal Funds Division; Director, Postal Savings Division; Director, Philately Division.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8802; Filed, Nov. 8, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

DESCHUTES PROJECT, OREGON

ORDER OF REVOCATION

OCTOBER 6, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of July 23, 1913, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 10 E.,
Sec. 2, NW¼SW¼.

The above area aggregates 40 acres.

E. V. LINDSETH,
Acting Assistant Commissioner.

[Misc. 347147]

NOVEMBER 3, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly. The land is patented.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 54-8799; Filed, Nov. 8, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6575]

NEW JERSEY POWER & LIGHT CO.

NOTICE OF ORDER PERMITTING AMORTIZATION OF CHARGES

NOVEMBER 3, 1954.

Notice is hereby given that on November 2, 1954, the Federal Power Commission issued its order adopted October 29, 1954, permitting amortization of charges associated with refunded bonds under balance sheet accounts instruction 6-E in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8807; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220, G-2378]

UNITED GAS PIPE LINE CO.

NOTICE OF OPINION NO. 277 AND ORDER

NOVEMBER 3, 1954.

Notice is hereby given that on November 2, 1954, the Federal Power Commission issued its opinion and order adopted October 26, 1954, in the above-entitled matters, approving proposed rates and providing for further hearings to be held on November 16, 1954, at 10:00 a. m., e. s. t., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8801; Filed, Nov. 8, 1954; 8:46 a. m.]

[Docket Nos. G-2399, G-2409, G-2458, G-2465, G-2491]

NORTHERN NATURAL GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 3, 1954.

Notice is hereby given that the hearing in the above-designated matters is postponed to 10:00 a. m., e. s. t., January 4, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8806; Filed, Nov. 8, 1954; 8:47 a. m.]

[Docket No. G-2439]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND MAKING EFFECTIVE TARIFF PROVISIONS

NOVEMBER 3, 1954.

Notice is hereby given that on October 29, 1954, the Federal Power Commission issued its order adopted October 27, 1954, approving proposed settlement and making effective tariff provisions in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8808; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket No. G-2470]

LAKE SHORE PIPE LINE CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF TARIFF SHEETS AND TERMINATING PROCEEDINGS

NOVEMBER 3, 1954.

Notice is hereby given that on November 1, 1954, the Federal Power Commission issued its order adopted October 27, 1954, permitting withdrawal of tariff sheets and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8809; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket No. G-2495]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 3, 1954.

Notice is hereby given that on November 1, 1954, the Federal Power Commission issued its findings and order adopted October 27, 1954, issuing a certificate of public convenience and necessity, and approval of abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8810; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket Nos. G-2522, G-2581, G-2601, G-2602, G-2660, G-2665, G-2666, G-2667, G-2716, G-2722]

OHIO FUEL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 3, 1954.

In the matters of The Ohio Fuel Gas Company, Docket No. G-2522; Louisville Fuel Company, Docket No. G-2581; Texas Illinois Natural Gas Pipeline Company, Docket No. G-2601; Plymouth Oil Company, Docket No. G-2602; Ruby Oil & Gas Company, Docket No. G-2660; El Paso Natural Gas Company, Docket No.

G-2665; Olin Gas Transmission Corporation, Docket No. G-2666; Calto Oil Company, Docket No. G-2667; Kight Gas Co., Docket No. G-2716; Olin Gas Transmission Corporation, Docket No. G-2722.

Notice is hereby given that on November 1, 1954, the Federal Power Commission issued its findings and orders adopted October 27, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8811; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket No. G-3714]

CARTER OIL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that The Carter Oil Company (Applicant), a West Virginia corporation with its principal office in Tulsa, Oklahoma, filed on September 30, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Trebloc Pool, Chickasaw County, Mississippi which it proposes to sell to Texas Eastern Transmission Corporation for resale in interstate commerce.

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

This matter is one that should be disposed of as promply as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 29, 1954.

Issued: November 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8800; Filed, Nov. 8, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1658]

ROYAL DUTCH PETROLEUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1954.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in Ordinary Shares, 50 Guilders par value of Royal Dutch Petroleum Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8803; Filed, Nov. 8, 1954; 8:47 a. m.]

[File No. 7-1659]

GENERAL TELEPHONE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1954.

The San Francisco Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $20 par Value of General Telephone Corporation, listed and registered on New York Stock Exchange and on the Midwest Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8804; Filed, Nov. 8, 1954; 8:47 a. m.]

[File No. 7-1660]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1954.

The San Francisco Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 par value of New England Electric System, listed and registered on New York Stock Exchange and the Boston Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange

Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 54-8805; Filed, Nov. 8, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29791; Correction]

OYSTER SHELL LIME FROM NORFOLK, PINNERS POINT AND PORTSMOUTH, VA., TO NORTH CAROLINA

APPLICATION FOR RELIEF

NOVEMBER 4, 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 Atlantic Coast Line Railroad Company.

Commodities involved: Lime, oyster shell, burnt or ground, agricultural, carloads.

From: Norfolk, Pinners Point, and Portsmouth, Va.

To: Scotland Neck, Enfield, Delmar, Ruggles, Halifax, Weldon, and Williamston, N. C.

Grounds for relief: Competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 69.

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. 54-8812; Filed, Nov. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29868]

FERTILIZER SOLUTIONS FROM VICKSBURG AND YAZOO CITY, MISS., TO SERENA, ILL.

APPLICATION FOR RELIEF

NOVEMBER 4, 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: Fertilizer ammoniating solution and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Yazoo City, Miss.

To: Serena, Ill.

Grounds for relief: Rail competition, circuity, market competition, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 35.

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. 54-8813; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29869]

FERTILIZER SOLUTIONS FROM VICKSBURG AND NATCHEZ, MISS., TO LAWRENCEVILLE, ILL.

APPLICATION FOR RELIEF

NOVEMBER 4, 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: Fertilizer ammoniating solution and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Natchez, Miss.

To: Lawrenceville, Ill.

Grounds for relief: Rail competition, circuity, market competition, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 35.

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. 54-8814; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29870]

PHOSPHATE ROCK FROM FLORIDA TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

NOVEMBER 4, 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: Phosphate rock, carloads.

From: Points in Florida.

To: Memphis, Tenn.

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

Schedules filed containing proposed rates: Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 102.

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. 54-8815; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29871]

SUGAR FROM SUGARLAND, TEX., TO TEXARKANA, ARK.-TEX.

APPLICATION FOR RELIEF

NOVEMBER 4, 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: J. F. Brown, Agent, for the St. Louis-Southwestern Railway Company, Texas and New Orleans Railroad Company, and Texas South-Eastern Railroad Company.

Commodities involved: Sugar, beet or cane, carloads.

From: Sugarland, Texas.

To: Texarkana, Ark.-Tex.

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

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 851, supp. 2.

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

By the Commission.

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

[F. R. Doc. 54-8816; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29872]

BITUMINOUS FINE COAL FROM KANSAS, MISSOURI AND OKLAHOMA TO POINTS IN NEBRASKA

APPLICATION FOR RELIEF

NOVEMBER 4, 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: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Kansas, Missouri and Oklahoma.

To: Omaha, Bellevue, Florence, Fremont, Lincoln, Louisville, South Omaha, and South Sioux City, Nebr.; Council Bluffs and Sioux City, Ia., and certain intermediate points.

Grounds for relief: Rail competition, circuity, grouping, and competition with natural gas.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3969, supp. 21; F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 93.

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. 54-8817; Filed, Nov. 8, 1954; 8:49 a. m.]