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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10627

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for any period to and including 1955, shall, during the Eighty-fourth Congress, be open to inspection by the Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 17 of Rule XI of the Rules of the House of Representatives, agreed to January 5, 1955, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

August 5, 1955.

[F. R. Doc. 55-6520; Filed, Aug. 8, 1955; 12:53 p. m.]

EXECUTIVE ORDER 10628

RESTORING LIMITATIONS UPON PUNISHMENTS FOR VIOLATIONS OF ARTICLES 82, 85, 86 (3), 87, 90, 91 (1) AND (2), 113, AND 115 OF THE UNIFORM CODE OF MILITARY JUSTICE

By virtue of the authority vested in me by Article 56 of the Uniform Code of Military Justice (established by the Act of May 5, 1950, 64 Stat. 107), and as President of the United States, it is hereby ordered as follows:

1. The suspension of limitations upon punishments for violations of Articles 82, 85, 86 (3), 87, 90, 91 (1) and (2), 113, and 115 of the Uniform Code of Military Justice, made by Executive Order No. 10247 of May 29, 1951, is hereby terminated as to offenses committed after the effective date of this order.

2. Punishments for offenses in violation of these Articles by persons under the command of, or within any area controlled by, the Commander-in-Chief, Far East, or any of his successors in command, committed on and after the effective date of this order shall be subject to the limitations prescribed by the Table of Maximum Punishments, paragraph 127*c*, Manual for Courts-Martial, United States, 1951, as amended by paragraphs 2 and 3 of Executive Order No. 10565 of September 28, 1954.

3. This order shall become effective on the twentieth day after the date thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

August 5, 1955.

[F. R. Doc. 55-6519; Filed, Aug. 8, 1955; 12:53 p. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

PART 472—WOOL

SUBPART—1955 PAYMENT PROGRAM FOR LAMBS AND YEARLINGS (PULLED WOOL)

This revision amends and restates in full the regulations containing the requirements with respect to the 1955 payment program for lambs and yearlings (pulled wool), formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). The original regulations were published in 20 F. R. 3419. The regulations in this subpart, as revised, may be

(Continued on p. 5743)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTINUED

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

referred to as the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), Revised.

Statement of considerations. The new material contained in this revision consists, in substance, of three additional procedures which experience has shown to be needed. One procedure facilitates the furnishing of proof that lambs and yearlings were sold to a slaughterer for slaughter, in transactions which are not posted stockyard transactions and which involve very many persons selling their animals through one representative, as in the case of auctions or large pools. The original regulation contained a procedure which theoretically could be used under such circumstances (CCC Wool Form 48 in § 472.661) but would have been cumbersome in practice. The new procedure (CCC Wool Form 48–1 and 48–2 in § 472.661, as revised) is an adaptation of the former.

It also has been found that commercial slaughterers wish registered order buyers to issue certifications under this program to a greater extent than was anticipated. Consequently, appropriate authorizations are included in this revision (Letter of Authorization 2 and 3 in § 472.671 (d), as revised), provision is made for issuance of sales documents by registered order buyers, and they are authorized to issue Certification Forms 3 and 4 (§§ 472.659 (b) and 472.671 (c) (1), as revised). Finally, slaughterers are furnished an additional form of certification (1A in § 472.671 (b) (2), as revised) which they or their agents may issue as separate documents rather than stamp their certifications on, or insert them in, sales documents. The language of all certifications included in the original regulation remains unchanged, except that Certification Forms 5 and 6 no longer require furnishing the address of the slaughterer.

Provision is made for optional use of code symbols in the place of the names of slaughterers, in certifications issued by registered commission firms, order buyers, or dealers, since they may consider such names confidential information. This revision contains other changes, some for the purpose of clarification only. Since the new material is substantial, it is deemed advisable to issue the entire regulation in a revised from rather than incorporate the changes in a separate amendment.

Sec.

AUTHORITY: §§ 472.651 to 472.674 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446.

§ 472.651 *Administration and general principle of program*—(a) *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (hereinafter referred to as ASC) State and County Offices. ASC State and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

(b) *General principle of program.* The general principle of this pulled wool program is that if a producer's lambs or yearlings are sold, with the wool on them, to a slaughterer for slaughter, the producer shall receive a payment in relationship to the payment he would receive under the 1955 Incentive Payment Program for Shorn Wool (§§ 472.600 to 472.620) if he were to shear the animals and sell the wool (see § 472.652). Not more than one payment will be made to any person or persons on a sale or sales of the same lambs or yearlings under this program.

§ 472.652 *Rate of payment.* The National Wool Act of 1954 provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool. The support price for shorn wool has been determined to be 62 cents per pound, grease basis (§ 472.601). Payments on shorn wool will be made on a percentage basis, by applying, to the net sales proceeds received by the producer, a percentage which is based on the difference between the national average price received by producers during the 1955 marketing year and the incentive price of 62 cents (§ 472.605). Payments under the pulled wool program will be made for wool on lambs and yearlings in accordance with this subpart and will be at a flat rate per hundredweight of live animals. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multiplied by 80 percent of the difference between the national average price received by producers for shorn wool and the 1955 incentive price of 62 cents per pound of shorn wool. Announcement of this method of determining the rate of payment on lambs and yearlings was made by the Department of Agriculture on January 7, 1955. The exact rate of payment will be determined after the end of the 1955 marketing year. For definition of "lambs," "yearlings," "producer," and "1955 marketing year," see § 472.673.

§ 472.653 *Marketing situations in which producers or slaughterers are entitled to payment.* Generally, the aim of various provisions of this subpart is to provide a method whereby the certification that the lambs and yearlings were purchased for slaughter can, through normal trade channels and as expeditiously as possible, be made available to the producer for his use in applying for payment. Procedure is established enabling the producer to apply for a payment in the various situations in which he markets his lambs and yearlings, and also enabling a slaughterer in his capacity as a producer under certain circumstances to do so, those situations being as follows: (a) A producer may sell his lambs or yearlings directly to a slaughterer (defined in § 472.673) for slaughter; (b) a producer may sell his lambs or yearlings, through a commission firm registered under the Packers and Stockyards Act, to a slaughterer for slaughter; (c) a producer may sell his lambs or yearlings to a dealer registered under the Packers and Stockyards Act, the dealer thereafter selling them to a slaughterer for slaughter; (d) a producer may sell his lambs or yearlings to or through another person, such other person selling the animals to a slaughterer for slaughter; (e) there may be two or more registered commission firms or dealers participating in the marketing process between the producer and the slaughterer; (f) a slaughterer may buy lambs or yearlings through an order buyer; and (g) a slaughterer may slaughter lambs or yearlings, after feeding them for at least 30 days.

§ 472.654 *Eligibility for payments on lambs and yearlings.* Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs or yearlings, the following requirements must be satisfied:

(a) *Fed or pastured in United States.* The animals must have been fed or pastured in the continental United States, its territories, or possessions.

(b) *Thirty days' ownership.* If a producer is to qualify for a payment he must have owned the animals for 30 days or more at any time prior to the sale for slaughter, and if a slaughterer is to qualify for a payment (§ 472.654 (f) (5)) he must have owned the animals for 30 days or more prior to slaughter.

(c) *Full wool pelts.* The animals must never have been sheared or, if sheared,

must have had a growth of at least 1½ inches of wool at the time of sale to the slaughterer for slaughter, or in the case of an application by a slaughterer, at the time of slaughter. Animals described in the preceding sentence will be referred to in this subpart as having full wool pelts (§ 472.673).

(d) *Purchased for slaughter.* The slaughterer must have purchased the animals for slaughter.

(e) *Sold or slaughtered in 1955 marketing year.* The animals must have been sold within the 1955 marketing year for slaughter (as defined in § 472.673), or, in the case of an application by a slaughterer, must have been slaughtered within that marketing year.

(f) *Various marketing situations.* In addition to the general eligibility requirements hereinbefore enumerated, the following provisions contain special requirements applicable in various marketing situations:

(1) *Sale by producer directly to slaughterer.* In case the producer sells the lambs and yearlings directly to a slaughterer for slaughter, the slaughterer (i) must, either himself or through a properly authorized agent, certify that the lambs or yearlings were never shorn or that they were shorn at some time prior to his purchase; (ii) must not make application for payment with respect to the slaughter of these animals pursuant to this subpart or for an incentive payment with respect to the sale of wool shorn from these animals under the 1955 incentive Payment Program for Shorn Wool; (iii) must not issue a certification in accordance with § 472.671 (b) to any person other than the producer, which may be a basis for application for payment under this subpart. To indicate compliance with these and other provisions of the program, the slaughterer shall furnish to the producer a certification in accordance with § 472.671 (b). As to the contents of the sales document (defined in § 472.673) issued by the slaughterer, see § 472.659 (a).

(2) *Sale through registered commission firm or order buyer, or to registered dealer*—(i) *Sale by one owner.* In case the producer or other owner sells the animals through a registered commission firm or order buyer to a slaughterer for slaughter, or the producer or other owner sells the animals to a registered dealer, and the dealer sells them to a slaughterer for slaughter, the commission firm, order buyer, or the dealer, as the case may be, (*a*) must obtain from the slaughterer authorization, as prescribed in § 472.671 (d) (1) or (2), to issue certifications in behalf of the slaughterer, and (*b*) must issue a certification, as prescribed in § 472.671 (c), pursuant to that authorization. As to the contents of the sales document issued by the commission firm, order buyer, or dealer, to the producer, see § 472.659 (b). If more than one such commission firm or dealer are involved in the marketing of the animals, the commission firm or dealer who did not sell directly to the slaughterer will issue Certification Form 6, as prescribed in § 472.671 (c) (2) (iv), on the basis of a certification by another commission firm or dealer or, in the event the commission firm or dealer sold to an order buyer and has a letter of authorization from him in the form of Letter of Authorization 3, as prescribed in § 472.671 (d) (3) (ii), the commission firm or dealer will issue Certification Form 3, 4, or 5, as prescribed in § 472.671 (c) (2) (i), (ii), or (iii). If a commission firm or dealer and an order buyer are involved in the marketing of the animals and the order buyer is authorized as agent of his slaughterer-principal to issue Certification Form 1A, as prescribed in § 472.671 (b) (2) (ii), the order buyer may issue that certification to the producer on the basis of information received from the commission firm or dealer.

(ii) *Sale by two or more owners.* In case two or more producers or other owners sell their lambs or yearlings to a registered dealer, and the dealer sells the animals to one or more slaughterers, and thereafter issues certifications to those previous owners, the total number of head covered by the certifications to all the owners shall not exceed the total number of head sold to the slaughterer or slaughterers. Each certification to such an owner shall state the number of head of animals which he sold and specify a slaughterer or slaughterers as purchasers of these animals. For instance, if a dealer purchased 300 animals from owner A, 200 from owner B, and 100 from owner C, commingled these animals, and sold 50 to slaughterer X, 75 to slaughterer Y, and 475 to slaughterer Z, he may indicate in his certification to owner A that A's 300 animals were all sold to slaughterer Z; or that 50 were sold to slaughterer X, 75 to slaughterer Y, and 175 to slaughterer Z; or he may apportion the sale of the 300 animals to the slaughterers in any other way. If two or more registered commission firms or dealers are involved in the marketing of the animals, the commission firm or dealer who did not sell directly to the slaughterer will issue a certification on Certification Form 6, as prescribed in § 472.671 (c) (2) (iv), on the basis of a certification by another commission firm or dealer.

(3) *Sale by producer to or through other person.* In case the producer sells the animals to or through a person other than those specified in subparagraphs (1) and (2) of this paragraph, and such person sells them in behalf of the producer or on his own behalf to a slaughterer for slaughter, such person must obtain from the slaughterer a certification on Certification Form 1, 1A, or 2, in accordance with § 472.671 (b). The contents of the sales documents issued by the slaughterer to such other person shall be as in the case of a direct sale by a producer to a slaughterer, see § 472.659 (a).

(4) *Sale by slaughterer after issuing certification.* If, after a certification has been issued by or on behalf of a slaughterer, he sells the animals covered by such certification instead of slaughtering them, he shall reimburse CCC for any payment which CCC may make to a producer on the basis of such certification. In addition, the slaughterer shall notify the purchaser, by a statement on the bill of sale or other writing, (i) that the purchaser will not be entitled to a payment on the sale of such animals or on the sale of the wool shorn from such animals, unless such sale or shearing occurs at least 12 months after the date of the sale by the slaughterer to such purchaser, and (ii) that the purchaser shall in turn similarly notify his purchaser, and the latter and each subsequent purchaser in succession shall notify his purchaser, to the same effect. Any such notification shall contain the name of the slaughterer and the date on which he sold the animals. If the purchaser from the slaughterer or a subsequent purchaser applied for and obtained a payment contrary to such notification, CCC may recover the payment from the slaughterer or from the purchaser or from both. If a notification required by this paragraph was not made CCC may recover the payment from the slaughterer or from the person who failed to give the proper notification or from both.

(5) *Slaughterer.* If the application is made by a slaughterer who fed the animals prior to slaughter, the applicant (i) must not have issued to any person Certification Form 1, 1A or 2, as set forth in § 472.671 (b), and must make certain that no commission firm, order buyer, or dealer issues a certification in his behalf on Certification Form 3, 4, 5, or 6, as set forth in § 472.671 (c); and (ii) must have no knowledge, information, or belief that any person has been given a certification as set forth in § 472.671 (b) or (c). As to supporting these applications by scale tickets, see § 472.659 (e).

§ 472.655 *Sales involving more than one commission firm, dealer, or other person.* Irrespective of how many commission firms, dealers, or other persons participate in the marketing process between the producer and the slaughterer, the producer may apply for a payment by submitting a properly executed application (§ 472.658) and proper sales documents, including certifications (§ 472.659), which have been properly transferred to him (§§ 472.660, 472.661) where such transfer is appropriate.

§ 472.656 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at weights increased in bad faith for the purpose of obtaining higher payments under this program. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.657 *Computation of payment.* In order to determine the amount of the payment due to an applicant, the rate of payment, computed pursuant to § 472.652, will be applied to the liveweight of the lambs and yearlings sold for slaughter (as defined in § 472.673), or slaughtered (§ 472.654 (f) (5)), during the 1955 marketing year.

§ 472.658 *Application for payment*—(a) *Filing.* The application for payment shall be filed by the person entitled thereto with the ASC county office serving the area where the head-

quarters of the applicant's farm, ranch, or feed lot, as the case may be, is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASC county office serving each such headquarters, except that, if the producer includes in the same lot of animals sold for slaughter, lambs or yearlings ranged, pastured, or fed in more than one county, he may file his application(s) in any one of these ASC county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, the residence or office may be considered as the farm or ranch headquarters. An application for payment should be filed as soon as possible after the producer's sales during the 1955 marketing year of lambs and yearlings for slaughter have been completed or, in accordance with § 472.654 (f) (5), as soon as possible after slaughter, and must be filed not later than 30 days after the close of the 1955 marketing year, that is, not later than April 30, 1956. Applications by producers located in the territories or possessions shall be filed with the Washington State ASC Office, Spokane, Washington. The ASC county committee may waive this 30-day limitation on applications filed before July 31, 1956, if delayed filing is due to causes beyond the control of the applicant or other good causes.

(b) *Form.* The application for payment shall be made on CCC Wool Form 47, "Application for Payment—Lambs and Yearlings (Pulled Wool)." Copies of this form will be available in the ASC county offices. The application will be filed in the original only. It shall be supported by the original sales document, including certifications, as set forth in paragraphs (a) through (c) of § 472.659 or, in the case of application by a slaughterer, by the substitute document as set forth in paragraph (e) of § 472.659, and such other evidence as may show compliance with the program. If the original sales document has been lost or destroyed, the applicant may submit a copy certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this paragraph. If the applicant does not wish the original sales document to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 472.666. If it is the practice of the person or firm that prepares the sales document to furnish a carbon copy to the seller, the producer may submit that carbon copy in support of his application, provided the carbon copy bears an original signature of the person or firm that prepared the original sales document. Such carbon copy shall be treated like an original for the purposes mentioned in this paragraph. The meaning of "sale for slaughter" in CCC Wool Form 47 "Application for Payment—Lambs and Yearlings (Pulled Wool)" shall be in accordance with the definition of that term in § 472.673.

§ 472.659 *Contents of sales documents*—(a) *Sales by producer directly to slaughterer.* If the application is filed by a producer who sold his lambs or yearlings directly to a slaughterer, the sales document shall be prepared by the slaughterer and shall contain the following information and certification: (1) Name and address of seller; (2) date of sale; (3) number of lambs and yearlings sold for slaughter; (4) liveweight of lambs and yearlings sold for slaughter; (5) certification by the slaughterer in accordance with § 472.671 (b); and (6) name of the slaughterer, with his signature or that of his agent.

(b) *Sales by producer to slaughterer through registered commission firm or order buyer, or sales by producer to registered dealer.* (1) If the application is filed by a producer who sold his lambs or yearlings, through a registered commission firm or order buyer, to a slaughterer for slaughter, or by a producer who sold his lambs or yearlings to a registered dealer, the latter selling them to a slaughterer for slaughter, the sales document shall be prepared by the commission firm, the order buyer, or the dealer, as the case may be, and shall contain the following information and certification: (i) Name and address of the seller; (ii) date of sale by the producer; (iii) number of lambs and yearlings sold by the producer; (iv) liveweight of lambs and yearlings sold by the producer; (v) name and address of the person issuing the sales document; (vi) if known when the sales document is issued, name of slaughterer, or if the sale is made to an order buyer, the names of the order buyer and of the slaughterer he represents, unless a code symbol is used in accordance with § 472.671 (c) (1) (iv); and (vii) a certification on Certification Form 3, 4, or 5, as set forth in § 472.671 (c) (2) (i), (ii), or (iii), in accordance with § 472.671 (c) (1).

(2) (i) If the application is filed by a producer who sold his lambs and yearlings, and they were ultimately sold to a slaughterer for slaughter, but more than one registered commission firm, order buyer, or dealer, participated in the marketing of these lambs and yearlings between the producer and the slaughterer, the sales document to be filed by the producer with his application shall be prepared by the commission firm or order buyer through whom, or by the dealer to whom, the producer sold his lambs and yearlings. The sales document shall contain the information, as stated under subparagraph (1) of this paragraph.

(ii) The certification, when issued by the commission firm or dealer, shall be on Certification Form 6, as prescribed in § 472.671 (c) (2) (iv), except that, if such a commission firm or dealer sold to an order buyer and has a letter of authorization from him in the form set forth in Letter of Authorization 3, as prescribed in § 472.671 (d) (3) (ii), the certification shall be on Certification Form 3, 4, or 5, as prescribed in § 472.671 (c) (2) (i), (ii), or (iii).

(iii) If an order buyer purchased from a commission firm or dealer and is authorized as agent of the slaughterer to issue Certification Form 1A, as prescribed in § 472.671 (b) (2) (ii), he may issue that certification, on the basis of information received from the commission firm or dealer, directly to the producer, for attachment to the sales document which the producer received from the commission firm or dealer. If an order buyer purchased directly from a producer, and acts on the basis of a Letter of Authorization 2, his certification shall be on Certification Form 3 or 4, as prescribed in § 472.671 (c) (2) (i) or (ii). Of course, an order buyer may also issue Certification Form 1 or 2 if he has authority therefor in accordance with § 472.671 (b) (1) (v).

(3) In lieu of preparing sales documents as prescribed in this paragraph, the commission firm or dealer may obtain sales documents from the slaughterer prepared in accordance with paragraph (a) of this section and furnish those documents to the producer (§ 472.660).

(c) *Sales to or through other person.* (1) If a producer sold his lambs or yearlings to or through a person other than those specified in paragraphs (a) and (b) of this section, and such person sold them in behalf of the producer or on his own behalf to a slaughterer for slaughter, and wishes to transfer the sales document obtained from the slaughterer to the producer, in order to enable such producer to obtain a payment (§ 472.654 (f) (3)), the sales document shall be prepared by the slaughterer and shall contain information in accordance with paragraph (a) of this section.

(2) If a producer sold his lambs or yearlings to or through a person other than those specified in paragraphs (a) and (b) of this section, and such person sold the animals through a registered commission firm or order buyer to a slaughterer for slaughter, or such person sold them to a registered dealer and the animals were later sold to a slaughterer for slaughter, and such person wishes to transfer the sales document to the producer in order to enable him to obtain a payment, the sales document and certification shall be prepared in accordance with paragraph (b) of this section, except that the information required therein to be given with reference to a producer shall be given with reference to such person.

(d) *When sales documents show that lambs and yearlings have been shorn.* The producer will be entitled to payment only if the lambs or yearlings sold by him had full wool pelts when they were purchased by the slaughterer for slaughter (§ 472.654 (c)), and he must certify to these facts in support of his application. If the slaughterer, commission firm, order buyer, or dealer indicates in the certification pursuant to § 472.671 (b) or (c), that the lambs or

yearlings had been shorn at some time prior to the purchase by the slaughterer, the producer may certify as above stated only if he has obtained reliable information in writing showing that these animals were not shorn after he sold them. The producer need not submit this evidence in support of his application but shall retain the evidence in accordance with § 472.666.

(e) *Substitute for sales document in case of slaughterer.* If the application is made by a slaughterer who fed the animals for 30 days or more prior to slaughter (§ 472.654 (f) (5)), it shall be supported by a scale ticket instead of being supported by a sales document. The scale ticket shall indicate that it covers lambs and yearlings that moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

(f) *Sale 12 months after slaughterer sold animals covered by his certification.* If a producer or slaughterer, upon purchasing the animals, received a notification in accordance with § 472.654 (f) (4) and the 12 months' requirement referred to therein has been complied with, he shall submit such notification with his application for payment.

(g) *Date of sale.* When a date of sale is required to be included in a sales document pursuant to § 472.659, the date of the document will be presumed to be the date of sale. If, however, CCC determines that there is evidence indicating that the date of the document is not the date of sale, CCC may require proof of the date of sale.

§ 472.660 *Transfer of sales document to producer.* If any person, by a transaction which is not a posted stockyard transaction (defined in § 472.673), acquires lambs or yearlings as owner or as seller's agent for sale, and in either capacity (1) sells them directly to a slaughterer for slaughter or (2) sells them by a posted stockyard transaction, through a registered commission firm or order buyer to a slaughterer for slaughter, or to a registered dealer and the animals are thereafter sold to a slaughterer for slaughter; and such person desires to transfer to a qualified producer who previously owned these animals the appropriate sales document (as defined in § 472.673) including certifications, in order to enable the producer to apply for a payment under this subpart, such person shall place a statement on the sales document and sign and date such statement, as follows: "This sales document is being furnished to (name and address of producer) for the purpose of enabling him to make application to CCC for payment on lambs and yearlings under the National Wool Act of 1954." By signing this statement, such person shall be deemed to waive and disclaim any right to a payment under this program. The sales document so transferred shall contain the information indicated in § 472.659 (c). Payment under this program will be made on the liveweight sold by such person. If a registered commission firm or dealer, handling lambs or yearlings by a posted stockyard transaction, wishes to use the procedure described in this section, he may do so.

§ 472.661 *Transfer of sales document to two or more producers*—(a) *Situations in which this section is applicable.* If any person, by a transaction which is not a posted stockyard transaction (defined in § 472.673), acquires lambs or yearlings as owner or as seller's agent for sale, and in either capacity (1) sells them directly to a slaughterer for slaughter or (2) sells them, by a posted stockyard transaction, through a registered commission firm or order buyer to a slaughterer for slaughter, or to a registered dealer and the animals are thereafter sold to a slaughterer for slaughter; and such person desires to transfer to two or more producers who previously owned these animals the appropriate evidence of sale for slaughter (as defined in § 472.673), in order to enable the producers to apply for a payment under this subpart, such person may use the procedure described under paragraph (b) or (c) of this section. However, if the sales documents which such person wishes to transfer include some which were not issued to him but were transferred to him by endorsement as stated under paragraph (c) (1) of this section, he can avail himself only of the procedure described under paragraph (c) of this section.

(b) *CCC Wool Form 48*—(1) *Preparation of form.* The person desiring to transfer the evidence, as stated under paragraph (a) of this section, shall prepare CCC Wool Form 48, "Certification for a Prior Owner to Collect Payments on Lambs or Yearlings Sold for Slaughter," listing those previous producer-owners, with a copy for each of them. In preparing this form, the seller shall indicate as to the animals covered thereby that all either had never been shorn or had been shorn some time prior to the purchase by the slaughterer and shall base his statements on records, to be maintained in accordance with § 472.666, showing which producers' animals were shorn and which were not shorn. He shall not indicate on the same form that some animals had and some had not been shorn but, if the sales document (including certification) indicates that this was so, he shall prepare separate CCC Wool Forms 48 to cover animals which had been and those which had not been shorn. When evidence of sale for slaughter is transferred to previous producer-owners through the use of CCC Wool Form 48, the total number of head and liveweight of animals stated on CCC Wool Form 48 shall be equal to the number of head and liveweight of animals sold for slaughter as indicated on the sales document.

(2) *Distribution of form.* The original of the completed CCC Wool Form 48, supported by the original sales document prepared in accordance with § 472.659 (c) or by a carbon copy with an original signature thereon in the cases provided for in § 472.658 (b), shall be filed with the ASC county office serving the county in which is located the farm or ranch headquarters of the first listed producer-owner. A copy of the completed CCC Wool Form 48, bearing the original signature of the person who signed the original or a carbon impression of such signature, shall be furnished to each previous producer-owner listed in the form. When the completed form is distributed as set forth in this subparagraph (2), the ASC county office will accept a copy of it, in lieu of a sales document, in support of an application filed by any previous producer-owner listed in the form.

(c) *CCC Wool Forms 48–1 and 48–2*—(1) *Preparation of forms.* The person desiring to transfer the evidence of sale as stated under paragraph (a), shall issue to each previous producer-owner Certification Form 7 in accordance with § 472.671 (e), as to the sale of the lambs and yearlings to a slaughterer for slaughter. If such person uses the certification some time after the execution of the account of sale or bill of sale to the previous producer-owner, he shall insert the date of the account or bill of sale in the blank space provided therefor in the form, and shall issue the certification to the previous producer-owner as a separate document. If such person uses the certification at the time he executes the account or bill of sale, he may either insert this certification in the account or bill of sale by rubber stamp or otherwise, in which case he need not fill in the date in the blank space, or he may insert that date and issue the certification to the previous producer-owner as a separate document. Such person shall further prepare (i) CCC Wool Form 48–1, "Certification to ASC County Office as to Sale of Lambs and Yearlings for Slaughter" and (ii) the original and one copy of CCC Wool Form 48–2, headed "Supporting Schedule for CCC Wool Form 48–1." In the latter form, he shall list separately for each county all previous producer-owners whose farm or ranch headquarters are located in that county and whose lambs and yearlings were sold to a slaughterer for slaughter. The total number of head and liveweight of the animals stated on CCC Wool Forms 48–1 and 48–2 shall be equal to the total number of head and liveweight of the animals sold to a slaughterer for slaughter as indicated on the sales documents. If a sales document covering the lambs or yearlings involved was issued to anyone other than the person preparing CCC Wool Form 48–1, the sales document together with the certification may be transferred to such person by the placing of the following statement on the sales document: "This sales document is being furnished to _____ for the purpose of enabling him to file the document in his ASC county office as a part of the evidence required by CCC in support of an application by a previous producer-owner for payment on lambs and yearlings under the National Wool Act of 1954." This statement should be dated and signed by the person to whom the sales document was issued. The person thus endorsing the sales document shall be deemed to waive and disclaim any right to a payment under this program. The sales document so transferred shall contain the information and certifications indicated in § 472.659, except that

the information required therein to be furnished with reference to a producer or seller shall be furnished with reference to the person to whom the sales document was issued, and payment under this program will be made on the liveweight sold by such person.

(2) *Distribution of forms.* The person who desires to furnish the requisite evidence to producers in accordance with paragraph (a) of this section, shall file the following documents with the ASC county office serving the county in which he has his headquarters: (i) The original of the completed CCC Wool Form 48–1 together with the original sales documents, including the requisite certification (or carbon copies of the sales document with original signatures on the copies in the cases provided for in § 472.658 (b)), issued to such person or endorsed to such person in accordance with subparagraph (1) of this paragraph (c); and (ii) the original and one copy of each supporting schedule on CCC Wool Form 48–2. The ASC county office with which these documents have been filed will check the information on CCC Wool Form 48–2 against the sales documents and if the information conforms to those documents, the ASC county office will mail a copy of CCC Wool Form 48–2 to each ASC county office serving a county for which a supporting schedule has been filed. When CCC Wool Forms 48–1 and 48–2 have been distributed as set forth in this subparagraph (2), the ASC county office which has received a copy of CCC Wool Form 48–2 will accept from any producer listed therein an application for payment, supported by Certification Form 7, as prescribed in § 472.671 (e), covering the number and liveweight of lambs and yearlings listed for that producer in CCC Wool Form 48–2.

§ 472.662 *Signature of applicant.* No payment will be made unless an application for payment is signed. The ASC county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was property authorized to sign in such capacity.

§ 472.663 *Payment.* After the ASC county office has reviewed the application and documents attached thereto and approved it for payment in whole or in part and after the appropriate rate of payment has been announced by the Department of Agriculture, the ASC county office will make payment by sight draft. Payment of less than $3.00 to an applicant will not be made. If the ASC county office determines that for any reason the application for payment should be rejected in whole or in part, including the reason that it was not filed within the 30-day period in accordance with § 472.658 (a), the ASC county office shall notify the applicant by mail that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 472.664 *Deductions for promotion.* If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made by the ASC county office.

§ 472.665 *Appeals*—(a) *To ASC State Committee.* Within 15 days from the date of mailing of a notice that application has been rejected in whole or in part (see § 472.663), the applicant may appeal in writing to the ASC State Committee, stating the serial number of the application, the number of head and liveweight of the animals covered by the application, and such pertinent facts as he may deem proper, indicating in what respect the action of the ASC county office was erroneous. If the appeal is from the failure of the ASC county office to waive the 30-day limitation, the applicant shall also state the reason for his delay in filing the application.

(b) *To Washington office.* If the ASC State Committee sustains the decision of the ASC county office, it shall notify the applicant by mail that his appeal has been denied and shall retain a copy of the notice. Within 15 days from the date of mailing such notice, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive, unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence.

§ 472.666 *Records and inspection thereof.* The applicant as well as the slaughterer, the commission firm, order buyer, or dealer registered under the Packers and Stockyards Act, or any other person who makes a certification or furnishes evidence to an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts which will cover the marketing and slaughtering of lambs and yearlings on which an application for payment may be based, until April 1, 1959, and CCC shall at all times during regular business hours have access to the premises of the applicant and of the person who makes such a certification or furnishes evidence, in order to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 472.667 *Death, incompetency or other disability of the applicant.* (a) In case of death, incompetency, or disappearance of an applicant entitled to payment, application for any payment hereunder may be made by any person who would be entitled to payment under the regulations contained in ACP–122, as amended, 7 CFR Part 1108. "Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent", except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to payments authorized pursuant to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The number and heading of Standard Form 1055 in the last sentence of 7 CFR 1108.7 shall be deemed to read, "Standard Form No. 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor."

(b) In case of infancy, bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 472.668 *Set-off.* (a) If the county debt register shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, the ASC county office will set off such indebtedness against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASC county office, with interest to the date of set-off.

§ 472.669 *Assignments.* The producer may assign all payments which may be determined to be due him under this program for the 1955 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 49, "Assignment of Payment under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (a) is executed by the producer in the presence of at least two attesting witnesses, neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (b) is acknowledged by the producer before a notary public, member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. This assignment may only be given as security for cash advanced or to be advanced by a financing agency on sheep or lambs. The producer shall not execute more than one assignment covering payments due him under this program for payments on lambs and yearlings. CCC will pay the assignee pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee notifies the ASC county office in writing to make payment to the assignor and not to the assignee. An assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section.

§ 472.670 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this regulation by the issuance of instructions or interpretations.

§ 472.670–1 *Foreign slaughterer.* Payment may be made under this program on lambs and yearlings sold to a slaughterer (as defined in § 472.673) whether the slaughterer was located in the United States, its territories, or possessions, or in a foreign country.

§ 472.671 *Forms of certification and letters of authorization*—(a) *General.* The forms of certification set forth in this section shall be used to provide producers with evidence that their lambs or yearlings have been sold to a slaughterer for slaughter, and also as a basis for other certifications in accordance with the requirements of this subpart. A certification must be signed.

(b) *Certification by slaughterer or his agent*—(1) *General.* (i) The forms set forth in this paragraph shall be used by slaughterers (§ 472.654 (f) (1) and (3)) or their agents. Certification Form 1 or 2, as set forth in subparagraph (2) (i) or (iii) of this paragraph, shall be inserted in the sales document by a rubber stamp or otherwise, and shall not be attached thereto. Certification Form 1A, as set forth in subparagraph (2) (ii) shall be issued as a separate document.

(ii) The slaughterer or his agent may use Certification Form 1 or 2, in his discretion. If he uses Certification Form 1, he shall insert in the blank spaces provided therefor (in ink, indelible pencil, or typewriter) figures showing the number of head and the weight of the animals which were never shorn and of the animals which were shorn at some time before purchase by the slaughterer. If he uses Certification Form 2, he shall attach (in ink, indelible pencil, or by typewriter) the symbols stated in that certification to the appropriate items on the sales document in accordance with the meanings of the symbols as stated in the certification.

(iii) If the slaughterer or his agent desires to use Certification Form 1 but the sale takes place under circumstances where normally a sales document is not prepared, an acceptable complete sales document, including the certification, may be prepared by including in Certification Form 1 the name of the seller and date of sale, and such other items of information as the slaughterer or his agent may wish to include.

(iv) If it is not practicable for a slaughterer or his agent to use Certification Form 1 or 2, for instance, if the sales document was issued before the certification is prepared, use may be made of Certification Form 1A. This certification may also be used when an order buyer purchases from a registered commission firm or dealer and does not wish such commission firm or dealer to know the name of the slaughterer. In such a case, the order buyer will obtain the name of the producer from the commission firm or dealer and issue Certification Form 1A directly to the producer. The blank spaces provided in Certification Form 1A for the number of head and weight of the animals shall be filled in as in Certification Form 1. The sales document referred to in Certification Form 1A is executed by the slaughterer or his agent authorized to issue Certification Form 1A, if the slaughterer or his agent dealt directly with the seller of the animals, or may be executed by a registered commission firm or dealer, if the commission firm or dealer dealt directly with the seller of the animals. The blank space provided in Certification Form 1A for the name of the person who issued the sales document shall be filled in only if the certification refers to a sales document issued by a registered commission firm or dealer and need not be filled in if it refers to a sales document issued by the slaughterer or his agent.

(v) CCC has not prescribed any form of authorization, from a slaughterer to his agent, to issue Certification Form 1, 1A, or 2. CCC expects that the document, whatever its form, will provide the necessary authority. Such authorization may be given to any person who buys animals for the account of the slaughterer or any person who, for his own account or as agent of the seller, sells animals to the slaughterer. Upon request, the ASC county office will endeavor to furnish suggested forms of authorization which may fit particular marketing situations.

(2) *Forms*—(i) *Certification Form 1.*

The undersigned, a commercial slaughterer or his authorized agent, hereby certifies with reference to the lambs or yearlings as set forth in the sales document of which this certification is a part, that he purchased such animals for slaughter; that

_____ head thereof weighing _____ pounds were never shorn, and

_____ head thereof weighing _____ pounds were shorn at some time prior to the purchase; that he has complied, to the best of his knowledge, information and belief, with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool); and that he will continue to comply therewith.

_____
(Signature of slaughterer, or name of slaughterer and signature of agent)

_____
(Date)

(ii) *Certification Form 1A.*

_____
(Date)

To: _____
(Name of seller)

Referring to the sale of your lambs and yearlings covered by sales document, dated _____, and issued to you by the undersigned commercial slaughterer, the undersigned authorized agent, or _____, the undersigned hereby certifies with reference to the lambs or yearlings sold, that the slaughterer purchased such animals for slaughter; that

_____ head thereof weighing _____ pounds were never shorn, and

_____ head thereof weighing _____ pounds were shorn at some time prior to the purchase; that the slaughterer has complied, to the best of his knowledge, information, and belief, with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool); and that he will continue to comply therewith.

_____
(Signature of slaughterer, or name of slaughterer and signature of agent)

(iii) *Certification Form 2.*

The undersigned, a commercial slaughterer or his authorized agent, hereby certifies with reference to the lambs or yearlings as set forth in the sales document of which this certification is a part, that the following symbols on the sales document indicate as follows:

"sh-sl"—lambs and yearlings were purchased for slaughter and were shorn at some time prior to the purchase,

"un-sl"—lambs and yearlings were purchased for slaughter and were never shorn,

"other"—animals were purchased for feeding or other purposes; that he has complied, to the best of his knowledge, information, and belief, with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool); and that he will continue to comply therewith.

_____
(Signature of slaughterer, or name of slaughterer and signature of agent)

_____
(Date)

(3) *Effect.* By issuing the certifications hereinbefore described under subparagraph (2) of this paragraph that a commercial slaughterer or his authorized agent has complied and will continue to comply with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), such slaughterer or agent certifies that he has not made and will not make application for payment with respect to the slaughter of the animals purchased for slaughter pursuant to the 1955 Payment Program for Lambs and Yearlings (Pulled Wool) or for an incentive payment with respect to the sale of the wool shorn from these animals under the 1955 Incentive Payment Program for Shorn Wool; that he has not issued and will not issue any form of certification set forth under (2) hereinabove to any person, other than the seller of the animals for slaughter, which might be used as a basis for an application for a payment under this pulled wool program; that if he should sell the animals instead of slaughtering them, § 472.654 (f) (4) would apply to him; and that he does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by the slaughterer's certification, from receiving such payment.

(c) *Certification by registered commission firm, order buyer, or dealer*—(1) *General.* (i) This paragraph contains four certification forms to be issued by registered dealers or commission firms. Three are set forth in subparagraph (2) (i), (ii), and (iii) of this paragraph, are headed Certification Forms 3, 4, and 5, respectively, and are based on an authorization in the form of Letter of Authorization 1, issued by the slaughterer in accordance with paragraph (d) (2) of this section or on authorizations issued by the slaughterer and a registered order buyer in forms of Letter of Authorization 2 and 3, in accordance with paragraph (d) (3) of this section. The fourth certification form is set forth in subparagraph (2) (iv) of this paragraph, is headed Certification Form 6, and is based on a certification by a registered dealer or commission firm. Certification Forms 3 and 4 are to be used by commission firms or dealers when they know the name of the slaughterer at the time they issue the sales documents to the producer or other prior owner. Certification Forms 3 and 4 may also be issued by an order buyer after he has received Letter of Authori-

zation 2 from the slaughterer, as set forth in paragraph (d) (3) (i) of this section. Certification Forms 3 or 4 shall be inserted in the sales document issued by the commission firm, order buyer, or dealer to the producer or other prior owner, by means of rubber stamp or otherwise made a part of such sales document, and shall not be attached to such sales document; except that, if the use of a stamp or otherwise making the certification a part of the sales document is impracticable, the dealer or commission firm may use Certification Form 5. The provisions about filling out the blank spaces and the meaning of symbols, stated in paragraph (b) (1) of this section, also apply here.

(ii) Certification Form 5, set forth in subparagraph (2) (iii) of this paragraph, shall be used by a commission firm or dealer who has an authorization from a commercial slaughterer pursuant to paragraph (d) (2) or (3) of this section and learns the name of the slaughterer, who purchased the particular animals, after such commission firm or dealer has issued a sales document to the producer or other prior owner, or when the use of a stamp or otherwise making the certification a part of the sales document is impracticable, as previously stated. Certification Form 5 shall also be used by a commission firm or dealer in those cases where he issues his certification, based on the slaughterer's authorization pursuant to paragraph (d) (2) or (3) of this section, to another commission firm or dealer.

(iii) Certification Form 6, set forth in subparagraph (2) (iv) of this paragraph, shall be used by a commission firm or dealer who does not have authorization from the slaughterer pursuant to paragraph (d) (2) or (3) of this section but has certifications from commission firms or dealers, and either (*a*) issues a certification to the producer or other prior owner or (*b*) issues a certification to another commission firm or dealer as a basis for the latter's certification. When Certification Form 5 or 6 is issued to a person other than a registered dealer or commission firm, the last sentence in such form may be omitted. Certification Forms 5 and 6 may be attached to the sales documents, or may be made a part of such sales documents by being stamped thereon or otherwise.

(iv) Whenever a registered commission firm, registered order buyer, or registered dealer is required under this subpart to include in his certification or sales document the name of a slaughterer, he may refer to the slaughterer by a slaughter account code symbol, provided such commission firm, order buyer, or dealer maintains records explaining the meaning of such code symbols in accordance with § 472.666. For instance, if order buyer Jones & Company wishes to certify that it sold lambs and yearlings to slaughterer Smith & Company for slaughter, Jones & Company may refer to the slaughterer as "Jones & Company for Slaughter Account 7." Similarly, if a registered commission firm or dealer is authorized to include in his certification the name of a slaughterer, on the basis of a certification by another such commission firm or dealer, or on the basis of information appearing on a scale ticket, and a slaughter account code symbol is substituted in the certification or scale ticket for the name of the slaughterer, the first mentioned commission firm or dealer may rely on this code symbol and use it in his certification or sales document in the place of the name of the slaughterer. Any code symbol used by an order buyer, commission firm, or dealer shall refer to only one slaughterer throughout the marketing year and, likewise, no more than one code symbol may be used by a commission firm, order buyer, or dealer in referring to any one slaughterer during the marketing year.

(2) *Forms*—(i) *Certification Form 3.*

The undersigned, registered under the P. & S. Act, hereby certifies that he has the authorization from the commercial slaughterer prescribed in § 472.671 (d) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool) and he hereby makes all the certifications which he is therein authorized to make with reference to the lambs and yearlings sold to the slaughterer, as set forth in the sales document of which this certification is a part, including the certification that they were purchased for slaughter. With respect to such animals he further certifies that

_____ head thereof weighing _____ pounds were never shorn, and

_____ head thereof weighing _____ pounds were shorn at some time prior to the purchase by the slaughterer. The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment.

_____
(Signature)

_____
(Date)

(ii) *Certification Form 4.*

The undersigned, registered under the P. & S. Act, hereby certifies that he has the authorization from the commercial slaughterer prescribed in § 472.671 (d) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and he hereby makes all the certifications which he is therein authorized to make with reference to the lambs and yearlings purchased by the slaughterer as set forth in the sales document of which this certification is a part; and that the following symbols on the sales document indicate as follows:

"sh-sl"—lambs and yearlings were purchased for slaughter and were shorn at some time prior to the purchase,

"un-sl"—lambs and yearlings were purchased for slaughter and were never shorn,

"other"—animals were purchased for feeding or other purposes.

The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment.

_____
(Signature)

_____
(Date)

(iii) *Certification Form 5.*

_____
(Date)

To: _____
(Name of seller)

The undersigned, registered under the P. & S. Act, hereby certifies that he has the authorizations from the commercial slaughterers named below, prescribed in § 472.671 (d) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and he hereby makes all the certifications which he is authorized therein to make with reference to the lambs and yearlings sold to these slaughterers, including the certification that they were purchased for slaughter. Listed below are also the number of head of animals that were never shorn and of head of animals that were shorn at some time prior to sale to these slaughterers.

Name of slaughterer	Number of head never shorn	Number of head shorn some time prior to sale to slaughterer

If the undersigned is a commission firm, it sold these animals for your account, and if a dealer, he purchased them from you, on _____, 195__. The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment. If you are registered under the Packers and Stockyards Act, you are authorized to issue certifications in accordance with Certification Form 6, as set forth in § 472.671 (c) (2) (iv) of such program, on the basis of this certification.

_____
(Signature)

(iv) *Certification Form 6.*

_____
(Date)

To: _____
(Name of seller)

Referring to the sale of your lambs and yearlings on _____, 195__, the undersigned, registered under the P. & S. Act, hereby certifies that he has certification(s) on Certification Form 3, 4, 5, or 6, as set forth in § 472.671 (c) (2) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and on the basis of such certification(s), the undersigned certifies with reference to the said lambs and yearlings, that those of them that are hereinafter listed were sold to the slaughterers named below, that those animals were purchased by the slaughterers for slaughter, and that they were never shorn or that they were shorn at some time prior to purchase by the slaughterers, as follows:

Name of slaughterer	Number of head never shorn	Number of head shorn some time prior to sale to slaughterer

The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment. If you are registered under the Packers and Stockyards Act, you are authorized to issue certifications in accordance with Certification Form 6, as set forth in § 472.671 (c) (2) (iv) of such program, on the basis of this certification.

_____
(Signature)

(d) *Letters of Authorization.* (1) A slaughterer who desires directly to authorize a registered commission firm or dealer to certify to the slaughterer's compliance with this subpart shall use the form of Letter of Authorization 1, as set forth in subparagraph (2) of this

paragraph. If the slaughterer desires to have an order buyer issue the authorization, the slaughterer shall issue to the order buyer Letter of Authorization 2, as set forth in subparagraph (3) (i) of this paragraph, and such order buyer shall, in turn, issue to a registered commission firm or dealer Letter of Authorization 3, as set forth in subparagraph (3) (ii) of this paragraph. If the slaughterer wishes to authorize an order buyer to issue certifications on Certification Form 3 or 4, the slaughterer shall issue to him a Letter of Authorization 2. A slaughterer who, prior to September 1, 1955, issued a letter of authorization to a registered commission firm or dealer pursuant to § 472.671 (d) in the original regulation (20 F. R. 3419) is not required to issue Letter of Authorization 1 pursuant to the revised regulation. His statement in the letter so issued "that we have not issued Certification Form 1 or 2, as set forth in § 472.671 (b) of such program, with reference to animals as to which you will issue a certification pursuant to this authorization;" shall be deemed to mean that with reference to such animals the slaughterer has not issued Certification Form 1, 1A, or 2.

(2) *Letter of Authorization 1.* The form of letter to be issued by a slaughterer to a registered commission firm or dealer is as follows:

(Date)

To: ---
(Name of commission firm or dealer)

You are authorized to issue on our behalf the certifications as to whether the lambs or yearlings we purchased (will purchase) from you at ---- during the period from ---- to ----, were purchased for slaughter and whether they were shorn or unshorn, in order to enable producers to obtain payments under the 1955 Payment Program for Lambs and Yearlings (Pulled Wool).

You are authorized to issue the certifications on the basis of the information shown on the scale ticket for each transaction as agreed to by our buyer and your salesman when completing the transaction. Our buyer will advise whether the scale ticket should show that the purchase is for slaughter or for other purposes, and whether the lambs and yearlings are to be classified as shorn or unshorn. Your issuing the certifications referred to shall have the same effect as if we were to issue the certifications ourselves.

You may also certify on our behalf with respect to those same lambs and yearlings that we have not made and will not make application for payment with respect to the slaughter of these animals pursuant to the 1955 Payment Program on Lambs and Yearlings (Pulled Wool) or for an incentive payment with respect to the sale of any wool shorn from these animals under the 1955 Incentive Payment Program for Shorn Wool; that, if after buying these animals we should sell them rather than slaughter, we would reimburse CCC for any payment which CCC might make to a producer on the basis of our certification and, in addition, we would notify the purchaser that neither he nor subsequent purchasers would be entitled to a payment under the shorn or pulled wool program within 12 months after our sale to such purchaser, and that if any such payment should be made by CCC we would reimburse CCC in accordance with the provisions of § 472.654 (f) (4) of the pulled wool program; that we have not issued Certification Form 1, 1A or 2, as set forth in § 472.671 (b) of such program, with reference to animals as to which you will issue a certification pursuant to this authorization; and that, when you issue Certification Form 3, 4, or 5, as set forth in § 472.671 (c) (2) (i), (ii), or (iii) on the basis of this letter, we do not know of any facts which would bar a qualified producer, applying for payment on the animals covered by your certification, from receiving such payment. This letter also authorizes other commission firms or dealers registered under the Packers and Stockyards Act to issue, on the basis of your certification, Certification Form 6 as set forth in § 472.671 (c) (2) (iv) of said program, with reference to lambs and yearlings covered by this letter.

(Commercial Slaughterer)

(3) The forms of letters to be issued by a slaughterer to a registered order buyer and by the latter after he has received a letter of authorization from the slaughterer, are set forth below:

(i) *Letter of Authorization 2.* The form of letter to be issued by a slaughterer to a registered order buyer is as follows:

(Date)

To: ---
(Name of order buyer)

You are authorized to issue on our behalf the certifications as to whether the lambs or yearlings you purchased (will purchase) for our account at ---- during the period from ---- to ----, were purchased for slaughter and whether they were shorn or unshorn, in order to enable producers to obtain payments under the 1955 Payment Program for Lambs and Yearlings (Pulled Wool).

You may also authorize commission firms registered under the Packers and Stockyards Act or dealers registered under that Act to issue such certifications on our behalf, by addressing to them Letter of Authorization 3 as set forth in § 472.671 (d) (3) (ii) of the pulled wool program. The issuance of the certifications previously referred to, by you or by commission firms or dealers pursuant to your authorization, shall have the same effect as if we were to issue the certifications ourselves.

You, or commission firms or dealers authorized by you, may also certify on our behalf with respect to those same lambs and yearlings that we have not made and will not make application for payment with respect to the slaughter of these animals pursuant to the 1955 Payment Program on Lambs and Yearlings (Pulled Wool) or for an incentive payment with respect to the sale of any wool shorn from these animals under the 1955 Incentive Payment Program for Shorn Wool; that, if after buying these animals we should sell them rather than slaughter, we would reimburse CCC for any payment which CCC might make to a producer on the basis of such certification and, in addition, we would notify the purchaser that neither he nor subsequent purchasers would be entitled to a payment under the shorn or pulled wool program within 12 months after our sale to such purchaser, and that if any such payment should be made by CCC we would reimburse CCC in accordance with the provisions of § 472.654 (f) (4) of the pulled wool program; that we have not issued Certification Form 1, 1A, or 2 as set forth in § 472.671 (b) of such program, with reference to animals as to which you, or a commission firm or dealer authorized by you, will issue a certification pursuant to this authorization; and that when, in the absence of contrary instructions from us, you issue Certification Form 3 or 4, as set forth in § 472.671 (c) (2) (i) or (ii), or commission firms or dealers authorized by you issue Certification Form 3, 4, or 5, as set forth in § 472.671 (c) (2) (i), (ii), or (iii), we will not know of any facts which would bar a qualified producer, applying for payment on the animals covered by such certification, from receiving such payment. This letter also authorizes other commission firms or dealers registered under the Packers and Stockyards Act, to issue, on the basis of your certification, on Certification Form 3 or 4, or on the basis of a certification by a commission firm or dealer authorized by you, Certification Form 6 as set forth in § 472.671 (c) (2) (iv) of said program, with reference to lambs and yearlings covered by this letter. If you choose to do so, you may in your certifications refer to our firm by a code symbol rather than by the name of our firm and you may authorize registered commission firms or dealers to use the code symbol so established by you.

(Commercial Slaughterer)

(ii) *Letter of Authorization 3.* The form of letter to be issued by an order buyer to a registered commission firm or dealer is as follows:

(Date)

To: ---
(Name of commission firm or dealer)

Pursuant to letters of authorization which the undersigned has received from one or more commercial slaughterers, you are authorized to issue on their behalf certifications as to whether the lambs or yearlings we purchased (will purchase) from you for their account at ---- during the period from ---- to ----, were purchased for slaughter and whether they were shorn or unshorn, in order to enable producers to obtain payments under the 1955 Payment Program for Lambs and Yearlings (Pulled Wool).

You are authorized to issue the certifications on the basis of the information shown on the scale ticket for each transaction as agreed to by the undersigned and your salesman when completing the transaction. The undersigned will advise whether the scale ticket should show that the purchase is for slaughter or for other purposes, whether the lambs and yearlings are to be classified as shorn or unshorn, and the name of the slaughterer on whose behalf you may issue the certification or a code symbol for such slaughterer.

On the basis of such information, you may issue Certification Form 3, 4, or 5, as set forth in § 472.671 (c) (2) (i), (ii), or (iii). When, in the absence of contrary instructions from us, you have issued such a certification, neither the undersigned nor the slaughterer whom he represents will know of any facts which would bar a qualified producer, applying for payment on the animals covered by your certification, from receiving such payment. This letter also authorizes other commission firms or dealers registered under the Packers and Stockyards Act, to issue Certification Form 6, as set forth in § 472.671 (c) (2) (iv) of said program, on the basis of your certification, with reference to lambs and yearlings covered by this letter.

(Order buyer)

(e) *Certification Form 7.* The form of certification set forth herein shall be issued by a person who desires to furnish to two or more producers evidence of sale of lambs and yearlings, previously owned by them, to a slaughterer for slaughter, in accordance with § 472.661 (c).

CERTIFICATION TO PRODUCER AS TO SALE OF HIS LAMBS AND YEARLINGS FOR SLAUGHTER

---------- (Date)

To: ----------
(Producer)

With reference to the sale of your lambs and yearlings as set forth in the account of sale or bill of sale of which this certification is a part, or in the account or bill of sale which was issued by the undersigned to you and was dated ----------, the undersigned will file, or has filed, with the ---------- ASC county office, a "Certification to ASC County Office as to Sale of Lambs and Yearlings for Slaughter," on CCC Wool Form 48–1, dated ----------, to the effect that the lambs and yearlings were purchased by a slaughterer for slaughter and that the pelt classification was as follows:

	Number of head	Liveweight
Never shorn		
Shorn at some time prior to purchase by slaughterer		

Signature ----------
(If pool manager, name of pool is----------)

(f) *Different forms.* The requirements of this section as to specfic forms in support of an application for payment may be waived as to transactions which occurred between April 1 and September 30, 1955, both dates inclusive. Such waiver may take place if acceptance of the submitted forms, though they differ from those required under this section, will result in otherwise proper payments and it appears that there will be no duplication of payments on wool from the same lambs and yearlings under this program, or under this and the shorn wool programs. Applications on the basis of such different forms may be filed with the ASC county offices which will notify the applicant if additional evidence will be required. As to transactions which took place on or after October 1, 1955, if submitted forms differ from the forms herein prescribed but such differences are not material, such forms may be accepted and the differences waived.

§ 472.672 *Other forms.* CCC Wool Form 47, "Application for Payment—Lambs and Yearlings (Pulled Wool);" CCC Wool Form 48, "Certification for a Prior Owner to Collect Payments on Lambs or Yearlings Sold for Slaughter;" CCC Wool Form 48–1, "Certification to ASC County Office as to Sale of Lambs and Yearlings for Slaughter;" CCC Wool Form 48–2, "Supporting Schedule for CCC Wool Form 48–1;" CCC Wool Form 49, "Assignment of Payment under National Wool Act of 1954" and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from the ASC county offices. These forms may be reproduced, provided they retain the same language, format and size, except that the printer's identification shall not be reproduced.

§ 472.673 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Commission firm" is a market agency registered under the Packers and Stockyards Act as selling for others on a commission basis. When this subpart refers to sales by a commission firm, it includes only sales which take place at stockyards posted under the Packers and Stockyards Act or which otherwise are posted stockyard transactions.

(b) "Dealer" is a person registered as a dealer under the Packers and Stockyards Act. A dealer buys and takes title to lambs and yearlings and resells them as his own. When this subpart refers to a dealer's purchases and sales, it includes only those of his purchases and sales which take place at stockyards posted under the Packers and Stockyards Act or which otherwise are posted stockyard transactions.

(c) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(d) "Full wool pelts" means pelts of lambs and yearlings that have never been shorn or, if shorn, that have a growth of wool of 1½ inches or longer at the time of sale to a slaughterer for slaughter or, in cases under § 472.654 (f) (5), at the time of slaughter.

(e) "Lamb" means a young ovine animal, the first pair of permanent teeth of which has not developed to the extent of being in full wear.

(f) "Liveweight," for the purposes of this program, is the weight of lambs and yearlings which a producer sells and as to which he submits proof, as a part of his application for payment, that they were sold by himself or another person to a slaughterer for slaughter; except that in §§ 472.660 and 472.661 it shall mean the liveweight sold by the person to whom the sales document constituting the evidence of sale was originally issued.

(g) "1955 marketing year" is the period beginning April 1, 1955, and ending March 31, 1956, both dates inclusive.

(h) "Order buyer" is a market agency registered under the Packers and Stockyards Act as buying for others on a commission basis. When this subpart refers to purchases by an order buyer, it includes only those of his purchases which he makes for a commercial slaughterer and which takes place at stockyards posted under the Packers and Stockyards Act or which otherwise are posted stockyard transactions.

(i) The "1955 Payment Program for Lambs and Yearlings (Pulled Wool)" means the regulations contained in this subpart and identifies the program operating pursuant thereto.

(j) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(k) "Posted stockyard transaction" is a transaction which takes place at a stockyard posted under the Packers and Stockyards Act or takes place in part at such a stockyard and in part elsewhere, with the result that the transaction as a whole is subject to that Act. Posted stockyard transactions mentioned in this subpart are transactions undertaken by commission firms, dealers, or order buyers registered under that Act.

(l) "Producer" under this program is a person who is a breeder, feeder, or pasturer of lambs and yearlings.

(m) "Sale for slaughter," "sold for slaughter," or "selling for slaughter" refers to a sale by a producer of lambs and yearlings as to which he submits proof, as a part of his application, that they were sold by himself or another person to a slaughterer for slaughter; except that these terms, when used in connection with sales described in §§ 472.660 and 472.661, refer to the sale by the person to whom the sales document constituting the evidence of sale was originally issued.

(n) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer on which he bases his application for payment. However, in §§ 472.660 and 472.661, it means the document by which the person desiring to transfer it to one or more prior producer-owners, sold the animals, except that, in the case of a sales document endorsed to such person pursuant to § 472.661 (c), it means the document by which the endorser sold the animals.

(o) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(p) "Yearling" means a young ovine animal with not more than one pair of permanent teeth in full wear.

§ 472.674 *Violation of program.* Whoever issues a false certification or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such certification or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

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

Issued this 5th day of August 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture and President of Commodity Credit Corporation.

[F. R. Doc. 55–6466; Filed, Aug. 9, 1955; 8:48 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 502—SPECIAL SCHOOL MILK PROGRAM

INITIAL DIVISION OF FUNDS

The regulations with respect to the Special School Milk Program (20 F. R. 4933) are hereby supplemented to include the initial division of Special School Milk Program funds for the 1956 Fiscal Year among the States as follows:

§ 502.219 *Initial division of Special School Milk Program funds.*

State	Total	State agency	Withheld for private schools
Alabama	$1,360,298	$1,323,729	$36,569
Arizona	262,796	247,930	14,866
Arkansas	920,741	904,710	16,031
California	1,958,696	1,958,696	
Colorado	314,588	284,407	30,181
Connecticut	331,882	331,882	
Delaware	54,030	44,432	9,598
District of Columbia	109,159	109,159	
Florida	865,106	822,890	42,216
Georgia	1,330,808	1,330,808	
Idaho	187,328	181,471	5,857
Illinois	1,465,991	1,465,991	
Indiana	837,758	837,758	
Iowa	642,566	573,164	69,402
Kansas	468,675	468,675	
Kentucky	1,088,632	1,088,632	
Louisiana	995,310	995,310	
Maine	259,095	214,289	44,806
Maryland	497,715	413,888	83,827
Massachusetts	896,872	896,872	
Michigan	1,285,556	1,087,513	198,043
Minnesota	751,778	630,331	121,447
Mississippi	1,228,864	1,228,864	
Missouri	866,055	866,055	
Montana	144,379	128,762	15,617
Nebraska	321,480	282,417	39,063
Nevada	32,145	31,046	1,099
New Hampshire	116,842	116,842	
New Jersey	807,461	636,577	170,884
New Mexico	258,262	258,262	
New York	2,255,272	2,255,272	
North Carolina	1,700,621	1,700,621	
North Dakota	202,789	182,634	20,155
Ohio	1,489,144	1,261,696	227,448
Oklahoma	690,079	690,079	
Oregon	338,288	338,288	
Pennsylvania	2,081,524	1,679,854	401,670
Rhode Island	151,125	151,125	
South Carolina	957,758	947,425	10,333
South Dakota	191,561	175,843	15,718
Tennessee	1,186,219	1,155,033	31,186
Texas	2,241,056	2,241,056	
Utah	215,700	212,528	3,172
Vermont	107,111	107,111	
Virginia	1,023,664	987,979	35,685
Washington	475,702	441,184	34,518
West Virginia	689,168	673,585	15,583
Wisconsin	708,971	590,848	178,123
Wyoming	73,380	73,380	
Total	37,500,000	35,626,903	1,873,097

(Sec. 4, 62 Stat. 1070; 15 U. S. C. 714b. Interprets or applies sec. 201, 63 Stat. 1052, as amended; 7 U. S. C. 1446)

Effective date. This supplement shall be effective immediately upon issuance.

Dated this 4th day of August 1955.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 55-6465; Filed, Aug. 9, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR WINTER PEARS [1]

On June 21, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 4325) regarding a proposed revision of United States Standards for Winter Pears.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Winter Pears are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.1300 General.

GRADES

51.1301 U. S. Extra No. 1.
51.1302 U. S. No. 1.
51.1303 U. S. Combination.
51.1304 U. S. No. 2.

UNCLASSIFIED

51.1305 Unclassified.

TOLERANCES

51.1306 Tolerances.

APPLICATION OF TOLERANCES

51.1307 Application of tolerances.
51.1308 Basis for calculating percentages.

CONDITION AFTER STORAGE OR TRANSIT

51.1309 Condition after storage or transit.

STANDARD PACK

51.1310 Sizing.
51.1311 Packing.
51.1312 Tolerances for standard pack.

DEFINITIONS

51.1313 Mature.
51.1314 Overripe.
51.1315 Carefully hand-picked.
51.1316 Clean.
51.1317 Well formed.
51.1318 Black end.
51.1319 Injury.
51.1320 Fairly well formed.
51.1321 Damage.
51.1322 Seriously misshapen.
51.1323 Serious damage.

AUTHORITY: §§ 51.1300 to 51.1323 issued under sec. 205, 60 Stat. 1090, 67 Stat. 205, 7 U. S. C. 1624.

GENERAL

§ 51.1300 *General.* These standards apply to varieties such as Anjou, Bosc, Winter Nelis, Comice, Flemish Beauty and other similar varieties.

GRADES

§ 51.1301 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, hard end, drought spot, and free from injury caused by russeting, limbrubs, hail, scars, cork spot, sunburn, sprayburn, stings or other insect injury, or mechanical or other means, except that they shall be free from damage caused by bruises, broken skins, or disease. (See §§ 51.1306 and 51.1309.)

§ 51.1302 *U. S. No. 1.* "U. S. No. 1" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1306 and 51.1309.)

§ 51.1303 *U. S. Combination.* A combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See §§ 51.1306 and 51.1309.)

§ 51.1304 *U. S. No. 2.* "U. S. No. 2" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, cork spot, drough spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1306 and 51.1309.)

UNCLASSIFIED

§ 51.1305 *Unclassified.* "Unclassified" consists of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1306 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any lot may fail to meet the requirements of grade: *Provided,* That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.1307 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one pear which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than four times the tolerance specified may be permitted in any package for pears which are seriously damaged by insects or affected by decay or internal breakdown except that at least one defective pear may be permitted in any package.

BASIS FOR CALCULATING PERCENTAGES

§ 51.1308 *Basis for calculating percentages.* (a) When the numerical count is marked on the container or when pears are packed in a container to weigh 5 pounds or less, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on a container packed to weigh more than 5 pounds or when the pears are jumbled in a container packed to weigh more than 5 pounds, percentages shall be calculated on the basis of weight or an equivalent basis.

CONDITION AFTER STORAGE OR TRANSIT

§ 51.1309 *Condition after storage or transit.* Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

STANDARD PACK

§ 51.1310 *Sizing.* (a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard pear boxes the pears shall not vary more than three-eighths inch in their transverse diameter for counts 120 or less; one-fourth inch for counts 135 to 180, inclusive; and three-sixteenths inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than three-eighths inch for counts 75 or less; one-fourth inch for counts 80 to 110, inclusive; and three-sixteenths inch for counts 115 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than three-eighths inch for counts 50 or less; one-fourth inch for counts 55 to 70, inclusive; and three-sixteenths inch for counts 80 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅜ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2¼ to 2¾ inches, 2½ to 2¾ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§ 51.1311 *Packing.* (a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs, or in barrels shall be ring faced.

§ 51.1312 *Tolerances for standard pack.* (a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any lot may fail to meet the size requirements: *Provided*, That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

DEFINITIONS

§ 51.1313 *Mature.* (a) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: "Green", "Light Green", "Yellowish Green", and "Yellow".

(2) The following terms should be used for describing the firmness of pears:

(i) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure.

(iii) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1314 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.

§ 51.1315 *Carefully hand-picked.* "Carefully hand-picked" means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1316 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1317 *Well formed.* "Well formed" means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed.

§ 51.1318 *Black end.* "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§ 51.1319 *Injury.* "Injury" means any blemish or defect, that more than slightly affects the appearance, or the edible or shipping quality. The following shall be considered as injury:

(a) Russeting which exceeds the following shall be considered as injury:

(1) On all varieties any excessively rough russeting (russeting which shows "frogging" or slight cracking).

(2) On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting, such as is characteristic of frost injury, when the aggregate area exceeds one-half inch in diameter.[2]

(3) On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds one-half inch in diameter and smooth netlike russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface.[2]

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds one-half inch in diameter.[2] On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc.	Pound.
Clairgeau.	Seckel.
Easter Beurre.	Sheldon.
Flemish Beauty.	Winter Nelis, and other similar varieties.
Kieffer.	
P. Barry.	

[2] The area refers to that of a circle of the specified diameter.

(b) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of three-fourths inch in diameter.[2]

(2) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than one-fourth inch in diameter.[2]

(3) Cork spot when a pear shows depressions or the flesh of the pear is more than slightly affected.

(4) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored.

(5) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

(6) Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area of more than one-fourth inch.[2]

§ 51.1320 *Fairly well formed.* "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed.

§ 51.1321 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) Hard end shall be considered as damage if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than three-sixteenths inch in diameter or depth, or with more than one skin break one-eighth inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.[2]

(1) Small inconspicuous skin breaks, less than one-eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth.[2]

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds one-half inch in diameter.[2]

(2) On Anjou and other smooth-skinned varieties,slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[2]

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[2] On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc.	Pound.
Clairgeau.	Seckel.
Comice.	Sheldon.
Easter Beurre.	Winter Nelis, and other similar varieties.
Flemish Beauty.	
Kieffer.	
P. Barry.	

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs which exceeds an eggregate area of three-eighths inch in diameter.[2]

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of one-half inch in diameter.[2]

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[2]

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.[2]

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(7) Cork spot when more than one in number is visible externally or when the flesh is materially affected.

(8) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of three-eighths inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.[2]

(9) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(10) Insects:

(i) More than two healed codling moth stings, or any insect sting which is over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(11) Disease:

(i) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-eighths inch in diameter.[2]

§ 51.1322 *Seriously misshapen.* "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1323 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds three-fourths inch in diameter.[2]

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface. On Flemish Beauty smooth russeting shall be permitted on the entire surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[2]

(2) Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(3) Hail marks or other similar depressions or scars which affect an ag-

[2] The area refers to that of a circle of the specified diameter.

gregate area of more than three-fourths inch in diameter, or which materially deform or disfigure the fruit.[2]

(4) Cork spot when more than two in number are visible externally or when the flesh is seriously affected.

(5) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than three-fourths inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.[2]

(6) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(7) Insects:

(i) Worm holes. More than three healed codling moth stings, of which not more than two may be over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which affects an aggregate area of more than three-fourths inch in diameter or which materially deforms or disfigures the fruit.[2]

(8) Disease:

(i) Scab spots which are black, and which cover an aggregate area of more than one-half inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than three-fourths inch in diameter.[2]

The United States Standards for Winter Pears contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Winter Pears which have been in effect since July 24, 1952. (7 CFR, 51.1300–51.1323).

Dated: August 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–6478; Filed, Aug. 9, 1955; 8:51 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DATES[1]

On June 30, 1955, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (20 F. R. 4652) regarding a proposed revision of the United States Standards for Grades of Dates (7 CFR §§ 52.1001 to 52.1009).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this revision until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The packing season for dates is imminent and it is necessary for purposes of inspection and marketing that these revised standards be effective at the beginning of the packing season, and (2) the industry has had 30 days notice of the proposed revision and, therefore, additional time will not be needed for the industry to make preparation for compliance with these standards.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following revised United States Standards for Grades of Dates are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.):

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1001 Product description.
52.1002 Styles of dates.
52.1003 Grades of dates.

FACTORS OF QUALITY

52.1004 Ascertaining the grade.
52.1005 Ascertaining the rating for the factors which are scored.
52.1006 Color.
52.1007 Uniformity of size.
52.1008 Absence of defects.
52.1009 Character.

LOT CERTIFICATION TOLERANCES

52.1010 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1011 Score sheet for dates.

AUTHORITY: §§ 52.1001 to 52.1011 issued under sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1001 *Product description.* Dates are the properly cured fresh fruit of the date tree (Phoenix dactylifera) which may or may not be softened by hydration. For the purposes of the standards in this subpart, dates, when referred to as "dry dates for processing," means that the dates are dry and have not been softened by hydration.

§ 52.1002 *Styles of dates.* (a) "Whole" or "whole dates" means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally.

(b) "Pitted" or "pitted dates" means whole dates from which the pits have been removed.

(c) "Pieces" or "date pieces" means dates that have been cut or sliced into small pieces and that can be handled as individual units.

(d) "Macerated" or "macerated dates" means dates that have been ground, chopped, mashed, or broken or that have been cut or sliced into small pieces and that cannot be handled as individual units.

§ 52.1003 *Grades of dates.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole or pitted dates that are of one variety, that possess a good color, that are practically uniform in size, that are practically free from defects, that possess a good character, and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole or pitted dates other than whole dry dates for processing that are of one variety, that possess a reasonably good color, that are reasonably uniform in size, that are reasonably free from defects, that possess a reasonably good character, and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade B (Dry)" or "U. S. Choice (Dry)" is the quality of whole dry dates for processing that are of one variety, that possess a reasonably good color, that are reasonably uniform in size, that are reasonably free from defects, that possess a reasonably good character, and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade C" or "U. S. Standard" is the quality of whole or pitted dates other than whole dry dates for processing that are of one variety or of date pieces or macerated dates that possess a fairly good color, that are fairly uniform in size except for date pieces or macerated dates, that are fairly free from defects, that possess a fairly good character, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(e) "U. S. Grade C (Dry)" or "U. S. Standard (Dry)" is the quality of whole dry dates for processing that are of one variety, that possess a fairly good color, that are fairly uniform in size, that are fairly free from defects, that possess a fairly good character, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(f) "Substandard" is the quality of dates that fail to meet the requirements of U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable.

FACTORS OF QUALITY

§ 52.1004 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factor not rated by score points.* (1) Varietal requirement.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(1) Color	20
(2) Uniformity of size	10
(3) Absence of defects	30
(4) Character	40
Total score	100

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The area refers to that of a circle of the specified diameter.

§ 52.1005 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

52.1006 *Color*—(a) *(A) classification.* Whole or pitted dates that possess a good color may be given a score of 18 to 20 points. "Good color" means that the color of the dates is practically uniform; and, with respect to dates that are predominantly light amber in color, there may be not more than 5 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 5 percent by count of dates that are light amber in color.

(b) *(B) classification.* If the whole or pitted dates or whole dry dates for processing possess a reasonably good color, a score of 16 or 17 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the whole or pitted dates or whole dry dates for processing is reasonably uniform for the type; and, with respect to dates that are predominantly light amber in color, there may be not more than 10 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 10 percent by count of dates that are light amber in color.

(c) *(C) classification.* If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates possess a fairly good color, a score of 14 or 15 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meanings with respect to the following styles:

(1) *Whole; pitted.* The color of the whole or pitted dates or whole dry dates for processing is fairly uniform for the type; and, with respect to dates that are predominantly light amber in color, there may be not more than 20 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 20 percent by count of dates that are light amber in color.

(2) *Pieces; macerated.* The color may be variable throughout the units or mass, may be slightly dull but not off-color, and is typical of properly prepared dates of these styles.

(d) *(SStd) classification.* Dates that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1007 *Uniformity of size*—(a) *General.* The factor of uniformity of size applies only to whole and pitted styles. The factor of uniformity of size in the styles of date pieces and macerated dates is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 90, dropping any fractions to determine the total score.

(b) *(A) classification.* Whole or pitted dates that are practically uniform in size may be given a score of 9 or 10 points. "Practically uniform in size" means that not more than a total of 10 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(c) *(B) classification.* If the whole or pitted dates or whole dry dates for processing are reasonably uniform in size, a score of 8 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size" means that not more than a total of 15 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(d) *(C) classification.* If the whole or pitted dates or whole dry dates for processing are fairly uniform in size, a score of 7 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), which ever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that not more than a total of 20 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(e) *(SStd) classification.* Whole or pitted dates or whole dry dates for processing that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1008 *Absence of defects*—(a) *Definitions of defects.* Unless otherwise stated specifically, the following definitions of defects or defective units apply only to whole or pitted dates or whole dry dates for processing, as applicable for the type:

(1) "Damaged by discoloration" is the presence of a dark area in the flesh of the date, which dark area is visible through the skin and is more than one-fourth (¼) inch in width and extends more than the equivalent of half the length of the date, such darkening being of natural origin and not caused by mold or other organism.

(2) "Damaged by broken skin" is any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three-sixteenths (3/16) inch.

(3) "Damaged by checking" is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(4) "Seriously damaged by checking" is the presence of heavy lines, resulting from water injury, seriously affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(5) "Damaged by deformity" is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(6) "Damaged by puffiness" is the condition of a date of which the skin is soft and pliable and from which the skin is separated from the flesh in a balloon-like fashion, over an area not less than one-half of the total surface of the date. Soft skins which have returned and adhere to the flesh of the date are not considered "damaged by puffiness."

(7) "Seriously damaged by puffiness" is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface of the date.

(8) "Damaged by scars" are any blemishes that affect the exterior of the date and which are not less than three-sixteenths (3/16) inch in the shortest dimension.

(9) "Damaged by sunburn" is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths (3/16) inch in the shortest dimension.

(10) "Damaged by insect injury" is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-fourth of the total surface of the date or any similar blemish that materially affects the appearance or edibility of the unit, regardless of the area affected.

(11) "Damaged by improper hydrating" means that the date has been injured by excessive heat or that the hydrating process is incomplete.

(12) "Damaged by mashing" means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(13) "Damaged by mechanical injury" means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date.

(14) "Damaged by lack of pollination" means, with respect to whole dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole dates or by thin, immature appearance of the date.

(15) "Damaged by blacknose" is severe checking in which the flesh becomes dark, crusty, and dry and which severe checking affects an area greater than one-eighth of the total surface of the date.

(16) "Damaged by side spot" means a very dark area, which generally is circular in appearance, extending into the flesh of the date, and, when decayed tissue or mold is not present, affecting in the aggregate an area not less than the area of a circle three-sixteenths (3/16) inch in diameter.

(17) "Damaged by black scald" means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(18) "Damage by improper ripening" means pronounced evidence of "green shrivel" of the date or that the date possesses a puffy flesh or a decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable state of maturity due to climatic or cultural injury, or both.

(19) "Damaged by other defects" means any injury or defect or group of defects not defined in this section (such as, but not limited to, heavy sugaring, and excessive scars not described in the definition "damaged by scars,") which materially affect the appearance, edibility, or keeping quality of the dates.

(20) "Affected by souring" is evidenced by the breakdown of the sugars into alcohol and acetic acid by yeasts and bacteria.

(21) "Affected by mold" is the presence of visible mold.

(22) "Affected by dirt" is the presence of any quantity of such substance.

(23) "Affected by insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects are permitted.)

(24) "Affected by foreign material" is the presence of any quantity of such substance.

(25) "Affected by decay" is a state of decomposition.

(b) (*A*) *classification.* Whole or pitted dates that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that in pitted dates there may be present not more than one whole pit or two pit fragments for each 25 ounces of pitted dates; and that the whole or pitted dates do not exceed the total allowances and limitations shown in Chart I of this subpart.

(c) (*B*) *classification.* If the whole or pitted dates or whole dry dates for processing are reasonably free from defects, a score of 24 to 26 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that in pitted dates there may be present not more than one whole pit or two pit fragments for each 25 ounces of pitted dates; and that the whole or pitted dates or whole dry dates for processing do not exceed the total allowances and limitations shown in Chart II of this subpart.

(d) (*C*) *classification.* If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates are fairly free from defects, a score of 21 to 23 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles:

(1) *Whole.* The defects or defective units in whole dates or whole dry dates for processing do not exceed the total allowances and limitations shown in Chart III of this subpart.

(2) *Pitted.* Not more than one whole pit or two pit fragments for each 25 ounces of pitted dates may be present; and the defects or defective units in pitted dates do not exceed the total allowances and limitations shown in Chart III of this subpart.

(3) *Pieces; macerated.* Not more than one whole pit or two pit fragments for each 25 ounces of pitted dates may be present; and the units or mass consists of clean and sound date material, fairly free from defects that seriously affect the appearance, edibility, or keeping quality of the product.

(e) (*SStd*) *classification.* Dates that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

CHART NO. I—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED DATES (OTHER THAN WHOLE DRY DATES FOR PROCESSING); U. S. GRADE A OR U. S. FANCY

TOTAL ALLOWANCE

Not more than a total of 10 percent, by weight of the dates, may be the following:

Damaged by:
- Discoloration.
- Broken skin.
- Checking.
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by checking.
Seriously damaged by puffiness.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than 3/5 of the total allowance, or 6 percent, by weight of the dates, may be the following:

Damaged by:
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 2/5 of the total allowance, or 4 percent, by weight of the dates, may be the following:

Damaged by:
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/10 of the total allowance, or 1 percent, by weight of the dates, may be:

Affected by decay.

CHART NO. II—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED DATES OR IN WHOLE DRY DATES FOR PROCESSING; U. S. GRADE B OR U. S. CHOICE AND U. S. GRADE B (DRY) OR U. S. CHOICE (DRY)

Not more than 15 percent, by weight of the dates, may be seriously damaged by checking.

Not more than 20 percent, by weight of the dates, may be damaged by broken skin.

ADDITIONAL ALLOWANCE

Not more than a total of 15 percent, by weight of the dates, may be the following:

Damaged by:
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by puffiness.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than 2/3 of the additional allowance, or 10 percent, by weight of the dates, may be the following:

Damaged by:
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/3 of the additional allowance, or 5 percent, by weight of the dates, may be the following:

Damaged by:
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/15 of the additional allowance, or 1 percent, by weight of the dates, may be:

Affected by decay.

CHART NO. III—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED DATES OR IN WHOLE DRY DATES FOR PROCESSING; U. S. GRADE C OR U. S. STANDARD AND U. S. GRADE C (DRY) OR U. S. STANDARD (DRY)

TOTAL ALLOWANCE

Not more than a total of 20 percent, by weight of the dates, may be the following:

Damaged by:
- Deformity.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by puffiness.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than ½ of the total allowance, or 10 percent, by weight of the dates, may be the following:

Damaged by:
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than ¼ of the total allowance, or 5 percent, by weight of the dates, may be the following:

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/10 of the total allowance, or 2 percent, by weight of the dates, may be:

Affected by decay.

§ 52.1009 *Character*—(a) *(A) classification.* Whole or pitted dates that possess a good character may be given a score of 36 to 40 points. "Good character" means that not less than 75 percent, by weight, of the dates are well developed, well fleshed, and soft, or at the time of packing are in a state of ripeness that within 15 days will develop into such character; and the remainder may possess a reasonably good character including not more than a total of 2 percent, by weight, of the dates that may possess semi-dry calyx ends and none may possess dry calyx ends.

(b) *(B) classification.* If the whole or pitted dates or whole dry dates for processing possess a reasonably good character, a score of 32 to 35 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(1) "Reasonably good character" with respect to whole or pitted dates other than whole dry dates for processing means that the dates are pliable; that not less than 75 percent, by weight, of the dates are reasonably well developed and reasonably well fleshed, or at time of packing are in a state of ripeness that within 15 days will develop into such character and the remainder may possess a fairly good character including not more than 10 percent, by weight, of the dates that may possess semi-dry calyx ends and dry calyx ends: *Provided*, That not more than 2 percent, by weight, of the dates may possess dry calyx ends.

(2) "Reasonably good character" with respect to whole dry dates for processing means that the dates may be firm and dry; that not less than 75 percent, by weight, of the dates are reasonably well developed and reasonably well fleshed and that the remainder are fairly well developed and fairly well fleshed.

(c) *(C) classification.* If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates possess a fairly good character, a score of 28 to 31 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles:

(1) *Whole; pitted.* (i) In whole or pitted dates other than whole dry dates for processing the dates may be firm but are pliable; may possess semi-dry calyx ends; and not less than 80 percent, by weight, of the dates are fairly well developed and are fairly well fleshed, or at time of packing are in a state of ripeness that within 15 days will develop into such character and the remainder may fail to possess such fairly good character or may possess dry calyx ends.

(ii) In whole dry dates for processing the dates may be firm and dry but are fairly well developed and fairly well fleshed.

(2) *Pieces; macerated.* The character may be variable throughout the units or mass but not seriously affected by dry calyx and material or inedible portions of dates.

(d) (SStd) classification. Dates that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1010 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dates the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1011 *Score sheet for dates.*

Size and kind of container ____
Container mark or identification ____
Label or brand ____
Net weight ____
Style ____
Count (per lb.) ____
Moisture content (if determined) ____
One variety (☐) Yes (☐) No ____

Factors		Score points	
Color	20	(A)	18–20
		(B) (B-Dry)	[1] 16–17
		(C) (C-Dry)	[1] 14–15
		(SStd)	[1] 0–13
Uniformity of size	10	(A)	9–10
		(B) (B-Dry)	[1] 8
		(C) (C-Dry)	[1] 7
		(SStd)	[1] 0–6
Absence of defects	30	(A)	27–30
		(B) (B-Dry)	[1] 24–26
		(C) (C-Dry)	[1] 21–23
		(SStd)	[1] 0–20
Character	40	(A)	36–40
		(B) (B-Dry)	[1] 32–35
		(C) (C-Dry)	[1] 28–31
		(SStd)	[1] 0–27
Total score	100		

Grade ____

[1] Limiting rule.

The United States Standards for Grades of Dates (which is the third issue) contained in this subpart shall become effective 15 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Dates (7 CFR § 52.1001 to 52.1009) which have been in effect since October 20, 1949.

Dated: August 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-6481; Filed, Aug. 9, 1955; 8:52 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS [1]

On June 28, 1955 a Notice of Proposed Rule Making was published in the FED-

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ERAL REGISTER (20 F. R. 4545) regarding a proposed revision of the United Standards for Grades of Dried Currants (7 CFR §§ 52.981 to 52.985).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this revision until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The processing season for dried currants is imminent and it is necessary for purposes of inspection and marketing that these revised standards be effective at the beginning of the packing season; (2) the new added paragraph is in the nature of a clarifying amendment; and (3) the industry has had 30 days notice of the proposed revision and, therefore, additional time will not be needed for the industry to make preparation for compliance with these standards.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, revised United States Standards for Grades of Dried Currants are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

The proposed revision of the United States Standards for Grades of Dried Currants which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes and additions:

1. In § 52.983, (a) (6), change "½ percent" to "1 percent."

2. In § 52.983, (b) (6), change "1 percent" to "2 percent."

3. In Table I: Delete the word "(ounces)" in the second heading and insert in the third heading the word "ounces" following "1 per 24" and "1 per 16."

4. In Table I: Change

"Moldy currants---------- ½ 1"

to read

"Moldy currants---------- 1 2"

5. In § 52.984, (d), third line: insert a comma after the word "mechanical,".

6. In § 52.984, insert new paragraph (h) to read:

(h) "Moisture" means the percentage by weight of moisture in dried currants when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

7. In § 52.985: Change the line "Pieces of stem—" to read:

"Pieces of stem---------- 1 per 24 ozs.
1 per 16 ozs."

8. In § 52.985: Change the line

"Moldy currants---------- ½ 1"

to read:

"Moldy currants---------- 1 2"

The United States Standards for Grades of Dried Currants (which is the third issue) contained in this subpart shall become effective 15 days after the date of publication hereof on the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Dried Currants (7 CFR §§ 52.981 to 52.985) which have been in effect since October 20, 1952.

Dated: August 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.981 Product description.
52.982 Types (varieties) of dried currants.
52.983 Grades of dried currants.

EXPLANATIONS AND METHODS OF ANALYSES

52.984 Definitions of terms.

WORK SHEET

52.985 Work sheet for dried currants.

AUTHORITY: §§ 52.981 to 52.985 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.981 *Product description.* Dried currants are dried grapes of such Vinifera varieties as Black Corinth or White Corinth that have been properly processed by stemming, capstemming, and cleaning to assure a wholesome product.

§ 52.982 *Types (varieties) of dried currants*—(a) *Type I.* Zante Type (Domestic).

(b) *Type II.* Other than Zante Type (Domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

§ 52.983 *Grades of dried currants.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 24 ounces of dried currants may be present;

(2) Not more than 1½ percent, by weight, of dried currants may possess capstems;

(3) Not more than 1 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of dried currants may be damaged;

(5) Not more than 5 percent, by weight, of dried currants may be sugared;

(6) Not more than 1 percent, by count, of dried currants may be moldy;

(7) The appearance or edibility of the product may not be affected by dried currants damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currants.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 16 ounces of dried currants may be present;

(2) Not more than 2 percent, by weight, of dried currants may possess capstems;

(3) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of dried currants may be damaged;

(5) Not more than 10 percent, by weight, of dried currants may be sugared;

(6) Not more than 2 percent, by count, of dried currants may be moldy;

(7) The appearance or edibility of the product may not be more than slightly affected by dried currants damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currants.

(c) "Substandard" is the quality of dried currants that fail to meet the requirements of U. S. Grade B or U. S. Choice.

TABLE I—ALLOWANCES FOR DEFECTS IN DRIED CURRANTS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum count	
Pieces of stem	1 per 24 ounces.	1 per 16 ounces.
	Maximum (by weight) (percent)	
Currants with capstems	1½	2
Poorly developed, blowovers	1	2
Damaged	2	3
Sugared	5	10
	Maximum (by count) (percent)	
Moldy currants	1	2
Damaged by fermentation	Appearance or edibility may not be affected.	Appearance or edibility may not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.984 *Definitions of terms.* (a) A "piece of stem" means a portion of the branch or main stem.

(b) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(c) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(d) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical, or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the currants.

(e) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the dried currant or on the surface are readily apparent.

(f) "Moldy" currants are those that show mold on more than one-fourth of the surface when ascertained in accordance with the following method:

(1) *Currants showing catalase activity.* (For use on currants where catalase activity has not been destroyed by treatment with lye, oil, or heat). Count out 100 currants from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent NH_4OH. The moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" currants, those in which yeasts also give a reaction with hydrogen peroxide.

(g) "Grit, sand, or silt" means any particle of earthy material.

(h) "Moisture" means the percentage by weight of moisture in dried currants when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

WORK SHEET

§ 52.985 *Work sheet for dried currants.*

Size of case or package			
Markings			
Label or brand			
Net weight			
Type			
Moisture content			
	A	B	
Similar varietal characteristics			
Color			
Flavor			
Development			
DEFECTS	A	B	
	Maximum		
Pieces of stem	1 per 24 ounces.	1 per 16 ounces.	
	Maximum (by weight) (percent)		
Currants with capstems	1½	2	
Poorly developed, blowovers	1	2	
Damaged	2	3	
Sugared	5	10	
	Maximum (by count) (percent)		
Moldy currants	1	2	
Damaged by fermentation: Affecting appearance or edibility.	Not affected.	No more than slightly affected.	
Grit, sand, or silt: Affecting appearance or edibility	None of any consequence.	None of any consequence.	
Grade			

[F. R. Doc. 55-6483; Filed, Aug. 9, 1955; 8:53 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF PROCESSED RAISINS [1]

Notices of Proposed Rule Making with respect to proposed revisions of the United States Standards for Grades of Processed Raisins (7 CFR §§ 52.1841 to 52.1851) were published in the FEDERAL REGISTER on April 26, 1955 (20 F. R. 2769, 3234) and supplemental notice on June 28, 1955 (20 F. R. 4544).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this revision until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) the processing season for raisins is imminent and it is necessary for purposes of inspection and marketing that these revised standards be effective at the beginning of the packing season; (2) the new added paragraph is in the nature of a clarifying amendment; and (3) the industry has had more than 30 days' notice of the proposed revisions and, therefore, additional time will not be needed for the industry to make preparation for compliance with these standards.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices, the revised United States Standards for Grades of Processed Raisins are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.):

The proposed revisions of the United States Standards for Grades of Processed Raisins which were contained in the aforesaid notices are hereby adopted in the form in which such standards appeared in said notices and are hereby incorporated herein by this reference except for the following changes and additions:

1. Insert § 52.1841a immediately following the end of § 52.1841.

2. In § 52.1842, add subparagraph (4) to paragraph (b) as follows:

(4) Layer (or Cluster).

3. In § 52.1845, (c), line 8, change the word "characteristics" to "characteristic."

4. In § 52.1846, change the second line to read: "The sizes of Muscat Raisins, except for Layer (or Cluster) Muscat raisins, are not in—"

5. Insert § 52.1846a immediately following the end of § 52.1846.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

6. Insert § 52.1847a immediately following the end of § 52.1847.

7. In § 52.1847a, line 11: Change "19½" to "21."

8. In § 52.1847a: Change (a) (1) to read: (1) The raisins are practically free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

9. In § 52.1847a, (b), line 10: Change "19½" to "21."

10. In § 52.1847a: Change (b) (1) to read: (1) The raisins are reasonably free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

11. In § 52.1847a (b) (4): Place a comma after the word "weight,".

12. Insert Table IIA immediately following Table II.

13. In Table IIA change the caption "Shattered (or loose) berries" to read:

"Shattered (or loose) individual berries and small clusters of 2 or 3 berries each----------"

14. In § 52.1850 (d) (1), line 9, change the chemical symbol to "NH_4OH."

15. In § 52.1850, add a new paragraph (i) as follows:

(i) "Moisture" means the percentage by weight of the processed raisins, exclusive of branch and heavy stem material, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

16. In § 52.1851, insert a footnote after the following captions: "C," "Pieces of stem (all raisin types)," "Capstems:," "Seeds in Muscat Seeded only," and following the work sheet insert the footnote to read: "1 Not applicable to Layer (or Cluster) Muscat raisins."

17. In § 52.1851, insert a solid line below

"Moldy (all raisin types) ---------- 2 3 4"

and insert the following statement:

Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free.	Reasonably free.	----

The United States Standards for Grades of Processed Raisins (which is the fourth issue) contained in this subpart shall become effective 15 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Processed Raisins (7 CFR §§ 52.1841 to 52.1851) which have been in effect since May 26, 1952.

Dated: August 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

PRODUCT DESCRIPTION, SUMMARY OF TYPES

Sec.
52.1841 Product description.
52.1841a Product description of Layer (or Cluster) Muscat Raisins.
52.1842 Summary of types (Varieties) of processed Raisins.

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

52.1843 Sizes of Thompson Seedless Raisins.
52.1844 Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.
52.1845 Grades of Thompson Seedless Raisins.

TYPE II—MUSCAT RAISINS; SIZES, GRADES

52.1846 Sizes of Muscat Raisins.
52.1846a Sizes of Layer (or Cluster) Muscat Raisins.
52.1847 Grades of Muscat Raisins.
52.1847a Grades of Layer (or Cluster) Muscat Raisins.

TYPE III—SULTANA RAISINS; SIZES, GRADES

52.1848 Sizes of Sultana Raisins.
52.1849 Grades of Sultana Raisins.

EXPLANATIONS AND METHODS OF ANALYSES

52.1850 Definitions of terms.

WORK SHEET

52.1851 Work sheet for processed raisins.

AUTHORITY: §§ 52.1841 to 52.1851 issued under sec. 205, 60 Stat., 1090, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, SUMMARY OF TYPES

§ 52.1841 *Product description.* Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana. The processed raisins are prepared from clean, sound, dried grapes; are properly stemmed and capstemmed; and are sorted or cleaned, or both, to assure a wholesome product.

§ 52.1841a *Product description of Layer (or Cluster) Muscat Raisins.* Muscat raisins of the variety Muscat of Alexandria when referred to as "Layer (or Cluster) Muscat raisins" means that the raisins have not been detached from the main bunch stem.

§ 52.1842 *Summary of types (varieties) of processed raisins*—(a) *Type I—Thompson Seedless.* (1) Unbleached (natural).

(2) Sulfur Bleached and Golden Bleached.

(3) Soda Dipped.

(b) *Type II—Muscat.* (1) Seeded (seeds removed).

(2) Unseeded (loose).

(3) Soda Dipped Unseeded (Valencia).

(4) Layer (or Cluster).

(c) *Type III—Sultana.*

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

§ 52.1843 *Sizes of Thompson Seedless Raisins.* The sizes of Thompson Seedless Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) "Select" size raisins means that not less than 35 percent, by weight, but not more than 85 percent, by weight, of all the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter, but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{20}/_{64}$ inch in diameter.

(b) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{20}/_{64}$ inch in diameter.

(c) "Mixed" size raisins means a mixture which does not meet the requirements of "Select" size.

§ 52.1844 *Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.* The color of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(a) "Well-bleached color" (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) "Reasonably well-bleached color" (or "fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) "Fairly well-bleached color" (or "extra choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) "Bleached color" (or "choice color") means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Bleached.

(e) "Definitely dark berries" means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

§ 52.1845 *Grades of Thompson Seedless Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;
(5) Not more than 5 percent, by weight, of raisins may be sugared;
(6) Not more than 2 percent, by count, of raisins may be moldy;
(7) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and
(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:
(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;
(2) Not more than 25 capstems per 16 ounces of raisins may be present;
(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;
(4) Not more than 3 percent, by weight, of raisins may be damaged;
(5) Not more than 10 percent, by weight, of raisins may be sugared;
(6) Not more than 3 percent, by count, of raisins may be moldy;
(7) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and
(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:
(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;
(2) Not more than 35 capstems per 16 ounces of raisins may be present;
(3) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;
(4) Not more than 5 percent, by weight, of raisins may be damaged;
(5) Not more than 15 percent by weight, of raisins may be sugared;
(6) Not more than 4 percent, by count, of raisins may be moldy;
(7) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and
(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements of U. S. Grade C or U. S. Standard.

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	3
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE II—MUSCAT RAISINS; SIZES, GRADES

§ 52.1846 *Sizes of Muscat Raisins.* The sizes of Muscat Raisins, except for Layer (or Cluster) Muscat raisins, are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $^{34}/_{64}$ inch in diameter; and the balance will pass through round perforations $^{34}/_{64}$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{22}/_{64}$ inch in diameter.

(2) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $^{34}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{22}/_{64}$ inch in diameter.

(3) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "select" size.

(b) *Unseeded.* (1) "4 Crown" means raisins that will not pass through round perforations $^{42}/_{64}$ inch in diameter.

(2) "3 Crown" means raisins that will pass through round perforations $^{42}/_{64}$ inch in diameter but will not pass through round perforations $^{34}/_{64}$ inch in diameter.

(3) "2 Crown" means raisins that will pass through round perforations $^{34}/_{64}$ inch in diameter but will not pass through round perforations $^{24}/_{64}$ inch in diameter.

(4) "1 Crown" means raisins that will pass through round perforations $^{24}/_{64}$ inch in diameter.

§ 52.1846a *Sizes of Layer (or Cluster) Muscat Raisins.* The size of Layer (or Cluster) Muscat raisins is incorporated in the grades of the finished product. The size designation and measurement as applicable to Layer (or Cluster) Muscat Raisins are:

(a) *"3-Crown size or larger".* "3-Crown size or larger" in Layer (or Cluster) Muscat raisins means that the raisins, exclusive of stems and branches, are of such a size that they will not pass through round perforations $^{34}/_{64}$ inch in diameter.

§ 52.1847 *Grades of Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:
(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;
(2) Not more than 10 capstems per 16 ounces of raisins may be present;
(3) Not more than 12 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;
(4) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;
(5) Not more than 3 percent, by weight, of raisins may be damaged;
(6) Not more than 5 percent, by weight, of raisins may be sugared;
(7) Not more than 2 percent, by count, of raisins may be moldy;
(8) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and
(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a reasonably good typical

color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 2 pieces of stems per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 15 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 4 percent, by weight, of raisins may be damaged;

(6) Not more than 10 percent, by weight of raisins may be sugared;

(7) Not more than 3 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 3 pieces of stems per 32 ounces of raisins may be present;

(2) Not more than 20 capstems per 16 ounces of raisins may be present;

(3) Not more than 20 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 5 percent, by weight of raisins may be damaged;

(6) Not more than 15 percent, by weight, of raisins may be sugared;

(7) Not more than 4 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(9) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.1847a *Grades of Layer (or Cluster) Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from well-matured grapes; that contain not more than 21 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are practically free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 3 percent, by weight, of raisins may be damaged;

(4) Not more than 5 percent, by weight, of raisins may be sugared;

(5) Not more than 2 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 21 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are reasonably free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 4 percent, by weight, of raisins may be damaged;

(4) Not more than 10 percent, by weight, of raisins may be sugared;

(5) Not more than 3 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "Substandard" is the quality of Layer (or Cluster) Muscat raisins that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

TABLE II—ALLOWANCES FOR DEFECTS IN TYPE II, MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	10	15	20
Seeds (seeded type)	12	15	20
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	3
Damaged	3	4	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TABLE IIA—ALLOWANCES FOR DEFECTS IN LAYER (OR CLUSTER) MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum (by weight) (percent)	
Poorly developed, blowovers	1	2
Damaged	3	4
Sugared	5	10
	Maximum (by count) (percent)	
Moldy raisins	2	3
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each	Practically free.	Reasonably free.
Damaged by fermentation	Appearance or edibility of product may not be affected.	Appearance or edibility of product may not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that effects the appearance or edibility of the product.	

TYPE III—SULTANA RAISINS; SIZES, GRADES

§ 52.1848 *Sizes of Sultana Raisins.* Size designations are not applicable to Sultana Raisins.

§ 52.1849 *Grades of Sultana Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;

(5) Not more than 5 percent, by weight, of raisins may be sugared;

(6) Not more than 2 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 45 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of raisins may be damaged;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) Not more than 3 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 65 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 5 percent, by weight, of raisins may be damaged;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) Not more than 4 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Sultana Raisins that fails to meet the requirements of U. S. Grade C or U. S. Standard.

TABLE III—ALLOWANCES FOR DEFECTS IN TYPE III, SULTANA RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	25	45	65
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	3
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1850 *Definitions of terms.* (a) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the raisins to the branches of the bunch.

(b) A "piece of stem" means a portion of the branch or main stem.

(c) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(d) "Poorly developed, blowovers" refers to berries that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(e) "Damaged" raisins means raisins affected by sunburn, scars, mechanical injury, or other similar means which seriously affect the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(f) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the raisins or on the surface are readily apparent.

(g) "Moldy" raisins are those that show mold on more than one-fourth of the surface when ascertained in accordance with whichever of the following methods is applicable:

(1) *Raisins showing catalase activity.* (For use on raisins where catalase activity has not been destroyed by treatment with lye, oil, or heat). Count out 100 raisins from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent NH_4OH. The moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" raisins, those in which yeasts also give a reaction with hydrogen peroxide.

(2) *Bleached raisins and others treated with lye, oil, or heat.* Count out 100 raisins from a well-mixed sample. Place them in a 400 ml. beaker, cover with H_2O, heat to boiling and boil approximately 5 minutes. Drain off H_2O, and place raisins in a white pan. Cover completely with H_2O and examine with an ocular loupe or jeweler's eyepiece with magnification of approxmately 5×. Count as moldy those that are obviously moldy, and examine microscopically those that are suspected of being moldy to determine the presence or absence of mold filaments.

(h) "Grit, sand, or silt" means any particle of earthy material.

(i) "Moisture" means the percentage by weight of the processed raisins, exclusive of branch and heavy stem material, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

§ 52.1851 *Work sheet for processed raisins.*

Size and kind of packages and/or cases	
Markings	
Label or brand	
Net weight	
Type	
Size or sizes	
Moisture content	

Color	Maximum by weight (percent)	
Thompson Seedless:		
Sulfur bleached and golden bleached:		
Well-bleached (Extra Fancy)	1	Definitely dark berries.
Reasonably well-bleached (Fancy)	3	
Fairly well-bleached (Extra Choice)	6	
Sulfur bleached: Bleached (Choice)	15	
Golden bleached: Bleached (Choice)	20	
Muscat: Soda dipped unseeded: Grade A	10	Dark reddish brown berries.
Grade B	15	
Grade C	20	

	A	B	C[1]
Flavor			
Defects	Maximum (per 32 ounces)		
Pieces of stem (all raisin types)[1]	1	2	3
	Maximum (per 16 ounces)		
Capstems:[1]			
Thompson Seedless	15	25	35
Muscat	10	15	20
Sultana	25	45	65
Seeds in Muscat Seeded only[1]	12	15	20
	Maximum (by weight) (percent)		
Poorly developed, blowovers (all raisin types)	1	2	3
Damaged:			
Thompson Seedless and Sultana	2	3	5
Muscat	3	4	5
Sugared (all raisin types)	5	10	15
	Maximum (by count) (percent)		
Moldy (all raisin types)	2	3	4
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free	Reasonably free	
Damaged by fermentation (all raisin types). Affecting appearance or edibility.	Not affected	No more than slightly affected.	Not materially affected.
Grit, sand, or silt (all raisin types). Affecting appearance or edibility.	None of any consequence.	None of any consequence.	Not more than a trace.
Grade			

[1] Not applicable to Layer (or Cluster) Muscat Raisins.

[F. R. Doc. 55-6482; Filed, Aug. 9, 1955; 8:53 a. m.]

No. 155——4

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The above identified regulations (20 F. R. 3526) are hereby amended, effective beginning with the 1956 crop year, as follows:

1. The following section is added:

§ 420.6a *Crops insured.* The crops to be insured shall be those shown as insurable crops on the rider provided for in § 420.7 except that the Manager is hereby authorized, in counties where only separate crop protection is offered under this subpart, to permit the insured to select from the crops insurable in the county the one(s) to be insured under his contract. In counties where the insured is permitted to select the insurable crops to be insured the minimum premium shall be $20.00 rather than $10.00 and, notwithstanding the provisions of subsection (d) of section 6 of the policy shown in § 420.8, the rider issued under § 420.7 shall so provide.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 2, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on August 5, 1955.

J. A. MCCONNELL,
Assistant Secretary.

[F. R. Doc. 55-6485; Filed, Aug. 9, 1955; 8:53 a. m.]

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

[1026 (Cigar-Filler and Binder-55)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS 1955-56 MARKETING YEAR

GENERAL

Sec.
723.630 Basis and purpose.
723.631 Definitions.
723.632 Instructions and forms.
723.633 Extent of calculations and rule of fractions.
723.634 Identification and location of farms.
723.635 Determination of tobacco acreage.

FARM MARKETING QUOTAS AND MARKETING CARDS

723.636 Amount of farm marketing quota.
723.637 Transfer of farm marketing quotas.
723.638 Issuance of marketing cards.
723.639 Person authorized to issue cards.

AUTHORITY: §§ 723.630 to 723.662 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372, 373, 374, 375, 52 Stat. 38, 47, 48, 65, 66, as amended, 69 Stat. 24; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 723.630 *Basis and purpose.* Sections 723.630 to 723.662 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-filler and binder tobacco during the 1955–56 marketing year. Prior to preparing §§ 723.630 to 723.662, public notice (20 F. R. 2988) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 723.630 to 723.662 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.631 *Definitions.* As used in §§ 723.630 to 723.662, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

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

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco, such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1955 which has not been marketed or which has not been disposed of under § 723.645.

(d) Committees:

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

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

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

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

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

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

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

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

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

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

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

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

(l) "Producer" means a person who as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(n) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(o) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(p) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

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

(r) "Tobacco" means (1) (i) type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (ii) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (iii) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio; (iv) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the valley area of Connecticut; (v) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (vi) type 53 tobacco—that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (vii) type 54 tobacco—that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type, produced principally south and east of the Wisconsin river; and (viii) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of

the Wisconsin river, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. (2) Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash. (3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm, including any acreage which the farm operator may contend is not devoted to the production of tobacco as defined herein. The acreage of each kind of tobacco (cigar filler and binder, type 42–44 and 51–55) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29, of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1955 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(s) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1955 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.645.

(t) "Tobacco subject to marketing quotas" means any tobacco of types 42–44 and 51–55, inclusive, marketed during the period October 1, 1955, to September 30, 1956, inclusive, and any tobacco of 42–44 and 51–55 types, inclusive, produced in the calendar year 1955 and marketed prior to October 1, 1955.

(u) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

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

§ 723.633 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1955 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents, and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 723.634 *Identification and location of farms.* (a) Each farm as operated for the 1955 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1955 crop of tobacco shall be identified by such number.

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

§ 723.635 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1955 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1955 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon a measurement of the acreage made by identification of fields or parts of fields by use of a map, aerial photography, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measurement wheel when authorized by the Deputy Administrator, or by a combination of one or more of these methods. Such measurement shall be made by an employee of the county committee who has been designated as a reporter and determined by the County office manager to be qualified to carry out the duties of a reporter. The reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement.

(b) *Farm operators.* The farm operator or his representative or any producer, at the reporter's request for such information or assistance, shall designate all fields on the farm being utilized for growing tobacco and may assist in measuring the farm, the acreage of cropland in the farm, or the acreage of tobacco being grown on the farm.

(c) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.638 ,unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

(d) *Acreage not determined.* If the farm operator prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment.

(e) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1955 tobacco acreage and the tobacco acreage in excess of the 1955 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.636 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Filler and Binder-55)–1, Marketing Quota Regulations 1955–56 (19 F. R. 3543). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1955 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1955 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco.

§ 723.637 *Transfer of farm marketing quotas.* There shall be no transfer of farm marketing quotas except as provided in §§ 723.620 and 723.626 of the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotment and normal yields, 1955–56 marketing year.

§ 723.638 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the

approval of the county office manager or the State administrative officer as provided in § 723.639 two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the issuing officer to have been lost, destroyed or stolen.

(b) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of any tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1955 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 723.644 (b) except that if more than one kind of tobacco is produced on a farm in 1955 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in-excess of the farm acreage allotment if the harvested acreage of any kind on the farm is in excess of the farm acreage allotment.

(2) If all excess tobacco produced on a farm is disposed of in accordance with § 723.645 (b) except that if: (i) For any farm, the operator or any producer fails to file with the county ASC office a written request (with a deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or for a remeasurement of the tobacco acreage within ten (10) days from the date of mailing to the farm operator a Notice of Tobacco Acreage in Excess of Allotment, Form CSS–595—Tobacco, a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco subject to marketing quotas on the farm; or (ii) for any farm for which the tobacco acreage has been redetermined by the county committee pursuant to a request filed under subdivision (i) of this subparagraph, if the operator or any producer fails to file with the county ASC office a written request (with a deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco within ten (10) days from the date of mailing to the farm operator a Final Notice of Tobacco Acreage in Excess of Allotment, Form CSS–595–X—Tobacco, a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco subject to marketing quotas on the farm, unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer and that he could not have been reasonably expected to comply with the provisions of subdivision (i) or (ii) of this subparagraph, whichever is applicable.

(3) If the tobacco was grown for experimental purposes only on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm. Prior to the approval of any agreement between farmers and publicly owned experiment station for the production of tobacco for experimental purposes, the State committee shall cause to be made such investigation as may be necessary to determine that each of the following conditions has been met:

(i) The tobacco is grown for experimental purposes only.

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

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

(iv) The experiment station bears the costs and risks incident to the production of tobacco.

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

(vi) The proceeds from the tobacco inure to the experiment station.

(c) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota marketing card is required to be issued for the farm under paragraph (b) of this section, or a "zero percent" excess marketing card is required to be issued for the estimated amount of tobacco produced on a farm less the excess amount of representative tobacco placed in storage under bond in accordance with § 723.645 (a), except that if the farm operator prevents the county committee or its representative from obtaining information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 723.647.

§ 723.639 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be the issuing officer of all marketing cards issued for the purpose of identifying tobacco grown for experimental purposes pursuant to the provision of § 723.638 (b) (3).

(b) Except as provided in paragraph (a) of this section the county office manager shall be the issuing officer of marketing cards for farms in the county.

(c) The issuing officer shall sign marketing cards for farms in the county, but he may designate not more than three persons to sign his name in issuing marketing cards: *Provided,* That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 723.640 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.641 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.642 *Invalid cards.* (a) A marketing card shall be invalid if:

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

(2) Entries are omitted or incorrect;

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

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

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the issuing officer or his representative), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the issuing officer or his representative, then such card shall become valid.

§ 723.643 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.644 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.645 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to

penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco has been disposed of under § 723.645, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1955 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.645 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) (1) By storage of the excess tobacco in a place where it will be available for convenient physical inspection separately from any other tobacco by the county committee at any time, the tobacco so stored to be representative of the entire 1955 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 723.647 times the quantity of excess tobacco stored. Penalty at the applicable full rate of penalty per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco (removal from storage will include moving such tobacco to a place where it cannot be conveniently physically inspected separately from any other tobacco at any time by the county committee), except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1956 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.644 (b) is less than the 1956 allotment may be removed from storage and marketed penalty free.

(2) If the 1955 harvested acreage is less than the 1955 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1955 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.644 (b) is less than the 1955 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 723.646 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1955 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.647 *Rate of penalty.* Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1954–55 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1954–55 marketing year was 37.4 cents per pound.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1955–56 marketing year shall be twenty-eight (28) cents per pound.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm, as determined under § 723.644.

§ 723.648 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than by a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.649 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State administrative officer showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1955 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.652 (c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco. The penalty thereon shall be paid by the producer. The filing of a report by a producer under § 723.652 (c) or (d) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the county committee determines that the harvested acreage for the farm was more than that shown by the prior determination any penalty due on the basis of the harvested acreage as redeter-

mined by the county committee pursuant to § 723.635 shall be paid by the producer.

§ 723.650 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 723.645 (a), and shall be paid by remitting the amount thereof to the ASC State office not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) The penalty due on any sale of tobacco by a producer as determined under §§ 723.630 to 723.662 shall be paid as specified in § 723.648 even though the penalty may exceed the proceeds for the tobacco.

§ 723.651 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.630 to 723.662 to be paid. Such request shall be filed with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 723.652 *Producer's records and reports*—(a) *Report of tobacco acreage.* The farm operator or his representative shall file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1955 Acreage, showing all fields of tobacco on the farm in 1955. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, the allotment next established for such farm shall be reduced as provided in the Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1956–57 Marketing Year.

(b) *Report of marketing card.* The operator of each farm on which tobacco is produced in 1955 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1956. Failure to return the marketing card within fifteen (15) days after written notice by the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise the allotment next established for such farm shall be reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1956–57 marketing year. The county office manager may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1956.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASC State office as follows with respect to such tobacco.

(i) If the 1955 harvested acreage is not in excess of the 1955 farm tobacco acreage allotment: The producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1955 harvested acreage is in excess of the 1955 farm acreage allotment:

(*a*) If the excess tobacco (1955 actual yield per acre on the entire crop multiplied by the excess acreage) is stored under bond pursuant to § 723.645 (a), the producer-manufacturer shall furnish the ASC State office a report as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced on the farm, the farm serial number of the farm on which it was produced, the date(s) on which it was weighed, the estimated value of the tobacco, the pounds of excess tobacco stored under bond under § 723.645 (a), the estimated value of the excess tobacco, and the location of such excess tobacco. Unless it has become penalty free under circumstances described in § 723.645 (a), penalty shall be paid by the producer-manufacturer on the excess tobacco when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(*b*) If the excess tobacco is not stored under bond pursuant to § 723.645 (a), the producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.644 (b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer does not place the excess tobacco in storage under bond under § 723.645 (a) and does not pay the penalty on the tobacco at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyers of such products or residue. Failure to file such report or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer-manufacturer to account for the disposition of tobacco produced on his farm and in the event of such failure the allotment next established for such farm shall be reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1956–57 marketing year, and the producer-manufacturer shall be liable for the payment of penalty as provided in § 723.649 (c).

(3) The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *Report of disposition.* In addition to any other reports which may be required under §§ 723.630 to 723.662, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State administrative officer and within fifteen days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, and the total production of tobacco, (2) the amount of tobacco on hand and its location, and (3) as to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be

reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1956–57 marketing year.

§ 723.653 *Buyer's records*—(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASC State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco. The serial number of such memorandum shall also be entered on the buyer's copy of the receipt furnished the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ–95—Tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.630 to 723.662.

§ 723.654 *Buyer's reports*—(a) *Report of buyer's name, address, and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASC State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale, and the amount of the penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the penalty rate of twenty-eight cents per pound in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.655 *Buyers not exempt from regular records and reports.* No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which receives tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.630 to 723.662 for buyers.

§ 723.656 *Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

§ 723.657 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.658 *Failure to keep records or make reports.* Any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, who fails to make any report or keep any record as required under §§ 723.630 to 723.662 or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco buyer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco buyer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a buyer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall be given by the Director.

§ 723.659 *Additional records and reports to Director.* Any buyer, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.630 to 723.662, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.630 to 723.662.

§ 723.660 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available for examination upon written request by the State administrative officer or Director, such books, papers, records, accounts, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 723.661 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports re-

quired to be made by any person under §§ 723.630 to 723.662 for the 1955–56 marketing year shall be kept by him until September 30, 1958. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 723.662 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.630 to 723.662 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 5th day of August 1955. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 55–6467; Filed, Aug. 9, 1955; 8:48 a. m.]

PART 728—WHEAT

SUBPART—1956–57 MARKETING YEAR

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.608 is issued to announce the results of the wheat marketing quota referendum for the marketing year July 1, 1956, through June 30, 1957, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for wheat for the 1956–57 marketing year (20 F. R. 3426). The Secretary announced (20 F. R. 3478) that a referendum would be held on June 25, 1955, to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1956, through June 30, 1957. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.608 *Proclamation of the results of the Wheat Marketing Quota Referendum for the marketing year 1956–57.* In the referendum held on June 25, 1955 pursuant to section 336 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1336) 347,652 eligible farmers voted of which 268,794 or 77.3 percent favored quotas on wheat for the marketing year beginning on July 1, 1956 and 78,858 or 22.7 percent opposed such quotas. Therefore, wheat marketing quotas will not be suspended but will remain in effect for the marketing year beginning on July 1, 1956.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 5th day of August 1955.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–6484; Filed, Aug. 9, 1955; 8:53 a. m.]

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

[Lemon Reg. 600, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENT

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, 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 recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, 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 and 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.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.707 (Lemon Regulation 600, 20 F. R. 5450) are hereby amended to read as follows:

(ii) District 2: 525 carloads.

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

Dated: August 4, 1955.

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

[F. R. Doc. 55–6463; Filed, Aug. 9, 1955; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6135]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

N. SUMERGRADE & SONS

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1605 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of respondents' feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bernard H. and Harry Sumergrade t. a. N. Sumergrade & Sons, New York, N. Y., Docket 6135, June 30, 1955.]

In the Matter of Bernard H. Sumergrade, and Harry Sumergrade, Copartners, Trading as N. Sumergrade & Sons

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting the contents of feather pillows manufactured and distributed by them in commerce; respondents' answer; hearings in which testimony and other evidence duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding; and proposed findings of fact, conclusions, and order submitted by counsel.

Thereafter said hearing examiner made his initial decision in which, on the basis of the entire record, he set forth certain findings;[1] his conclusions,[1] among others, that respondents had mislabeled and misrepresented certain of their pillows and that such labeling and misrepresentation constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce, and that use thereof had the tendency and capacity to mislead and deceive dealers and the purchasing public; and his finding that the proceeding was in the public interest; and his cease and desist order.

Thereafter, following respondent's appeal from said initial decision and the opinion and decision of the Commission rejecting said appeal for the reasons set forth therein, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral

[1] Filed as part of the original documents.

argument, and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Said order to cease and desist is as follows:

It is ordered, That respondents Bernard H. Sumergrade, Harry Sumergrade, and Saul R. Sumergrade, copartners, trading as N. Sumergrade & Sons, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' feather and down products, do forthwith cease and desist from:

Misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6486; Filed, Aug. 9, 1955; 8:53 a. m.]

[Docket 6132]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL FEATHER & DOWN CO.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* In connection with the offering for sale, sale, or distribution in commerce of feather pillows or other feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Buchwalter et al. t. a. National Feather & Down Company, Brooklyn, N. Y., Docket 6132, June 30, 1955]

In the Matter of Louis Buchwalter, and Emanuel Cohen, Copartners, Trading as National Feather & Down Company

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting the contents of feather pillows made and distributed by them in commerce, through the labeling thereof and with further falsely representing that their pillows had been laboratory tested by the National Bureau of Standards; respondents' answer; hearings in which testimony and other evidence, duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact, conclusions, and order submitted by counsel.

Thereafter said hearing examiner made his initial decision in which he set forth certain findings of fact;[1] his conclusions,[1] among others, that respondents had discontinued in good faith the label bearing the legend stating, among other things, that their products were "Laboratory Tested, Approved, National Bureau of Standards, C. D. Pomerantz, B. S. M. A., Chemist," etc., that there was no reason to anticipate resumption of any such label and that an order with respect thereto was not required; that certain other labeling representations, however, found to be false, constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices and unfair methods of competition; and that the proceeding was in the public interest; and issued cease and desist order.

Thereafter, following respondents' appeal from said initial decision, and the decision of the Commission rejecting said appeal for the reasons set forth in its opinion and decision, the matter was disposed of by the Commission's "Final Order," dated June 30, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Said order to cease and desist is as follows:

It is ordered, That Louis Buchwalter and Emanuel Cohen, trading as National Feather & Down Company, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather pillows or other feather and down products, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6487; Filed, Aug. 9, 1955; 8:53 a. m.]

[Docket 6133]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. BUCHMAN CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of respondents' feather and down products: Misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The L. Buchman Co., Incorporated et al., Brooklyn, N. Y., Docket 6133, June 30, 1955.]

In the Matter of The L. Buchman Co., Incorporated, a Corporation, and Irving Buchman, Murray Steinberg, Sylvan Buchman and Tillie Buchman Individually

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the provisions of the Federal Trade Commission Act by misrepresenting the contents of feather pillows which they manufactured and distributed in commerce; respondents' answer; hearings in which testimony and other evidence, duly recorded and filed in the office of the Commission, was presented; and upon a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact and conclusions and order submitted by counsel.

Thereafter said hearing examiner made his initial decision in which he set forth certain findings of fact;[1] his conclusion,[1] among others, that the false labeling and representations found constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices; and that the proceeding was in the public interest; and in which he issued order to cease and desist and order of dismissal as to respondent Murray Steinberg, who had severed his connection with the corporate respondent prior to the issuance of the complaint in the matter.

Thereafter, following respondents' appeal from said initial decision, and the

[1] Filed as part of the original document.

decision of the Commission rejecting said appeal for the reasons set forth in its opinion and decision, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

Certain of the respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the respondents named in the order to cease and desist contained in the aforesaid initial decision shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Said order to cease and desist is as follows:

It is ordered, That respondent The L. Buchman Co., Incorporated, a corporation, its officers, Irving Buchman, Sylvan Buchman and Tillie Buchman, and respondents Irving Buchman and Sylvan Buchman individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' feather and down products, do forthwith cease and desist from:

Misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

It is further ordered, That the complaint, insofar as it relates to respondent Murray Steinberg, be, and the same hereby is, dismissed.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6488; Filed, Aug. 9, 1955; 8:54 a. m.]

[Docket 6134]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BURTON-DIXIE CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1605 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Burton-Dixie Corporation et al., Chicago, Ill., Docket 6134, June 30, 1955.]

In the Matter of Burton-Dixie Corporation, a Corporation, John G. Sevick, A. T. Burton, George S. Knott, Oscar D. Wiley, George W. Gartz, and Ira W. Spackey, Individually

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting the contents of feather pillows manufactured and distributed by them in commerce, through statements in the labeling thereof and in price lists supplied to dealers; respondents' answer, which admitted the jurisdictional allegations of the complaint as well as the use of the representations alleged to have been false, but denied the falsity thereof; hearings in which testimony and other evidence, duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact, conclusions, and order submitted by counsel.

Thereafter said hearing examiner made his initial decision in which he set forth certain findings of fact;[1] his conclusions,[1] among others, that respondents' "Countess" pillows met the required test; and that as regards the charges relating to the mislabeling of respondents' "Chatham", "Spring", and "Keystone" pillows with respect to their crushed feather content, there was no reliable, probative, and substantial evidence to show any public interest either in the matter of the labeling or price listing of such pillows or in distinguishing between the various kinds of crushed feather content thereof; that accordingly no misrepresentation and no violation of the Act had been shown as concerned said pillows; and dismissed the complaint.

Thereafter, following the appeal of counsel supporting the complaint from said initial decision and the opinion and decision of the Commission in which, for reasons there set forth, it reversed the conclusion and order dismissing the complaint as contained in the initial decision and affirmed the findings of the initial decision to the extent that they were not inconsistent with its said opinion and decision and with that in the matter of Bernard H. Sumergrade et al. t. a. N. Sumergrade & Sons, Docket 6135, June 30, 1955, the matter was disposed of by "Final Order", dated June 30, 1955, as follows:

Counsel in support of the complaint having filed an appeal from the hearing examiner's initial decision dismissing the complaint in this proceeding; and the Commission having rendered its decision affirming in part the findings of fact contained in the initial decision, but reversing the conclusions and order contained therein:

It is ordered, That the respondents, Burton-Dixie Corporation, a corporation, and John G. Sevick, A. T. Burton, George S. Knott, Oscar D. Wiley, and Ira W. Spackey, individually and as officers of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather and down products, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the foregoing order to cease and desist.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to George W. Gartz, deceased.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6489; Filed, Aug. 9, 1955; 8:54 a. m.]

[Docket 6189]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COLUMBIA BEDDING CO. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of feather pillows or other feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Columbia Bedding Company et al., Chicago, Ill., Docket 6189, June 30, 1955]

In the Matter of Columbia Bedding Company, a Corporation, L. Gerald Couch, George M. Silverthorne, Jr., and Thomas W. Hellyer, Individually and as Officers of Said Corporation

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting the contents of feather pillows manufactured and distributed by them in commerce, through mislabeling the same; respondents' answer; hearings in which testimony and other evidence, duly re-

[1] Filed as part of the original document.

corded and filed in the office of the Commission, were presented; and proposed findings of fact, conclusions, and orders submitted by counsel.

Thereafter said hearing examiner made his initial decision in which he set forth, on the basis of the entire record, findings of fact;[1] his conclusions,[1] among others, that respondents had mislabeled certain of their pillows and that such false labeling and representation constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce; that use thereof had tendency and capacity to mislead and deceive dealers and the purchasing public; and his finding that the proceeding was in the public interest and that the order being entered was justified; and in which he entered said order to cease and desist.

Thereafter, following respondents' appeal from said initial decision and the opinion and decision of the Commission rejecting said appeal for the reasons set forth therein, but rejecting the hearing examiner's conclusion and reasoning in support thereof in holding that certain of respondents' pillows were not mislabeled, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision denying the appeal and affirming the initial decision as modified;

It is ordered, That the respondents named in the initial decision shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Said order to cease and desist is as follows:

It is ordered, That respondents Columbia Bedding Company, a corporation, and L. Gerald Koch (erroneously named in the complaint as L. Gerald Couch), George M. Silverthorne, Jr., and Thomas W. Hellyer as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather pillows or other feather and down products, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6490; Filed, Aug. 9, 1955; 8:55 a. m.]

[1] Filed as part of the original document.

[Docket 6208]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SANITARY FEATHER & DOWN CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sanitary Feather & Down Co., Inc., et. al., Brooklyn, N. Y., Docket 6208, June 30, 1955]

In the Matter of Sanitary Feather & Down Co., Inc., a Corporation, and Martin Braff, Joe Braff, Philip Kestenbaum and Stanford W. Braff, Individually and as Officers of Said Corporation

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting the contents of feather pillows which they manufactured and distributed in commerce, through mislabeling same; respondents' answer; hearings in which testimony and other evidence, duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact and conclusions and order submitted by counsel.

Thereafter said hearing examiner made his initial decision in which, on the basis of the entire record, he made findings of fact[1] and set forth his conclusion[1] that respondents' "Sanitary Sleepwell" pillows—the alleged false labeling of which constituted the only charge of the complaint—were not substantially outside the reasonable tolerance applicable as respects the percentage of down and down fiber disclosed by the tests, especially so in view of the findings set forth by him pertaining to the matter; and upon the basis of the facts found, reached the conclusion that the allegations of the complaint had not been adequately established by reliable, probative, and substantial evidence and that the complaint therefore should be dismissed, and accordingly dismissed the same.

Thereafter, following the appeal of counsel supporting the complaint from said initial decision and the opinion and decision of the Commission in which, for the reasons there set forth, it reversed the conclusion and order dismissing the complaint as contained in the initial decision and affirmed the findings of the initial decision to the extent that they were not inconsistent with its said opinion and decision and with that in the matter of Burton-Dixie Corporation et al., Docket 6134, June 30, 1955, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

Counsel in support of the complaint having filed an appeal from the hearing examiner's initial decision dismissing the complaint in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision affirming in part the findings of fact contained in the initial decision, but reversing the conclusions and order contained therein:

It is ordered, That the respondents, Sanitary Feather & Down Co., Inc., a corporation, and Martin Braff, Joe Braff, Philip Kestenbaum, and Stanford W. Braff, individually and as officers of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather and down products, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writting setting forth in detail the manner and form in which they have complied with the foregoing order to cease and desist.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6491; Filed, Aug. 9, 1955; 8:55 a. m.]

[Docket 6188]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GLOBE FEATHER & DOWN CO.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* In connection with

the offering for sale, sale, or distribution in commerce, of feather pillows or other feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Buryl J. Laser et al. t. a. Globe Feather & Down Company, Chicago, Ill., Docket 6188, June 30, 1955.]

In the Matter of Buryl J. Laser, Jorge Laser, and Hattie Laser, Copartners, Trading as Globe Feather & Down Company

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with violating the provisions of the Federal Trade Commission Act by misrepresenting the contents of feather pillows manufactured and distributed by them in commerce, through mislabeling the same; hearings in which testimony and evidence, duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact, conclusions, and order submitted by counsel.

Thereafter said hearing examiner, on the basis of the entire record, made his initial decision in which he set forth certain findings of fact;[1] his conclusions,[1] among others, that respondents had mislabeled and misrepresented certain of their pillows and that such false labeling and representations constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce; that use thereof had tendency and capacity to mislead and deceive dealers and the purchasing public; and his findings that the proceeding was in the public interest; and that cease and desist order, as entered, was justified; and in which he issued such order.

Thereafter, following respondents' appeal from said initial decision and the opinion and decision of the Commission denying said appeal for the reasons set forth but modifying certain findings and conclusions in the initial decision, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision denying the appeal and affirming the initial decision as modified:

It is ordered, That the respondents named in the initial decision shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Said cease and desist order is as follows:

It is ordered, That respondents Buryl J. Laser, Jorge Laser and Hattie Laser, copartners, trading as Globe Feather & Down Company, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather pillows or other feather and down products, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-6492; Filed, Aug. 9, 1955; 8:55 a. m.]

[Docket 6161]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SALISBURY CO. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of feather pillows or other feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Salisbury Company et al., Minneapolis, Minn., Docket 6161, June 30, 1955.]

In the Matter of The Salisbury Company, a Corporation, and W. R. Salisbury, E. D. Salisbury, Fred Salisbury and Maurice E. Salisbury, Individually

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting the contents of feather pillows manufactured and distributed by them in commerce through the labeling thereof; respondents' answer; hearings in which testimony and other evidence, duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact, conclusions, and order submitted by counsel.

Thereafter said hearing examiner made his initial decision in which he set forth certain findings;[1] his conclusion,[1] among others, that respondents had mislabeled and misrepresented certain of their pillows and that such false labeling and representations constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce; that use thereof had tendency and capacity to mislead and deceive dealers and the purchasing public; and his finding that the proceeding was in the public interest; and in which he issued his cease and desist order.

Thereafter, following respondents' appeal from said initial decision and the opinion and decision of the Commission rejecting the appeal for the reasons there set forth, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Said order to cease and desist is as follows:

It is ordered, That respondents The Salisbury Company, a corporation, W. R. Salisbury, E. D. Salisbury, Fred Salisbury and Maurice E. Salisbury, the officers of said corporate respondent, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather pillows or other feather and down product, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

It is further ordered, That the complaint herein, insofar as it relates to respondents W. R. Salisbury, E. D. Salisbury, Fred Salisbury and Maurice E.

[1] Filed as part of the original document.

Salisbury individually, be, and the same hereby is, dismissed.

Issued: June 30, 1955.

By the Commission.

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-6493; Filed, Aug. 9, 1955; 8:56 a. m.]

[Docket 6137]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTHERN FEATHER WORKS, INC., AND JOSEPH P. JESPERSON

Subpart—*Misbranding or mislabeling:* § 13.1200 *Content.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1605 *Content.* In connection with the offering for sale, sale, or distribution in commerce, of respondents' feather and down products, misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Northern Feather Works, Inc., et al., Newark, N. J., Docket 6137, June 30, 1955.]

In the Matter of Northern Feather Works, Inc., a Corporation, and Joseph P. Jesperson, Individually

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondents with violating the provisions of the Federal Trade Commission Act by misrepresenting the contents of feather pillows which they manufacture and distribute in commerce, through statements on their labels and invoices; respondents' answer; hearings in which testimony and other evidence, duly recorded and filed in the office of the Commission, was presented; a stipulation which provided that all the evidence in the eight companion feather cases was made a part of the record in the instant proceeding, except insofar as such evidence related exclusively to the identification, contents, and analyses of the feather samples in each of those cases; and proposed findings of fact, conclusions, and order submitted by counsel.

Thereafter said examiner made his initial decision in which he set forth certain findings of fact;[1] his conclusions,[1] among others, that respondents had misrepresented through their labels and invoices their baby pillows but had not misrepresented their "Victor" and "Olive" pillows as charged; that the false labeling and representations of their baby pillows constituted unfair trade practices, were to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce; and that the proceeding was in the public interest; and issued his order to cease and desist.

Thereafter, following respondents' appeal from said initial decision and the opinion and decision of the Commission, holding that the hearing examiner's findings and conclusions that the respondent corporation had misrepresented the contents of certain of its pillows in violation of the Act were correct, but that the initial decision should be modified insofar as the cease and desist order therein was directed also against respondent corporation's president in his individual capacity since the proof was deficient as to his participation in the practices engaged in by the respondent corporation, and its modification thereof accordingly, the matter was disposed of by the Commission's "Final Order", dated June 30, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision granting the appeal of respondent P. Jespersen and dismissing the proceeding as to him and denying the appeal of respondent Northern Feather Works, Inc., and affirming the initial decision as thus modified:

It is ordered, That the respondent, Northern Feather Works, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

The cease and desist order contained in said initial decision, subject to modification as above set forth, is as follows:

It is ordered, That respondents Northern Feather Works, Inc., a corporation, and Joseph P. Jespersen (erroneously designated in the complaint as Joseph P. Jesperson) individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' feather and down products, do forthwith cease and desist from:

Misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-6494; Filed, Aug. 9, 1955; 8:56 a. m.]

[1] Filed as part of the original document.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Grazing

PART 71—GENERAL GRAZING REGULATIONS

ADMINISTRATION OF GOVERNMENT LANDS

1. Section 71.27 is amended to read as follows:

§ 71.27 *Administration of Government lands.* Insofar as applicable the regulations of this part are hereby adopted for the administration of the lands the jurisdiction over which was transferred to the Secretary of the Interior by Executive Orders Nos. 7792 and 7868 of January 18, 1938 and April 15, 1938, respectively (3 F. R. 161, 903) and by such supplemental orders that have been or may be issued subsequent thereto. Until otherwise provided grazing permits may be issued on these lands by the superintendent pursuant to the regulations of this part.

(R. S. 161, sec. 6, 48 Stat. 986; 5 U. S. C. 22, 25 U. S. C. 466)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

AUGUST 4, 1955.

[F. R. Doc. 55-6454; Filed, Aug. 9, 1955; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order—VII-7, Amdt. 3]

MAINTENANCE OF THE MOBILIZATION BASE (DEPARTMENT OF DEFENSE, ATOMIC ENERGY COMMISSION AND THE MARITIME ADMINISTRATION)

1. Pursuant to the Defense Production Act of 1950, as amended, Reorganization Plan No. 3 of 1953, and Executive Order 10480, as amended, the first part of Section 4A of Defense Mobilization Order—VII-7, of August 25, 1954 (19 F. R. 5395), is amended to read as follows:

4A. To provide the necessary coordination and review of the execution of this program, there is hereby established a Defense Facilities Maintenance Board. This Board, under the Chairmanship of the Office of Defense Mobilization, shall be composed of representatives of the Department of Defense and each of the three Services, the Department of Commerce, the Atomic Energy Commission, the General Services Administration, and the Small Business Administration, and will perform the following functions:

2. This amendment shall take effect on August 8, 1955.

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

[F. R. Doc. 55-6516; Filed, Aug. 8, 1955; 12:36 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1917]

PART 199—MINERALS SUBJECT TO LEASE UNDER SPECIAL LAWS

LEASES FOR MINERALS IN LANDS WITHDRAWN FOR RECLAMATION PURPOSES WITHIN LAKE MEAD RECREATION AREA [1]

Section 199.65 is redesignated § 199.81 and new §§ 199.70 to 199.80 are issued as follows:

Sec.

AUTHORITY: §§ 199.70 to 199.81 issued under sec. 10, 53 Stat. 1196, as amended; 43 U. S. C. 387.

§ 199.70 *Authority to lease; description of area.* (a) Section 10 of the act of August 4, 1939 (53 Stat. 1196) as amended August 18, 1950 (64 Stat. 463; 43 U. S. C. 387), inter alia, authorizes the Secretary of the Interior in his discretion to permit the removal of sand, gravel and other minerals from lands and interests in lands withdrawn or acquired for reclamation purposes and to grant leases and licenses for periods not to exceed 50 years affecting such withdrawn or acquired lands.

(b) The area subject to the regulations in this part is that area surrounding Lake Mead in Nevada and Arizona with its greatest extension from north to south from the south boundary of Township 14 South in parts of Ranges 68 and 69 East, Mount Diablo Meridian to the south boundary of Township 21 North, Range 21 West of the Gila and Salt River Meridian and the center of Range 66 and part of 65 East, Township 32 South, Mount Diablo Meridian and its greatest extension east and west from the approximate center of Township 32 and parts of Townships 31 and 33 North, Range 8 West, Gila and Salt River Meridian to within Townships 21, 22 and 23 South, Range 63 East, Mount Diablo Meridian. The exact description of the lands included in the area may be obtained from a map entitled "Lake Mead National Recreation Area, Arizona-Nevada, (NRA—L. M. 2291), Revised March 1955," copies of which are on file in the office of the Superintendent, Lake Mead National Recreation Area, Boulder City, Nevada and in the land offices of the Bureau of Land Management at Reno, Nevada and Phoenix, Arizona.

[1] Form of lease filed as part of the original document.

§ 199.71 *Other regulations applicable.* Except as otherwise specifically provided in §§ 199.70 to 199.80, inclusive, the regulations contained in Parts 191 and 193 of this title and in 30 CFR Part 211, shall govern the leasing of mineral deposits other than coal, oil, gas, phosphate, potassium and sodium, the excepted minerals being governed by regulations issued under the Acts of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181) as amended, and February 27, 1927 (44 Stat. 1057; 30 U. S. C. 281), as amended, to which Parts 192 to 198, inclusive, of this title, are specifically applicable.

§ 199.72 *Leasing units.* Leasing units may not exceed 640 acres consisting of legal subdivisions of the lands if surveyed, in reasonably compact form or, if the lands are not surveyed, of a square or rectangular area with north and south and east and west boundaries so as to approximate legal subdivisions described by metes and bounds connected to a corner of the public survey by courses and distances. The officer issuing any lease may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for an economic mining operation.

§ 199.73 *Royalties, rentals and minimum royalties.* (a) The rate of royalty shall be fixed prior to the issuance of the lease but in no event shall it be less than 2 percent of the amount or value of the minerals mined.

(b) Rentals shall not be less than 25 cents per acre payable annually until production is obtained.

(c) After production is obtained the lessee must pay a minimum royalty of $1 per acre.

§ 199.74 *Qualifications of applicants.* Leases may issue to (a) citizens of the United States, (b) associations of such citizens and (c) corporations organized under the laws of the United States or of any State or Territory thereof.

§ 199.75 *Applications.* An applicant must give his name and address and citizenship qualifications in the manner prescribed in § 193.11 of this title, describe the land for which a lease is desired in terms of legal subdivisions if surveyed, otherwise by metes and bounds and state the kind of mineral for which a lease is desired. The applicant must also give the reasons why he believes the mineral sought to be leased can be developed in the land in paying quantities and furnish such facts as are available to him respecting the known occurrence of the mineral in the land, the character of such occurrence and its probable worth as evidencing the existence of a workable deposit of such mineral. Each application must be accompanied by a filing fee of $10 which will not be returnable.

§ 199.76 *Term of lease.* Leases will be issued for a period of 5 years and any lease in good standing will be subject to renewal for successive 5-year terms on such reasonable terms as may be prescribed by the Secretary of the Interior at the time of any such renewal upon application filed within 90 days prior to the termination of the lease term for which renewal is sought unless otherwise provided by law or unless the land has been restored from the withdrawal at the expiration of such term.

§ 199.77 *Lease terms and conditions.* Each lease will contain provisions for the following: Diligent development of the leased property except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee unless operations are suspended upon a showing that the lease cannot be operated except at a loss because of unfavorable market conditions; occupation and use of the surface of the claim shall be restricted to such as is reasonably necessary to the exploration, development and extraction of the leased minerals. No vegetation will be destroyed or disturbed except where necessary to mine and remove the minerals; lessee shall not conduct operations in such a manner as to contaminate the waters of Lake Mead or Lake Mohave through dumping, drainage or otherwise. Lessee shall not erect any structures or open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. The permit for a road or trail may be conditioned upon the permittee's maintaining the road or trail in passable condition, satisfactory to the officer in charge of the area so long as it is used by the permittee or his successor. The right is reserved to insert other terms in the lease when deemed necessary for the protection of the surface, its resources and use for recreation.

§ 199.78 *Excepted areas.* Minerals deposits and materials in the following areas shall not be open to disposal under the provisions of this part:

(1) All lands within 200 feet of the center line of any public road, or within 200 feet of any public utility including, but not limited to, electric transmission lines, telephone lines, pipe lines, and railroads.

(2) All land within the smallest legal subdivision of the public land surveys containing a spring or water hole, or within one-quarter of a mile thereof on unsurveyed public land.

(3) All land within 300 feet of Lake Mead or Lake Mohave, measured horizontally from the shore line at maximum water surface elevation and all lands within the area of supervision of the Bureau of Reclamation around Hoover and Davis Dams as shown on the map of the Lake Mead National Recreation Area, (NRA—L. M. 2291).

(4) All land within any developed and/or concentrated public use area or other area of outstanding recreation significance as designated by the Superintendent on the map, (NRA—L. M. 2291), of Lake Mead National Recreation Area which will be available for inspection in the office of the Superintendent.

§ 199.79 *Leases by competitive bidding.* The right is reserved to offer competitively a lease for any land applied

for under this part if, in the judgment of the State Supervisor, there is evidence of a competitive interest in the land, or if the Geological Survey finds that the land contains a deposit in paying quantities of the mineral to be leased.

§ 199.80 *Disposal of materials.* Materials within the public lands covered by the regulations in this part which are not subject to lease hereunder shall be subject to disposal under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185), as amended, subject to the conditions and limitations on occupancy and operations prescribed for leases in this part.

§ 199.81 *Distribution of proceeds.* All receipts derived from permits or leases issued under §§ 199.61 to 199.64 and 199.70 to 199.81 will be deposited by the Bureau of Land Management into the same funds or accounts in the Treasury for distribution in the same manner as prescribed as to national forest land for other national forest revenue by 16 U. S. C., sections 499, 500 and 501 and as prescribed as to reclamation land for other reclamation revenue by 43 U. S. C., section 394.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

AUGUST 4, 1955.

[F. R. Doc. 55-6455; Filed, Aug. 9, 1955; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1202]

[1635856]

ALASKA

REVOKING EXECUTIVE ORDER 7622 OF MAY 29, 1937 AND THE DEPARTMENTAL ORDER OF DECEMBER 12, 1939

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and Section 11 of the act of March 3, 1891 (26 Stat. 1099; 48 U. S. C. 355), it is ordered as follows:

1. Executive Order No. 7622 of May 29, 1937, temporarily withdrawing the lands in U. S. Survey No. 1946, containing 9.37 acres, from settlement, location, sale or entry, for use by the United States Indian Service Hospital at Unalaska, Alaska, is hereby revoked.

2. The Departmental order of December 12, 1939, reserving lots 6 and 7, Block 11, U. S. Survey No. 1992, Townsite of Unalaska, Alaska, for hospital purposes, is hereby revoked. The land described contains 0.48 acre. The lots will be reappraised and offered at public sale pursuant to the laws and regulations relating to trustee townsites in Alaska.

3. This order shall not otherwise become effective to change the status of the lands released by paragraph 1 until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection under the public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

4. Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries covering the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

AUGUST 4, 1955.

[F. R. Doc. 55-6456; Filed, Aug. 9, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

POWERS OF ATTORNEY

NOTICE OF PROPOSED RULE MAKING

A study of the Customs Regulations relating to powers of attorney indicates that certain requirements of the regulations have in many instances made the use of powers of attorney impracticable. As a result, a large number of customs transactions are made in the name of a nominal consignee, rather than in the name of the actual consignee. In order to relieve restrictions on the use of powers of attorney to the extent that the revenue will not thereby be endangered, it is proposed to amend § 8.19 of the Customs Regulations (19 CFR 8.19) as set forth in tentative form below. Prior to the final adoption of such amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed amendments are as follows:

Section 8.19 is amended as follows:

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

(a) A power of attorney may be executed for the transaction of a specified part or for all the customs business of the principal, except that a separate power of attorney on customs Form 5295 or 5295–A shall be required for filing protests.[26] Customs Form 5291 may be used by individuals and customs Form 5293 by corporations for giving powers of attorney to transact customs business. If a customs power of attorney is not on a prescribed customs form, it shall be either a general power of attorney with unlimited authority or a limited power of attorney as explicit in its terms as is the prescribed customs form. If for the execution of sealed instruments, it shall be under seal. A customs power of attorney to a minor shall not be accepted. A customs power of attorney executed under authority of another power of attorney shall be accepted if the grantor of the original power of attorney is a non-resident and such original power contains express authority from the principal for the appointment of a subagent or subagents, but customs powers of attorney of residents shall be without power of substitution except for the purpose of executing shippers' export declarations. A subagent so appointed cannot delegate his authority. A customs power of attorney executed in favor of a licensed corporate customhouse broker may specify that the power of attorney is granted to the corporation to act through any of its licensed officers and any employees specifically authorized to act for such corporation by power of attorney filed by the corporation with the collector of customs.

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

(e) When a power of attorney is executed by an officer of a resident corporation, a certificate of the secretary, assistant secretary, or other corporate officer showing the authority of such officer to execute the power of attorney shall be executed on customs Form 5293 under seal. However, a power of attorney shall not be required when the person signing customs documents on behalf of a resident corporation is known to the collector to be the president, vice president, treasurer, or secretary of the corporation. The above-mentioned certificate shall read as follows:

CERTIFICATE [1]

I, _____ certify that I am the _____ of _____, organized under the laws of the State of _____; that _____, who signed this power of attorney on behalf of the donor, is the

[1] The certificate shall be executed by an officer other than the officer who signs the power of attorney.

---------- of the said corporation; and that said power of attorney was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body as the same appears in a resolution of the Board of Directors passed at a regular meeting held on the -------- day of ----------, now in my possession or custody. I further certify that the resolution is in accordance with the articles of incorporation and bylaws of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said corporation, at the City of ----------, this ------ day of ----------, 19--.

3. A new paragraph (j) is added reading as follows:

(j) An individual (but not a partnership, association, or corporation) who is not a regular importer may execute a power of attorney applicable to a single non-commercial shipment by writing, printing, or stamping and subscribing on the invoice the following statement:

---------- of ----------
Name Address

is hereby authorized to execute, as an agent who has knowledge of the facts, pursuant to the provisions of section 485 (f), Tariff Act of 1930, as amended, the consignee's and owner's declarations provided for in sections 485 (a) and (d), Tariff Act of 1930, and to enter on my behalf or for my account the goods described in the attached invoice which contains a true and complete statement of the facts concerning this shipment.

Date ----------, 19--.
Signature of importer ----------
Address ----------

The collector may, in his discretion, accept powers of attorney provided for in this paragraph which designate relatives of the importer or persons not regularly engaged in customs or freight forwarding business.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 2, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-6476; Filed, Aug. 9, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN CONCENTRATED ORANGE JUICE [1]

UNITED STATES STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering amending the United States Standards for Grades of Frozen Concentrated Orange Juice (7 CFR 52.1581 to 52.1593) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) as hereinafter set forth.

The proposed amendment provides for: a re-wording of the footnote pertaining to this subpart, changes in the minimum Brix value for Style I, without sweetening ingredient added, and a re-wording of the definition for "reconstitutes properly."

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Amend footnote 1 to this subpart to read as follows:

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

2. Amend paragraph (a) of § 52.1582 to read as follows:

§ 52.1582 *Styles of frozen concentrated orange juice*—(a) *Style I, without sweetening ingredient added.* The Brix value of the finished concentrate shall be not less than 41.8 degrees nor more than 44.0 degrees.

3. Amend paragraph (c) of § 52.1590 to read as follows:

(c) "Reconstitutes properly" means that the reconstituted juice is practically free from pronounced graininess of a gelatinous nature; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches in diameter), there may be a noticeable separation of colloidal or suspended matter and any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

Dated: August 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-6480; Filed, Aug. 9, 19.. 8:52 a. m.]

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[7 CFR Part 58]

GRADING AND INSPECTION OF DAIRY PRODUCTS

MINIMUM SPECIFICATIONS FOR APPROVED PLANTS MANUFACTURING, PROCESSING, AND PACKAGING UNDER UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of Minimum Specifications for Approved Plants Manufacturing, Processing, and Packaging Dairy Products Under United States Department of Agriculture Inspection pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed minimum specifications will supersede the current provisions of "Instructions Governing Plants Operating as Official Plants Processing and Packaging Dairy Products." These revised minimum specifications will be used by the Department in providing the dairy industry with voluntary inspection and grading service applicable to manufactured or processed dairy products. Such inspection and grading service will be provided to the industry only upon request by the applicant. Full cost of the service will be borne by the company or organization utilizing same.

Revision of these minimum specifications is based on the Department's experience in providing voluntary inspection and grading service in the past and on the basis of many informal discussions and suggestions by all major segments of the dairy industry.

All persons who desire to submit written data, views, or arguments in connection with this proposed revision should file the same in triplicate with the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2977 South Building, Washington 25, D. C., not later than 30 days following publication of this proposal in the FEDERAL REGISTER. The proposed minimum specifications follow:

DEFINITIONS

Sec.
58.101 Approved laboratory.
58.102 Approved plant.
58.103 Bactericidal treatment.
58.104 Cream.
58.105 Dairy products.
58.106 Grader.
58.107 Inspector.
58.108 Milk.
58.109 Rules and regulations.
58.110 USDA.

PURPOSE

58.120 Approved plants operating under USDA inspection.

APPROVED PLANTS

58.122 Survey and approval.
58.123 Suspension of plant approval.

PREMISES, PLANT, FACILITIES, EQUIPMENT AND UTENSILS

58.127 Premises.
58.128 Building.
58.129 Facilities.
58.132 Equipment and utensils.

PERSONNEL, CLEANLINESS AND HEALTH

58.135 Cleanliness.
58.136 Health.

SPECIFICATIONS FOR RAW MILK AND FARM SEPARATED CREAM

58.142 Transportation and protection of raw material while in transit.
58.143 Specifications for raw milk.
58.144 Specifications for farm-separated cream.
58.147 Alternate quality programs.

OPERATIONS AND OPERATING PROCEDURES

58.150 Clean and sanitary methods.
58.151 Segregation of raw material.
58.152 Raw material deterioration.
58.153 Milk or cream storage.
58.158 Pasteurization.

[1] Compliance with these specifications does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

§ 58.101 *Approved laboratory.* An "approved laboratory" is one in which the entire facilities and equipment have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with the rules and regulations in this part.

§ 58.102 *Approved plant.* "Approved plant" means one or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

§ 58.103 *Bactericidal treatment.* "Bactericidal treatment" means subjection to an acceptable sanitizing agent.

§ 58.104 *Cream.* "Cream" means that portion of milk, which is produced by healthy cows located in modified tuberculosis-free areas or from cows in herds fully accredited as tuberculosis-free by the United States Department of Agriculture, and which rises to the surface on standing or is separated by centrifugal force and contains not less than eighteen percent of milk fat.

§ 58.105 *Dairy products.* "Dairy products" means butter, cheese, milk, cream, milk products (whether dried, evaporated, stabilized or condensed), ice cream, dry whey, dry buttermilk, and such other perishable dairy products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any of the aforesaid products if such products constitute at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product. Any product or food product in which fats other than milk fats are used in place of milk fats shall not be included.

§ 58.106 *Grader.* "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

§ 58.107 *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the condition of the products.

§ 58.108 *Milk.* "Milk" means the whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified tuberculosis-free areas or from cows in herds fully accredited as tuberculosis-free by the United States Department of Agriculture.

§ 58.109 *Rules and regulations.* The term "rules and regulations" contained in Subpart A of this part; and all other terms which are used herein shall have the meaning applicable to such terms as defined in said rules and regulations.

§ 58.110 *USDA.* The term "USDA" means the United States Department of Agriculture.

§ 58.120 *Approved plants operating under USDA inspection.* (a) The minimum specifications established herein provide the basis for a quality improvement program which may be effectively carried forward through official inspection and grading service. Adoption of certain sound practices at dairy plants should significantly aid operators to more consistently manufacture uniform high-quality stable dairy products. Dairy products processed and packaged in an approved plant shall be graded and/or inspected and may be identified with official inspection and/or grade labels. Such standardized dairy products properly labeled and merchandised should encourage greater consumer acceptance and use of dairy products.

(b) This USDA inspection service is provided to dairy plants on a voluntary basis. The operator of any dairy plant desiring to have such plant qualified as an approved plant under USDA inspection service may request a survey of such plant, premises, equipment, facilities, and raw material to determine whether they are adequate to permit plant operation in accordance with the minimum specifications contained herein. The cost of this survey shall be borne by the applicant. The cost of the inspection service, after inauguration of the program, includes the salary of an inspector or inspectors plus a prescribed administrative charge.

APPROVED PLANTS

§ 58.122 *Survey and approval.* (a) Prior to the inauguration of USDA inspection and grading service in a plant, a designated representative of the Administrator shall make a survey and inspection of the plant, premises, and raw material, including a general review of the source of supply, volume of raw material processed daily and facilities for handling the raw material at the initial receiving point and the plant, to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for grading service in accordance with the provisions of this part and such further specifications which may hereafter be issued with respect to minimum requirements, facilities, operating methods and procedures, raw materials, and sanitation in the plant and which are in effect at the time of the aforesaid survey and inspection.

(b) A plant may be designated as an "approved plant" for inspection and grading service only upon compliance with the requirements of this part, and at such time as the management is prepared and has agreed to operate the plant in accordance therewith.

(c) The cost of performing a plant survey shall be borne by the applicant requesting such survey.

§ 58.123 *Suspension of plant approval.* Any plant approval may be suspended for (a) failure to maintain plant and equipment in a sanitary and satisfactory operating condition, (b) the use of unwholesome raw material or use of operating procedures which are not in accordance with the provisions of this part, (c) failure to process or manufacture stable product, (d) failure to maintain legal composition of the finished product, or (e) major alterations of buildings, facilities, or equipment, without prior approval by the Administrator.

PREMISES, PLANT, FACILITIES, EQUIPMENT, AND UTENSILS

§ 58.127 *Premises.* (a) The premises shall be kept in a clean and orderly condition, and should be free from strong or foul odors, smoke-laden or excessive air pollution. Dust in driveways and immediate plant area should be kept to a minimum.

(b) The outside surroundings shall be also free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects, and other vermin.

(c) A suitable drainage system shall be provided to allow rapid drainage of all water from plant buildings and surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

§ 58.128 *Building.* The building or buildings shall be of sound construction and kept in good repair to prevent the entrance or harboring of insects, rodents, vermin, dogs, and cats. All pipe openings shall be completely cemented or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air, including doors, windows, skylights, and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, dust, and dirt. All outside doors opening into processing rooms shall open outward and be constructed of metal or the bottom edge shall be flashed and edged with sheet metal to a height of six inches. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected at all times against the entrance of flies

and rodents by the use of doors, screens, flaps, fans, or tunnels.

(b) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, and posts of rooms in which milk or milk products are processed, packaged, or handled, or in which utensils are washed and stored, shall be finished in suitable light color with smooth washable concrete, tile, cement-plaster, or other easily cleaned material which is substantially impervious to moisture. They shall be kept clean and refinished as often as necessary to maintain them in good repair.

(c) *Floors.* The floors of all rooms in which milk and milk products are processed or packaged or in which utensils are washed shall be constructed of concrete, or of tile laid closely together with impervious joint material, or of other equally impervious and easily cleaned material. They shall be smooth, kept in good repair, sloped so that there will be no pools of standing water after flushing and the drains shall be equipped with traps properly constructed and kept in good repair to avoid foul odors therefrom. The plumbing shall be so installed as to prevent any back-up of sewage into drain line and to floor of plant.

(d) *Lighting and ventilation.* There shall be ample light, natural or artificial or both, of good quality and well distributed, and adequate ventilation for all rooms and compartments to permit maintenance of sanitary conditions. All rooms where milk or milk products are processed, packaged, or handled, or where utensils and/or equipment are washed should have at least 10 to 30 foot-candles of light intensity on all working surfaces; at least 30 to 50 foot-candles of light intensity in areas where dairy products are examined for condition and quality; and at least 5 foot-candles of light in all other rooms, when measured from a distance of 30 inches above the floor. Light bulbs and fluorescent tubage shall be protected against breakage where necessary. All rooms shall be adequately ventilated to minimize or eliminate objectionable odors and moisture condensation. Exhaust fans, vents, and hoods shall be provided to supplement windows and doors where and when needed.

(e) *Rooms and compartments.* Each room and each compartment in which any raw material, packaging and ingredient supplies, or finished products are handled, processed, or stored shall be so designed and constructed as to assure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained accordingly. Each cold storage room shall possess sufficient and proper refrigeration to adequately protect the quality and condition of the products stored.

(1) *Coolers and freezers.* The coolers and freezers shall be of adequate size and equipped with facilities for proper temperature and humidity conditions consistent with the most desirable commercial practices for the applicable product. Coolers and freezers shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be constructed of impervious material to permit thorough cleaning.

(2) *Cheddar cheese drying room.* The cheddar cheese drying room shall be sufficiently large to permit holding of cheese prior to waxing for sufficient time to provide a smooth thoroughly dry surface—generally 48 to 72 hours is required. The drying room shall be kept clean and free from mold and shall be equipped with facilities for proper air circulation, control of temperature and relative humidity. There shall be ample shelving, properly spaced, and the shelves so constructed to permit easy cleaning. The shelves shall be kept clean and dry.

(3) *Dry storage (product).* The storage rooms for the dry storage of product shall be adequate in size, kept clean, dry, orderly, free from insects and mold and maintained in good repair. They shall be adequately lighted and ventilated. Control of humidity and temperature shall be maintained at all times consistent with good commercial practices which will not impair the quality of the finished product.

(4) *Supply room.* The supply rooms used for the purpose of storing packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents and mold, and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged as to permit cleaning, inspection, and spraying. The rooms shall be adequately lighted and ventilated.

(5) *Boiler, compressor, and tool rooms.* The boiler and tool rooms shall be separated from other rooms where milk and milk products are processed, manufactured, packaged, handled, or stored. The rooms shall be adequately lighted and ventilated. Ammonia compressors should be so located as to prevent any ammonia leakage from damaging milk or milk products.

(6) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located but shall not open directly into any room in which milk, milk products, or ingredients are processed, packaged or stored. The toilet rooms shall be well lighted and ventilated by openings to the outer air. The toilet rooms and fixtures shall be kept clean and in good repair. The doors of all toilet rooms shall be self-closing. All employees shall be furnished with a locker or other suitable facility and the dressing rooms shall be kept clean and orderly. A durable, legible sign or signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(7) *Grading room.* A separate grading room or designated area shall be provided for the inspection and grading of finished products. The grading room or area shall be suitably located, sufficient in size, well lighted, ventilated and the temperature range should preferably be between 60 and 80° F. and shall not be below 50° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader. The grading room or area shall be equipped with a table or desk and facilities for washing hands.

(8) *Inspector's office.* An office shall be provided for official purposes. The room shall be conveniently located, adequate in size, and equipped with desk, storage supply cabinet, and clothes locker. It shall be well lighted, ventilated, heated, and custodial service furnished.

(9) *Laboratory.* (i) An adequate laboratory shall be maintained and properly staffed with trained and qualified personnel for control and analytical purposes. It shall be located reasonably close to the processing activity in a well-lighted and ventilated room of sufficient size to permit proper performance of the tests necessary in evaluating the raw and finished products. An approved central control laboratory serving several plants will be acceptable if adequately located and samples and results of tests can be transmitted without undue delay.

(ii) Adequate equipment and facilities shall be provided for performing the required tests as determined by the nature and variety of dairy products processed. If the laboratory is to qualify as an "approved laboratory" it shall meet the requirements as set forth in § 58.101.

§ 58.129 *Facilities*—(a) *Water supply.* (1) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its proper distribution throughout the plant and protection against contamination and pollution. Bacteriological examination should be made of the water supply at least twice a year, or as often as necessary, to determine purity and suitability for use in processing or manufacturing of dairy products. Such tests shall be made by a USDA or State agency laboratory or other approved laboratory and the results shall be kept on file at the plant for examination by the inspector.

(2) The location, construction and operation of the well shall comply with applicable local or State regulations.

(b) *Drinking-water facilities.* Drinking-water facilities of a sanitary type shall be provided in the plant and so located as to be convenient for employee use.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, or other detergents, and approved sanitary towels. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Self-closing metal containers shall be provided for used towels and other wastes. Vats for washing equipment shall not be deemed satisfactory as hand-washing facilities for personnel.

(d) *Disposal of wastes.* Dairy waste shall be properly disposed of from the

plant and premises. The sewage system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Containers used for the collection and holding of wastes, in the processing rooms, shall be kept covered or be of the self-closing type. Outside trash containers shall be constructed of metal and kept covered with tight-fitting lids and placed on a concrete slab or on a rack which is at least 12 inches above the ground. Solid wastes shall be disposed of daily and the containers cleaned before reusage.

§ 58.132 *Equipment and utensils*—(a) *Construction, repair and installation of equipment and utensils.* The equipment and utensils, including sanitary pumps, piping, fittings and connections, coming in contact with raw material and product shall be made of stainless steel. Other non-corrosive material which will not adversely affect the product also may be approved. Churns of wood construction may be temporarily approved if the wood is in sound condition. All equipment, utensils and piping shall be installed so as to be easily accessible for cleaning and shall be kept in good repair and free from cracks and corroded surfaces. The equipment, where applicable, should be set out approximately 24 inches from any wall and spaced approximately 24 inches between pieces of equipment which measure more than 48 inches on the parallel sides. Cleaned-in-place sanitary piping properly constructed of suitable material and properly installed will be acceptable.

(b) *New equipment and replacements.* New equipment and replacements where applicable shall meet the 3A Standards formulated by the International Association of Milk and Food Sanitarians, United States Public Health Service, and the Dairy Industry Committee. If 3A specifications are not available, such equipment and replacements shall be approved by the Administrator.

(c) *Contract specifications.* Where contract specifications specifically require stainless steel equipment and utensils in the processing, manufacturing or repackaging of any dairy product such specifications shall take precedence and govern the operation.

(d) *High temperature short time pasteurizers.* An approved automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, should be installed on all HTST pasteurization equipment, including vacuum type pasteurizers, to assure complete pasteurization. When vacuum type pasteurizers are used the steam shall be conducted through a steam strainer and a steam purifier equipped with a steam trap. Such pasteurizing facilities shall yield a negative phosphatase test on milk or cream.

(e) *Thermometers and recorders*—(1) *Indicating thermometers.* (i) Long stem indicating thermometers which are accurate within 0.5° F. plus or minus for the applicable temperature range shall be provided for the purpose of checking temperatures of pasteurization and/or cooling of products in vats and for checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers which are accurate within 0.5° F. plus or minus for the applicable temperature range shall be installed in the proper stationary position in all HTST pasteurizers and all storage tanks where temperature readings are required.

(iii) Air-space indicating thermometers, where applicable, which are accurate within 1.0° F. plus or minus for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* Recording thermometers which are accurate within 1.0° F. plus or minus (2.0° F. at high temperatures) for the applicable temperature range shall be used on all vats or HTST equipment used for pasteurizing any milk or milk products to record the temperature and time held. Other recorders may be necessary where a record of temperature or time of cooling and holding is of significant importance. For more detailed specifications as to type, accuracy of installation of thermometers or recorders, the specifications as outlined by the United States Public Health Service Milk Ordinance and Code shall apply.

(f) *Heavy-duty vacuum cleaner.* Each plant should be equipped with a heavy-duty industrial vacuum cleaner and regular schedules established for thoroughly vacuuming applicable equipment and areas in the plant. The material picked up by vacuum cleaners shall be disposed of promptly.

PERSONNEL, CLEANLINESS AND HEALTH

§ 58.135 *Cleanliness.* All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form, shall be prohibited in each room and each compartment, including the grading room or area, where any unpacked or exposed dairy products are prepared, processed, or otherwise handled. Clean, white, or light-colored washable outer garments, and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing, or packaging any dairy products.

§ 58.136 *Health.* No person afflicted with any communicable disease (including, but not being limited to, tuberculosis) shall be permitted in any room or compartment where dairy products are prepared, processed, or otherwise handled. No person who has a discharging or infected wound, sore, or lesion on hands, arms, or other exposed portions of the body, shall work in any dairy processing rooms, or in any capacity resulting in contact with dairy products. All plant employees should have a thorough medical examination at least once a year, by a registered physician or local health department and each new plant employee shall be examined and certified prior to starting work. A medical certificate for each employee shall be on file at the plant office.

SPECIFICATIONS FOR RAW MILK AND FARM SEPARATED CREAM

§ 58.142 *Transportation and protection of raw material while in transit*—(a) *Milk and cream cans.* The milk and cream cans used in transporting milk or cream from farm to plant shall be of such construction as to be easily cleaned and kept in good repair. Covers providing adequate protection to the product shall be used. Inspection, repair, or replacement of cans and lids shall be adequate to substantially eliminate the use of cans and lids showing open seams, cracks, rust condition, milkstone or any unsanitary condition.

(b) *Bulk farm tanks.* All bulk farm tanks shall meet 3A Standards for construction at the time of installation and shall be installed in accordance with all local and state regulations. The tanks shall be designed and equipped with refrigeration so as to permit the cooling of the milk to 40° F. or lower within two hours and maintained below 45° F. until picked up. The milk shall be transferred from tank to truck through stainless steel piping or approved hose under sanitary conditions which will not detract from the established quality of the milk in the tank.

(c) *Transporting raw material.* All vehicles used for the transportation of raw material shall be constructed and operated to protect the product from extreme temperatures, dust, and other adverse conditions. Facilities shall be provided for adequate washing and sanitizing of tanks, piping, and accessories, at central locations, or at all plants receiving or shipping milk or milk products in tanks.

§ 58.143 *Specifications for raw milk.* The inspection of the raw milk for manufacturing or processing into dairy products under this part shall be based on the organoleptic examination and quality control tests for sediment content and bacterial estimate, as set forth in paragraphs (a), (b), and (c) of this section, at such time and place as is applicable for the tests performed.

(a) *Organoleptic examination.* All raw milk delivered at the approved plant shall be identified as to the producer, seller, or shipper from whom received. Each can or farm tank of milk shall be examined for physical characteristics, off-flavors, or off-odors, including those associated with developed acidity. The condition of the raw milk shall be wholesome and characteristic of normal milk. The flavor and odor of the raw milk shall be fresh and sweet; however, normal feed flavors may be present. Any raw milk that shows an abnormal condition (including, but not being limited to curdled, ropy, clotted, bloody, or contains extraneous matter), or which shows significant bacterial deterioration shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of the milk to the producer the following clas-

sification of the milk for sediment content shall be applicable:

Sediment:
Class 1—USDA Sediment Standard (not to exceed) 0.50 mg.
Class 2—USDA Sediment Standard (not to exceed) 1.00 mg.
Class 3—USDA Sediment Standard (not to exceed) 2.50 mg.

(2) At least twice each month, at irregular intervals, one can of milk from each producer shall be selected at random and tested for sediment content by the "off-the-bottom" method of sediment testing as set forth in the latest edition of "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association, 1790 Broadway, New York, New York. If the sediment disc on the can of milk selected at random is classified Class 3 (2.50 mg.) or more, as determined on the basis of the United States Sediment Standards for Milk and Milk Products (7 CFR Part 43), all cans of milk in the shipment shall be tested for sediment content. In the case of milk held in bulk farm tanks a representative sample shall be taken by the acceptable and approved method for sediment testing and properly classified in accordance with the aforementioned United States Sediment Standards for Milk and Milk Products.

(c) *Bacterial estimate classification.* (1) For the purpose of quality improvement and establishing a quality pattern for producers the following classification of the milk for bacterial estimate shall be applicable:

Bacterial estimate classification	Direct microscopic (clump) count	Methylene blue test, mixed sample not decolorized in—	Resazurin test, no color change beyond color represented by—
Class 1	200,000 per milliliter	5½ hours	P-7/4 in 2¾ hours.
Class 2	3,000,000 per milliliter	2½ hours	P-7/4 in 1½ hours.
Class 3	10,000,000 per milliliter	1 hour	P-7/4 in ¾ hour.

(2) At least twice each month a bacterial estimate shall be made on a mixed sample of each producer's milk by the methylene blue test, the resazurin test, or the direct microscopic (clump) count as set forth in the latest edition of "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association, 1790 Broadway, New York, New York.

(3) Weekly rechecks should be made on Class 3 milk until the milk has improved to Class 2 or better.

(d) *Acceptable milk.* Milk acceptable pursuant to the requirements of subsection (a) of this section for organoleptic examination and complying with Class 1 or Class 2 for sediment content may be used in the processing or manufacturing of dairy products. For stabilized (sterilized) whole milk to be officially identified with USDA inspection legend the bacterial estimate of the raw milk shall not exceed 200,000 per ml. by the direct microscopic clump count or its equivalent, and the sediment shall not exceed Class 2, applicable to the individual producer's milk.

(e) *Probational milk.* Milk acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified as Class 3 for sediment content may be used in processing or manufacturing of dairy products for a period of 10 days with respect to sediment content. When any producer's milk is classified as probationary for sediment or Class 3 or more for bacterial estimate a plant representative shall visit the farm and assist the producer in correcting the unsatisfactory condition. If the quality of the milk, as determined by further testing of each can of a producer's milk for sediment content, has not improved within the probationary period to Class 2, or better, the plant shall reject the milk to the producer.

(f) *Rejected milk.* The milk from a producer who has failed to improve the quality of his milk during the probationary period so as to meet Class 2, or better, for sediment, shall be rejected milk. Any further acceptance of milk from such a producer shall be on the basis of testing each shipment for sediment content prior to acceptance to determine if the milk is Class 2, or better. When three consecutive shipments within the next 5 days indicate milk of Class 2, or better, the milk from this producer may again be accepted, subject to regular periodic testing and quality control measures. If within five days three consecutive shipments fail to meet the requirements of Class 2, for sediment, the milk from this producer shall again be classified as reject milk and the plant shall not accept milk from this producer until a representative of the plant again visits the farm and has determined that the unsatisfactory condition has been corrected.

(g) *Unacceptable milk.* The plant shall reject to the producer all milk that fails to meet the requirements of subsection (a) of this section for organoleptic examination and/or is lower in quality than Class 3 for sediment on any single shipment.

(h) *Field service.* A representative of the plant should arrange to visit promptly each producer involved in the production of probational or rejected milk for the purpose of inspecting the equipment, utensils, and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as is practicable to assist in and encourage the production of high quality milk.

(i) *Bulk milk.* Bulk milk in storage tanks within the processing plant or receiving station shall be maintained at a temperature of 45° F. or lower until processed. The milk in each tank to be processed into products bearing an official inspection legend or grade label shall not show a bacterial estimate (direct microscopic count) in excess of 10,000,000 per ml. Quality checks for bacterial estimate and/or flavor shall be made daily to make certain that the quality of the milk in the tanks does not exceed the maximum limit prescribed above and is consistent with the milk received from the producers as shown by plant records.

(j) *Records.* Accurate plant records, listing the results of quality tests made on raw milk, shall be maintained on each producer's milk. Each producer shipping probational or reject milk shall be informed immediately of the results of such quality tests. Producers shipping Class 1 and Class 2 milk should receive such information at the time of regular remittances. Records shall also be maintained on each bulk milk lot. Such records shall be available for examination by the inspector and kept on file for at least one year.

§ 58.144 *Specifications for farm-separated cream.* The inspection of the farm-separated cream to be used for manufacturing or processing into dairy products under this part shall be based on the organoleptic examination and quality control tests to determine sediment content of each individual producer's cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* All cream received at the approved plant, receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream, which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U. S. Standards for Grades of Butter (7 CFR Part 63). Any cream having pronounced or offensive off-flavors or off-odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of cream to the producer, seller, or shipper, the following classification of cream for sediment shall be applicable:

Sediment:
Class 1—USDA Sediment Standard (not to exceed) 0.50 mg.
Class 2—USDA Sediment Standard (not to exceed) 1.00 mg.
Class 3—USDA Sediment Standard (not to exceed) 2.50 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of subsection (a) of this section for organoleptic examination and complying with Class 1 or Class 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probational cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified Class 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of Class 2, such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is Class 2, or better. As soon as any shipment of cream is classified as probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probational cream and, if necessary, arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller, or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of Class 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each shipment for sediment content, prior to acceptance to determine if the cream is Class 2, or better. If all cans of cream of the subsequent shipment meet Class 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of Class 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of Class 2 cream, or better, the plant shall not accept such cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to contact promptly each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping Class 1 and Class 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least one year.

§ 58.147 *Alternate quality programs.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.150 *Clean and sanitary methods.* All operations in receiving, transporting, segregating, holding, processing, packaging, and storing of dairy products shall be strictly in accordance with clean and sanitary methods and shall be conducted rapidly, and consistent with best commercial practices.

§ 58.151 *Segregation of raw material.* The milk and cream received at an approved plant shall meet the quality specifications as listed under §§ 58.143 and 58.144. The milk and cream received at an approved plant should be segregated and processed separately in such a manner that the finished dairy product will fully meet the requirements of a particular U. S. Grade or other specification, whichever is applicable.

§ 58.152 *Raw material deterioration.* Raw materials shall be held under conditions and at temperatures that will retard any material increase in bacterial content to avoid any deterioration or contamination of such products.

§ 58.153 *Milk or cream storage.* Incoming milk or cream shall be handled in such a manner to minimize bacterial increase during the receipt of the milk or cream and during the holding period prior to processing.

§ 58.158 *Pasteurization.* Pasteurization of the raw material shall be accomplished at the plant where the milk or cream is processed.

(a) *Cream for butter making.* The pasteurization of cream for butter making shall be at a temperature of not less than 165° F. for at least 30 minutes for the holding method, or not less than 185° F. for at least 15 seconds for the flash method, or any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics. If vat or holding method is used vat covers are to be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts.

(b) *Milk for cheese making.* Pasteurization of milk for cheese making shall be at a temperature of at least 161° F. for 15 seconds in approved and properly operating equipment. Comparable temperatures and holding times may be used which will produce a negative phosphatase test.

(c) *Other dairy products.* Pasteurization of milk or cream for other dairy products shall be at such temperatures and at holding periods as will assure proper pasteurization and sufficient to assure adequate keeping-quality and consistent with the most desirable quality of the finished product.

§ 58.159 *Product contamination.* All necessary precautions shall be taken to prevent the contamination of any dairy product.

§ 58.160 *Checking quality.* All dairy products shall be subject to inspection for quality and condition throughout each processing operation in addition to the regular routine analysis made on the raw and finished products in the laboratory to determine quality and/or composition.

§ 58.161 *Wholesomeness.* All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities.

§ 58.162 *Product stability.* The methods and procedures employed in the receiving, segregating, and processing of raw materials in a plant and the storing of the finished product shall be in accordance with best commercial practices and adequate to result in a satisfactory and stable product.

§ 58.168 *Cleaning and bactericidal treatment of equipment and utensils.* The equipment, sanitary piping, and utensils used in the receiving, processing, packaging and handling of milk and milk products shall be maintained in a sanitary condition. The equipment, except that which is effectively cleaned-in-place, shall be disassembled daily for thorough cleaning. A dairy cleanser, detergent, wetting agent or sanitizing agent, or other similar materials may be used as will not contaminate or deleteriously affect the product. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. Such equipment and utensils shall be subjected to an acceptable bactericidal or sanitizing process. After reassembly and prior to use all equipment coming in contact with milk or milk products shall be subjected to an acceptable bactericidal or sanitizing process. Utensils and portable equipment used in processing operations shall be stored above the floor in clean, dry locations, and in a self-draining position on racks constructed of impervious, corrosion-resistant material. The milk or cream cans shall be cleaned, sanitized, and dried before returning to the pro-

ducers. Can washers shall be maintained in a clean and satisfactory operating condition. Truck-tanks, sanitary piping, connections, and pumps shall be cleaned and sanitized at least once each day and more frequently as required. The outside of the truck-tanks shall be maintained in a clean and satisfactory condition.

§ 58.169 *Plant records.* Adequate plant records shall be maintained of all tests and analyses made in the laboratory or throughout the plant during processing, on all raw material and finished products. Such records shall be available for examination at any time by the inspector and kept on file for at least one year.

PACKAGING AND GENERAL IDENTIFICATION

§ 58.175 *Containers.* (a) Packages or containers used for the packing of approved dairy products shall be any commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, contamination or moisture content under the normal conditions of handling.

(b) Due to the importance of proper treatment of parchment liners in bulk butter packages for protection against mold and other possible deterioration, the liners shall be treated as follows:

(c) The liners shall be completely immersed in a salt solution in a suitable non-corrosive container and held therein at the boiling point for not less than 30 minutes and held in this solution until used. The solution should consist of at least 15 pounds of salt for every 100 pounds of water and shall be changed each day. The lined butter boxes shall be inverted until ready for use to afford protection from possible contamination.

§ 58.176 *Packaging and repackaging.* Packaging shall be performed at the place and time of manufacture. When officially graded bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification a supervisor of packaging shall be required and the plant, equipment, facilities and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.177 *General identification.* All commercial bulk packages containing dairy products manufactured under the provisions of this part shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer or distributor and such other official identification as may be required.

STORAGE OF FINISHED PRODUCT

§ 58.182 *Dry storage.* The product shall be stored or so arranged in aisles, rows, or sections and lots or in such a manner as to be orderly, easily accessible for inspection or for cleaning of room. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the product from absorbed odors or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times consistent with good commercial practices.

§ 58.183 *Refrigerated storage.* The finished product shall be placed on dunnage or palletized and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated from drippage or condensation.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

§ 58.187 *Grading.* All dairy products which have been processed or manufactured in an approved plant shall be graded by the inspector in accordance with established official U. S. Standards for Grades. Laboratory analysis, when required in determining the final grade, shall be conducted only in an approved laboratory.

§ 58.188 *Inspection.* All dairy products, which have been processed or manufactured in an approved plant, for which there are no official U. S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or specifications established by the U. S. Department of Agriculture or other Federal agency, including laboratory analysis when necessary.

§ 58.189 *Official Identification.* (a) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

(b) Sketches, proofs, or photostatic copies of all proposed packaging materials, grade labels, and inspection marks to be used as official identification shall be submitted to the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D. C., for tentative approval prior to acquisition of a supply of material bearing such identification.

(c) Finished copies, in quadruplicate, of the tentatively approved packaging materials, grade labels, and inspection marks shall be transmitted to the Chief of the Inspection and Grading Branch for final approval prior to their use as official identification.

§ 58.190 *Local or State regulations and specifications.* (a) Local or State regulations or specifications where applicable to the plant, equipment, raw material, product ingredients, facilities, sanitation or dairy products, which are higher than those specified in this subpart, shall be applicable.

(b) Local or State health requirements when higher than those specified in this subpart shall be applicable.

§ 58.195 *Explanation of terms.*—(a) *Fresh and sweet.* Free from "old milk" flavor and odor of developed acidity or other off-flavors or off-odors.

(b) *Normal feed.* Regional feed flavors, such as, alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors or off-odors.* Abnormal flavors or odors, such as utensil, bitter, barny, chemical, or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of flavor and odor which is detectable.

(e) *Extraneous matter.* Foreign substances, such as, filth, hair, insects and fragments thereof, and rodents and fragments thereof; and materials, such as metal, fiber, wood, and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in (e) of this section.

(g) *Normal cream.* Wholesome cream free from pronounced or offensive off-flavors or off-odors or abnormal conditions, such as, mold, extraneous matter, or excessive sediment.

(h) *Pronounced off-flavors and off-odors.* Flavors and odors, such as stale, metallic, yeasty, fruity, and cheesy.

(i) *Offensive off-flavors or off-odors.* Flavors and odors, such as chemical, oily, rancid, obnoxious weeds (peppergrass, French weed, onion, and garlic).

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 5th day of August 1955.

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

[F. R. Doc. 55-6479; Filed, Aug. 9, 1955; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Civilian Application, within 30 days after publication of this notice in the FEDERAL REGISTER.

Sec.
2.1 Scope.
2.2 Subparts.
2.3 Resolution of conflicts.
2.4 Definitions.

Subpart A—Procedure on Applications for Issuance, Amendment or Transfer of a License or Construction Permit and Renewal of a License

Sec.
2.100 Applicability of subpart.
2.101 Administrative examination of applications, notice to others, informal conferences.
2.102 Action on applications, hearings.
2.103 Effect of timely renewal applications.

Subpart B—Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License or Construction Permit

2.200 Applicability of subpart.
2.201 Notice of violation.
2.202 Order to show cause; temporary emergency action.
2.203 Recapture of material or entry in emergency revocation cases.

Subpart G—Rules of General Applicability

COMMON PROVISIONS

2.700 Filing of Papers; when complete.
2.701 Computation of time.
2.702 Extension of time.
2.703 Service of Papers, methods, proof.
2.704 Representation.
2.705 Intervention.
2.706 Effect of intervention or denial thereof.
2.707 Consolidation.
2.708 Hearings, formal and informal.

INFORMAL HEARINGS

2.720 Informal hearing procedure.

FORMAL HEARINGS

2.730 Parties.
2.731 Limited appearances by persons not parties.
2.732 Designation of presiding officer, disqualification, unavailability.
2.733 Powers of presiding officers.
2.734 Separation of functions.
2.735 Notice of hearing.
2.736 Answer.
2.737 Reply.
2.738 Default.
2.739 Admissions.
2.740 Prehearing conferences.
2.741 Amendments.
2.742 Hearings public.
2.743 Official reporter, transcript.
2.744 Subpenas.
2.745 Depositions.
2.746 Order of procedure.
2.747 Evidence.
2.748 Interlocutory appeals to the Commission from rulings of presiding officers.
2.749 Proposed findings and conclusions.
2.750 Official notice.
2.751 Intermediate decisions and their effect.
2.752 Exceptions to intermediate decisions.
2.753 Briefs and oral arguments before the Commission.
2.754 Final decision.
2.755 Waiver of procedures or intermediate decisions.
2.756 Petition for reconsideration.

PUBLIC RULE MAKING

2.780 Scope of rule making.
2.781 Initiation, petition.
2.782 Petition for rule making.
2.783 Determination of petition.
2.784 Notice of proposed rule making.
2.785 Participation by interested persons.
2.786 Commission action.
2.787 Effective dates.

AVAILABILITY OF OFFICIAL RECORDS

2.790 Public inspection, exceptions, requests for withholding.

AUTHORITY: §§ 2.1 to 2.790 issued under sec. 161, 68 Stat. 948, 42 U. S. C. 2201.

§ 2.1 *Scope.* This part governs the conduct of all proceedings before the Atomic Energy Commission involving licensing and licenses,[1] including patent licensing under section 153 of the Atomic Energy Act of 1954 but excluding all other patent matters.[2]

§ 2.2 *Subparts.* Each of the subparts which precedes Subpart G sets forth special rules applicable to the type of proceeding described in the opening section of the subpart. Subpart G sets forth general rules applicable to all types of proceedings and should be read in conjunction with the subpart governing the particular proceeding.

§ 2.3 *Resolution of conflicts.* In any conflict between a general rule in Subpart G and a special rule in another subpart applicable to a particular type of proceeding, the special rule will govern.

§ 2.4 *Definitions.* In this part, words or phrases which are defined in the Atomic Energy Act of 1954 and in the several parts of this chapter to which this part applies, shall take the meaning defined in the act and the pertinent parts with the following exception and explanation:

(a) "Commission" means the commission of five members or a quorum thereof sitting as a body, as provided by section 21 of the Atomic Energy Act of 1954, or any officer or board to whom has been delegated, pursuant to section 161o of the act and as set forth in Part 1 of this chapter, final authority for making decisions in the course of adjudication or for issuing, amending, or rescinding rules in the course of rule making.

(b) "AEC" means the agency established by the Atomic Energy Act of 1954, comprising the members of the Commission and all officers, employees, and representatives authorized to act in the case or matter whether clothed with final authority or not.

SUBPART A—PROCEDURE ON APPLICATIONS FOR ISSUANCE, AMENDMENT OR TRANSFER OF A LICENSE OR CONSTRUCTION PERMIT AND RENEWAL OF A LICENSE

§ 2.100 *Applicability of subpart.* The provisions of this subpart prescribe the procedure covering applications for the issuance of a license, construction permit, amendment of a license or construction permit at the request of the holder, transfer of a license or construction permit, and renewal of a license. Reference should also be made to Subpart G of this part which sets forth the rules applicable to all types of proceedings.

§ 2.101 *Administrative examination of applications, notice to others, informal conferences.* Applications described in § 2.100 will be given a docket or other identifying number and routed to the appropriate AEC offices for administrative examination. AEC will give to others such notice of the filing of the application as is required under the applicable regulations of this chapter and such additional notices as it deems appropriate. The applicant may be required to submit additional information and may be requested to confer informally regarding the application.

§ 2.102 *Action on applications, hearings.* (a) Upon request of the applicant or an intervener, or on its own initiative, AEC may direct the holding of a formal hearing prior to taking action on the application. If no prior formal hearing has been held and no notice of proposed action has been served as provided in paragraph (b) of this section, AEC will direct the holding of a formal hearing upon receipt of a request therefor from the applicant or an intervener within 30 days after the issuance of a license or other approval or a notice of denial.

(b) In such cases as it deems appropriate, AEC may cause to be served upon the applicant, and published, a notice of proposed action upon his application and shall cause copies thereof to be served upon interveners or others entitled to or requesting notification. The notice shall state the terms of the proposed action. If a formal hearing has not been held prior to issuance of the notice, AEC will direct the holding of a formal hearing upon the request of the applicant or an intervener received within fifteen days following the service of the notice.

§ 2.103 *Effect of timely renewal applications.* In the case of an application for renewal, if the licensee has made application for the renewal of a subsisting license at least 30 days prior to its expiration date, the license shall not be deemed to have expired until such application shall have been determined.

SUBPART B—PROCEDURE FOR IMPOSING REQUIREMENTS BY ORDER, OR FOR MODIFICATION, SUSPENSION, OR REVOCATION OF A LICENSE OR CONSTRUCTION PERMIT

§ 2.200 *Applicability of subpart.* The provisions of this subpart prescribe the procedure in cases initiated by AEC to impose requirements by order upon a licensee or holder of a construction permit or to modify, suspend, or revoke a license or construction permit. Reference should also be made to Subpart G of this part, which sets forth the rules applicable to all types of proceedings. The provisions of this subpart shall not apply to action taken pursuant to section 108 of the act.

§ 2.201 *Notice of violation.* (a) Prior to the institution of any proceeding for the suspension or revocation of a license or construction permit for alleged violation of any provision of the act, regulations, or conditions of the license or permit, the licensee or permit holder shall be served with a written notice calling the facts to his attention and requesting a written explanation or statement in reply. Within 3 days of the receipt of such notice, or such other period as may be specified in the notice, the licensee or

[1] Part 30—Byproduct Material Licensing, Part 40—Source Material Licensing, Part 50—Licensing of Production and Utilization Facilities, Part 55—Licensing of Operators, Part 70—Special Nuclear Material Licensing.

[2] The specifications, pursuant to section 156 of the act, for patent licenses to use AEC held patents or those declared subject to licensing under section 153a of the act, are set forth in Part 81 of this chapter. The Patent Compensation Board proceedings under sections 157 and 173 of the act, are governed by Part 81 of this chapter.

permit holder shall send his reply to the office of AEC from which the notice was sent. If the notice relates to conditions or conduct which may be susceptible of correction or of being brought into full compliance by action of the licensee or permit holder, he shall state in his reply the corrective steps taken or to be instituted in achieving correction and preventing further violations, and the date when such correction and full compliance will be achieved.

(b) Where in the opinion of AEC the public health, interest, or safety requires, or the failure to be in compliance is wilful, the notice provided for in this section may be omitted.

§ 2.202 *Order to show cause; temporary emergency action.* (a) In any case described in § 2.200, and after notice if any as required by § 2.201, AEC will issue to the licensee or permit holder an order directing him to show cause why the proposed action should not be taken. There will be included a notice of formal hearing. The time for hearing specified shall not be less than 20 days after issuance of the order except that, where the common defense and security or the health or safety of the public requires, AEC may provide in the order for a shorter period.

(b) Where in the opinion of AEC the common defense and security or the health and safety of the public requires, the proposed action may be made temporarily effective prior to the time for hearing.

§ 2.203 *Recapture of material or entry in emergency revocation cases.* In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission may without prior notice or hearing recapture any special nuclear material held by the licensee or enter upon and operate the licensed facility, provided that as promptly as possible and not later than 10 days from the recapture or entry, AEC will serve upon the licensee or permit holder an appropriate order to show cause why the license or construction permit should not be revoked and notice of formal hearing, or will initiate steps to restore the material or facility of which the licensee or permit holder has been deprived.

SUBPART G—RULES OF GENERAL APPLICABILITY

COMMON PROVISIONS

§ 2.700 *Filing of papers; when complete.* Unless otherwise specified, papers required to be filed with AEC shall be filed with the Atomic Energy Commission, 1901 Constitution Avenue, NW., Washington 25, D. C. Papers required to be filed with AEC shall be deemed filed upon actual receipt by AEC at the place specified accompanied by proof of service upon parties required to be served. Upon actual receipt the filing, when by mail or telegraph shall be deemed complete as of the date of deposit in the mail or with the telegraph company as provided in paragraph (d) of § 2.703.

§ 2.701 *Computation of time.* In computing any period of time prescribed or allowed by any applicable statute, rule, notice, or order, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

§ 2.702 *Extension of time.* Unless discretion is denied by statute, extensions of time for filing or performing any act required or allowed to be done, and continuances of any proceeding or hearing, may be granted in the discretion of AEC upon application and good cause shown by any party, or upon the initiative of AEC or stipulation of all the parties. Where a presiding officer has been designated for hearing, the discretion in granting extensions of time and continuances in matters relating to the hearing shall rest with the presiding officer.

§ 2.703 *Service of papers, methods, proof.* (a) Except for subpenas, service of which is governed by § 2.744, AEC will serve all orders, notices, and other papers issued by it when service thereof is required, together with any other papers which it is required by law to serve. Every other paper requiring service, such as answers, petitions, motions, briefs, exceptions, and notices, shall be served by the party filing it upon all parties entitled to service thereof; and proof of service shall accompany the paper when it is tendered for filing. Where there are numerous parties to a proceeding the Commission may, upon motion or its own initiative, make special provision regarding the service of papers.

(b) Service shall be made upon the parties or their designated representatives.

(c) Service of papers may be made by personal delivery, by first class or registered mail including airmail, by telegraph, or by publication when publication is authorized by statute, rule, or order.

(d) Service upon parties shall be regarded as complete:

(1) By personal delivery, upon handling the paper to the individual, or leaving it at his office with his clerk or other person in charge thereof or, if there is no one in charge, leaving it in a conspicuous place therein or, if the office is closed or the person to be served has no office, leaving it at his usual place of residence with some person of suitable age and discretion then residing therein;

(2) By mail, upon deposit in the United States mail properly stamped and addressed;

(3) By telegraph, when deposited with a telegraph company properly addressed and with charges prepaid;

(4) By publication, when due notice shall have been given in the publication for the time and in the manner provided by statute, rule, or order.

Service by mail or telegraph shall be made at the principal place of business of the individual or party to be served or at his usual residence.

(e) Proof of service of any document may consist of: (1) A certificate describing the service by the person mailing, telegraphing, or making personal service of the paper or causing its publication; or (2) an acknowledgment of service signed by the individual receiving service personally.

§ 2.704 *Representation.* Any person appearing before AEC may do so in person or through other representative. Any person transacting business with AEC in a representative capacity may be required to show his authority to act in that capacity.

§ 2.705 *Intervention.* (a) Any person whose interest may be affected by a proceeding may file a petition to intervene, describing his interest, how it will be affected by AEC action, and the position he is taking in the matter. Except in the case of the licensee or applicant, service of the petition upon other parties shall not be required unless a notice of hearing has been issued or the Commission so directs. The licensee or applicant upon prompt notice and motion, and other parties by leave, may contest the right of the petitioner to intervene.

(b) As soon as is practicable after filing of a petition and the hearing of argument, if any, the Commission will issue and serve an order either permitting or denying intervention. If the order is a denial of intervention, it shall contain a statement of the grounds. If a petition is filed after a notice of hearing has been issued, the designated presiding officer will act upon the petition. An order permitting intervention may be conditioned upon such terms as the Commission or presiding officer may direct.

§ 2.706 *Effect of intervention or denial thereof.* (a) A person permitted to intervene becomes a party to the proceeding.

(b) Where a notice of hearing has been issued or a hearing has begun, the admission thereafter of an intervener shall not of itself enlarge or alter the issues without amendment as provided in § 2.741.

(c) An order denying intervention will be without prejudice to any proposed limited appearance by the petitioner as one who is not a party for the purposes provided in § 2.731.

§ 2.707 *Consolidation.* Upon motion and good cause shown or upon its own initiative, the Commission may contemporaneously consider or consolidate for hearing or for other purposes two or more proceedings if it finds that such action will be conducive to the proper dispatch of its business and to the ends of justice.

§ 2.708 *Hearings, formal and informal.* Hearings will be either formal or informal. Formal hearings will be held in cases of adjudication, as that term is used in the Administrative Procedure Act, unless the parties otherwise agree, and in such other cases as may

specifically be directed. Informal hearings will normally be held for the purposes of obtaining necessary or useful information, and affording participation by interested persons, in the formulation, amendment, or rescission of rules and regulations.

INFORMAL HEARINGS

§ 2.720 *Informal hearing procedure.* The procedure to be followed in informal hearings shall be such as will best serve the purpose of the hearing. For example, an informal hearing may consist of the submission of written data, views, or arguments with or without oral argument, or may partake of the nature of a conference, or may assume some of the aspects of a formal hearing in which the subpena of witnesses and the production of evidence may be permitted or directed.

FORMAL HEARINGS

§ 2.730 *Parties.* The parties to a formal hearing shall be AEC, the licensee or applicant as the case may be, and any person permitted to intervene pursuant to § 2.705.

§ 2.731 *Limited appearances by persons not parties.* With the consent of the presiding officer, limited appearances may be entered without request for or grant of permission to intervene by persons who are not parties to a hearing. With the consent of the presiding officer, and on due notice to the parties such persons may make oral or written statements of their position on the issues involved in the proceeding, but may not otherwise participate in the hearing.

§ 2.732 *Designation of presiding officer, disqualification, unavailability.* (a) There will be designated to preside at hearings one or more members of the Commission, or an officer or board to whom has been delegated final authority in the matter with which the hearing is concerned, or a hearing examiner appointed pursuant to section 11 of the Administrative Procedure Act. To the extent practicable, the name of the presiding officer designated will be included in the notice of hearing or, if omitted from the notice, made known to the parties or public as soon as is possible thereafter, prior to the holding of the hearing.

(b) Whenever a presiding officer deems himself disqualified he shall notify the Commission and withdraw from the hearing. Any party shall have 7 days, but not beyond expiration of the hearing unless further extended for good cause shown, after notice or knowledge of the designation of the presiding officer in which to file a request that the presiding officer withdraw on the ground of personal bias or other disqualification. The request shall be accompanied by an affidavit setting forth the facts alleged to constitute the ground for disqualification. The presiding officer may file a response thereto. If the presiding officer believes himself not disqualified, he shall so rule and proceed with the hearing. The Commission will determine the matter only as a part of the decision in the case where exceptions are filed to the presiding officer's intermediate decision.

(c) Whenever a presiding officer becomes unavailable in the course of a hearing another presiding officer will be designated. If the presiding officer becomes unavailable after the taking of evidence at a hearing has been concluded, in lieu of designating another presiding officer the Commission may direct that the record be forwarded to it for decision.

§ 2.733 *Powers of presiding officers.* From the date of his designation in a case until transfer of the case to the Commission, or expiration of the time for filing exceptions to his intermediate decision, a presiding officer shall have authority in the case to:

(a) Administer oaths and affirmations;

(b) Examine witnesses;

(c) Rule upon offers of proof and receive evidence;

(d) Issue subpenas authorized by law;

(e) Take or cause depositions to be taken;

(f) Regulate the course of the hearing;

(g) Hold appropriate conferences before or during the hearing;

(h) Dispose of procedural requests or similar matters;

(i) Within his discretion or upon direction of the Commission, certify questions to the Commission for its consideration and disposition;

(j) Make the intermediate decision in conformity with § 2.751 of this subpart;

(k) Take any other action consistent with the rules of the Commission, the Administrative Procedure Act, and the Atomic Energy Act of 1954.

§ 2.734 *Separation of functions.* (a) Hearing examiners appointed pursuant to section 11 of the Administrative Procedure Act shall perform no duties inconsistent with their duties and responsibilities as presiding officers, and shall not be responsible to or subject to the supervision or direction of any officer or employee, other than members, of the Commission, engaged in the performance of investigative or prosecuting functions for AEC.

(b) In any case of adjudication other than initial licensing,

(1) The presiding officer, unless he is a member of the Commission or officer having final authority in the case, may not consult any person or party on any fact in issue except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters as authorized by law;

(2) No officer or employee of AEC, other than a member of the Commission or officer having final authority in the case, who has engaged in the performance of any investigative or prosecuting function in the case or a factually related case may participate or advise in the intermediate or final decision, except as witness or counsel in the formal hearing.

§ 2.735 *Notice of hearing.* (a) Whenever a hearing is granted, AEC will give timely notice of the hearing to all parties and to other persons, if any, entitled to notice. Such notice will state the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing is to be held; the matters of fact and law asserted or to be considered, which will be identified as the "Specification of Issues"; and a request for an answer. The time and place for hearing will be fixed with due regard for the convenience and necessity of the parties or their representatives.

(b) The notice of hearing may be a separate notice or when appropriate may be embodied in an order to show cause or other order.

(c) The procedure for issuance of the notice of hearing and specifying of the issues by AEC shall not affect the burden of proof.

§ 2.736 *Answer.* (a) Within the time allowed by the notice of hearing for filing and serving an answer, and as required, the answer of a licensee or applicant shall fully advise AEC and any other parties as to the nature of the defense or other position of the answering party, the items of the specification of issues he proposes to controvert and those he does not controvert, and whether or not he proposes to appear and present evidence. If facts are alleged in the specification of issues the answer shall admit or deny specifically each allegation of fact; or where knowledge is lacking, the answer may so state and the statement shall operate as a denial. Allegations of fact not denied shall be deemed to be admitted. Matters alleged as affirmative defenses or positions shall be separately stated and identified and, in the absence of a reply, shall be deemed to be controverted. The answer of an intervener shall fully advise AEC and other parties of his position and whether or not he proposes to appear and present evidence.

(b) If a party does not oppose any order or proposed action of AEC embodied in or accompanying the notice of hearing or does not wish to appear and give evidence at the hearing, the answer shall so state. In lieu of appearing, the party may if he chooses submit a statement of reasons why the proposed order or sanction should not be issued or should be different than proposed, and the Commission will attribute such weight as it deems deserving to the written reasons.

§ 2.737 *Reply.* In appropriate cases AEC may file and serve a reply to the answer or, if the answer affects other parties to the proceeding, may permit such parties to file and serve a reply.

§ 2.738 *Default.* Failure of a party to file and serve an answer within the time provided in the notice of hearing or as prescribed in this part or to appear at a hearing, shall be deemed to authorize the Commission, in its discretion, as to such party (a) to find the facts alleged in the specification of issues to be true and to enter such finding or order as may be appropriate, without further notice or hearing; or (b) to proceed to take proof, without further notice, on the allegations or issues set forth in the specification of issues.

§ 2.739 *Admissions.* After answer has been filed, any party may file and serve upon the opposing side a written request for the admission of the genuineness and authenticity of any relevant documents described in or attached to the request or for the admission of the truth of any relevant matters of fact stated in the request. Each matter for which an admission is requested shall be deemed admitted unless within the time designated in the request, but not less than 10 days after service thereof or such further time as the presiding officer may allow upon motion and notice, the party to whom the request is directed serves upon the requesting party a sworn statement either denying the matters upon which the admission is requested or setting up the reasons why he cannot truthfully admit or deny such matters.

§ 2.740 *Prehearing conferences.* (a) In order to provide opportunity for the settlement of a proceeding or any of the issues therein, or for agreement upon procedural and other matters, there may be held at any time prior to or during a hearing, upon due notice of the time and place given to all parties, such conferences of the parties as, in the discretion of the presiding officer, time, the nature of the proceeding, and the public interest may permit.

(b) Action taken at a prehearing conference may be recorded for appropriate use at the hearing in the form of a written stipulation among the parties reciting the matters upon which there has been agreement. The stipulation shall be binding upon the parties thereto.

§ 2.741 *Amendments.* At any time prior to the time fixed for hearing but not later than five days prior, the party responsible for the specification of issues, answer, or reply, respectively, may amend the same by filing an amendment and serving it upon the parties. At any time thereafter, amendments may be permitted in the discretion of the presiding officer upon such terms as he shall prescribe.

§ 2.742 *Hearings public.* Except as may be required pursuant to section 181 of the act, hearings shall be public.

§ 2.743 *Official reporter, transcript.* Hearings shall be reported under the supervision of the presiding officer, stenographically or by other means, by an official reporter, who may be designated from time to time by AEC or may be a regular employee of AEC. The transcript of the report shall be a part of the record and the sole official transcript of the proceeding. Except as limited pursuant to section 181 of the act or order of the Commission, the transcript will be open for inspection at AEC offices and copies may be obtained from the official reporter upon payment of the charges fixed therefor. Errors in the transcript may be corrected by order of the presiding officer following a notice of motion to correct filed and served on the affected parties within 10 days after notice that the completed transcript has been received by AEC.

§ 2.744 *Subpenas.* (a) Upon application by any party to a hearing, the designated presiding officer or, if he is not available, a member of the Commission or other designated officer will issue to such party subpenas requiring the attendance and testimony of witnesses or the production of evidence in the hearing. In his discretion, the officer to whom application is made may require from the requesting party a showing of general relevance of the testimony or evidence sought and may withhold issuance of the subpena if such showing is not made; but such officer shall not attempt to determine the admissibility of evidence in passing upon an application for subpena.

(b) Every subpena shall bear the name of the Commission, the name and office of the issuing officer, and the title of the hearing, and shall command the person to whom it is directed to attend and give testimony or produce specified data at a designated time and place. The subpena shall also contain a statement advising of the existence of the quashing procedure provided in paragraph (f) of this section.

(c) Unless the service of a subpena is acknowledged on its face by the witness, it shall be served by a person who is not a party to the hearing and is not less than 18 years of age, but may in any case be served by an officer or employee of AEC. Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering him the fees for one day's attendance and the mileage allowed by law. When the subpena is issued on behalf of AEC, fees and mileage may but need not be tendered, and the subpena may be served by registered mail.

(d) Witnesses summoned before AEC shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the district courts of the United States.

(e) The person serving the subpena shall make proof of service by filing the subpena and the required return, affidavit or acknowledgment of service with the officer before whom the witness is required to testify or produce evidence or with AEC. Failure to make proof of service shall not affect the validity of the service.

(f) Upon motion made promptly, and in any event at or before the time specified in the subpena for compliance, by the person to whom the subpena is directed, and upon notice to the party to whom the subpena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable terms.

(g) Upon application and for good cause shown, AEC will seek judicial enforcement of a subpena issued to a party and which has not been quashed.

§ 2.745 *Depositions.* (a) Upon application and good cause shown, the designated presiding officer or, if he is unavailable, the Commission may order that the testimony of any person, including a party, be taken by deposition upon oral examination or written interrogatories for use as evidence in the hearing. The attendance of witnesses may be compelled by the use of a subpena.

(b) The application shall be in writing and shall be served upon the parties and filed, giving reasonable notice of the proposed time and place for taking the deposition, the name and address of each person to be examined, if known, or if the name is not known a general description sufficient to identify him or the class or group to which he belongs, and the reasons why such deposition should be taken. If good cause is shown, an order will be issued authorizing the deposition, and specifying the time, place, and manner of taking of the deposition, any limitations imposed for the benefit of witnesses or parties, and the number of copies of the deposition to be supplied. The order shall be served upon all parties by the person proposing to take the deposition a reasonable period in advance of the time fixed for taking testimony.

(c) Within the United States, depositions shall be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Outside the United States, depositions shall be taken before a secretary of an embassy or legation, consul, general, vice consul, or consular agent of the United States, or a person authorized to administer oaths designated by AEC or agreed upon by the parties by stipulation in writing filed with AEC.

(d) Unless the order provides otherwise, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the hearing. He shall be sworn or shall affirm before any questions are put to him. Examination and cross-examination shall proceed as at a hearing. Each question propounded shall be recorded and the answer taken down in the words of the witness. Objections on questions of evidence shall be noted in short form without the arguments. However, the officer shall not decide on the competency, materiality, or relevancy of evidence but shall record the evidence subject to objection. Objections to questions or evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(e) When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signed by him, unless he is ill or cannot be found or refuses to sign. The officer shall certify to the deposition, and if not signed by the deponent shall certify to the reasons therefor, and shall promptly forward the deposition by registered mail to AEC. The party taking the deposition shall give prompt notice of its filing to all other parties.

(f) Where the deposition is to be taken upon written interrogatories, the party proposing the deposition shall serve upon each of the parties and file a copy of the proposed interrogation showing each interrogatory separately and consecutively numbered, the name and address of the person who is to an-

swer them, and the name, descriptive title, and address of the officer before whom they are to be taken. Within 7 days after service any party may serve cross-interrogatories upon the party proposing to take the deposition. Objections to interrogatories or cross-interrogatories shall be made promptly after service and will be settled by the presiding officer or the Commission, as the case may be; provided that objections to form, unless made before the order for taking the deposition is issued, shall be deemed waived. Except as the parties otherwise agree, the deposition upon written interrogatories shall be taken only with the deponent, the officer, and the reporter or stenographer present during the interrogation, to which fact the officer shall certify. The interrogatories, cross - interrogatories, and the answers shall be recorded and signed, and the deposition certified, returned, and filed as in the case of a deposition upon oral examination.

(g) A deposition will not become a part of the record in the hearing until and unless received in evidence by the presiding officer, upon his own motion or the motion of any party. If only part of a deposition is offered in evidence by a party, any other party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts. A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(h) Deponents whose depositions are taken and the officers taking depositions shall be entitled to the same fees as are paid for like services in the district courts of the United States to be paid by the party at those instances the depositions are taken.

§ 2.746 *Order of procedure.* The presiding officer or the Commission, as the case may be, will designate the order of procedure at hearings including the order in which interveners will be heard. Normally, at hearings for the grant, amendment or transfer of a license or construction permit or the renewal of a license, the applicant will open and close; and at hearings for the revocation, suspension, or AEC initiated modification of a license or construction permit, AEC will open and close.

§ 2.747 *Evidence.* (a) Every party to the hearing shall have the right to present such oral or documentary evidence and rebuttal evidence and conduct such cross-examination as may be required for a full and true disclosure of the facts. The parties shall be encouraged to present evidence in written form.

(b) The presiding officer shall exclude all irrelevant, immaterial, or unduly repetitious evidence.

(c) Objections to the admission or exclusion of evidence shall state the grounds of objections. The transcript shall include the objections, the grounds, and the rulings, but not the argument of the grounds unless ordered by the presiding officer.

(d) Any offer of proof made in connection with an objection taken to the ruling of the presiding officer, excluding or rejecting proffered oral testimony, shall consist of a statement of the substance of the evidence which the party contends would be adduced by such testimony. If the excluded material is documentary or written, a copy of such material shall be marked for identification and shall constitute the offer of proof.

(e) Unless the presiding officer permits otherwise, written exhibits will not be received in evidence unless offered in duplicate. In addition, a copy of each such exhibit must be furnished each of the parties at the hearing, unless the parties have previously been furnished with copies or the presiding officer directs otherwise. The presiding officer shall fix a time for the exchange of exhibits. The presiding officer may permit a party to replace with a true copy an original document admitted as evidence.

(f) An official record of a governmental agency or an entry in such record, when admissible, may be evidenced by an official publication thereof or by a copy attested as a true copy by the officer having legal custody of the record, or by his deputy, and accompanied by a certificate that such officer has the custody.

§ 2.748 *Interlocutory appeals to the Commission from rulings of presiding officers.* Except as may be otherwise specifically provided, the rulings of a presiding officer may not be appealed from during the time the proceeding is pending before him, except in extraordinary circumstances where in the judgment of the presiding officer prompt decision by the Commission is necessary to prevent detriment to the public interest or unusual delay or expense. In such instances the matter shall be referred for determination forthwith by the presiding officer to the Commission.

§ 2.749 *Proposed findings and conclusions.* At the close of the reception of evidence, or within a reasonable time thereafter as fixed by the presiding officer, the parties may file for consideration proposed findings and conclusions with supporting reasons, briefs, or memoranda of law. Such proposals shall contain exact references to the record and authorities relied on.

§ 2.750 *Official notice.* (a) With or without prior request or notice, the presiding officer or the Commission, as the case may be, may take official notice of any fact which might be judicially noticed by the courts of the United States or of any technical and scientific fact within the knowledge of AEC as an expert body.

(b) Any party may controvert a request or a suggestion that official notice be taken of a fact at the time the request or suggestion is made, if it be made orally, or by a pleading, brief, or notice. If any decision is stated to rest in whole or in part upon official notice of a fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exception if an intermediate decision is involved or by a petition for reconsideration if a final decision is involved. The controversion shall concisely and clearly set forth the sources, authority, and other data relied upon to show the existence or nonexistence of the fact assumed or denied in the decision.

§ 2.751 *Intermediate decisions and their effect.* (a) After hearing, the presiding officer will ordinarily render an intermediate decision, which decision shall become final unless exceptions are taken in accordance with § 2.752 or the Commission has directed that the record be certified to it for final decision.

(b) However, in any case involving an application for an initial license the Commission may direct that the presiding officer certify the record to it without an intermediate decision. In such case the Commission may:

(1) Direct a responsible officer to prepare an intermediate decision which will not become final until the Commission acts upon it; or

(2) Prepare its own intermediate decision, which shall become final unless exceptions are taken in accordance with § 2.752; or

(3) Omit an intermediate decision upon a finding on the record that due and timely execution of the Commission's functions imperatively and unavoidably so requires.

(c) Each intermediate decision shall be in writing and shall contain:

(1) Findings and conclusions, with the reasons or basis therefore upon all material issues of fact, law, or discretion presented on the record;

(2) All facts officially noticed pursuant to § 2.750, relied upon in the decision;

(3) The appropriate rule, order, sanction, relief, or denial thereof, with the effective date;

(4) The time within which exceptions to the decision may be filed, the time in which briefs in support of or in opposition to the exceptions may be filed and, in the case of an intermediate decision which may become final unless exceptions are filed, the date when such decision will become final in the absence of exceptions thereto.

(d) The intermediate decision, other than an oral decision, shall be served upon all parties to the proceeding. In the case of an oral decision, the presiding officer shall apprise the parties before its pronouncement of his intention, and the time when he proposes, to render an oral decision.

(e) Intermediate decisions shall become a part of the record.

§ 2.752 *Exceptions to intermediate decisions.* Within 20 days after service of any intermediate decision, or such longer period as may be fixed therein, any party to a hearing may file exceptions to the decision with the Commission, and shall serve copies of such exceptions on all other parties to the hearing. Each exception shall be separately numbered, shall identify the part of the intermediate decision to which objection is made, shall designate by specific reference the portions of the record relied upon in support of the objections, and shall state the grounds for the exception including

the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made part of the exceptions shall be deemed to have been waived, and the Commission need not consider such objections.

§ 2.753 *Briefs and oral arguments before the Commission.* (a) Within such period after service of an intermediate decision as may be fixed therein, any party to a proceeding may file a brief before the Commission in support of his exceptions to the decision or in opposition to the exceptions filed by any other party.

(b) In its discretion the Commission may allow oral argument upon the request of a party made in his exceptions or brief, or upon its own initiative.

§ 2.754 *Final decision.* (a) Upon submission of a case to the Commission for final decision, the Commission will normally consider the whole record. But when reviewing an intermediate decision, the Commission may limit the issues to be reviewed, and give consideration only, to those findings and conclusions to which exceptions have been filed.

(b) The final decision shall be in writing and shall contain:

(1) A statement of findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented;

(2) All facts officially noticed pursuant to § 2.750, relied upon in this decision;

(3) The ruling on each relevant and material exception filed;

(4) The appropriate rule, order, sanction, relief, or denial thereof, with the effective date.

(c) The decision shall be served upon all parties to the proceeding.

§ 2.755 *Waiver of procedures or intermediate decisions.* The parties to any hearing may agree to waive any one or more of the procedural steps or intermediate decisions which would otherwise precede the reaching of a final decision by the Commission.

§ 2.756 *Petition for reconsideration.* A petition for reconsideration of a final decision after hearing may be filed by any party to the hearing, within 10 days after the decision has been issued and served. However, no petition may be filed with respect to an intermediate decision which has become final through failure to file exceptions thereto. The petition for reconsideration shall state specifically wherein the matter determined is claimed to be erroneous, the grounds relied upon, and the relief sought. Within 7 days after a petition for reconsideration has been filed, any party to the hearing may file an answer in opposition to or support of the petition. Neither the filing nor the granting of the petition shall operate as a stay of the decision unless so ordered by the Commission.

PUBLIC RULE MAKING

§ 2.780 *Scope of rule making.* The procedure described in this subpart as rule making or public rule making relates to the issuance, amendment, or rescission of substantive rules in which participation by interested persons is prescribed under section 4 of the Administrative Procedure Act.

§ 2.781 *Initiation, petition.* Rule making will be initiated by AEC, upon its own motion, upon the recommendation of another agency of the government, or upon the petition of any other interested person as hereinafter provided.

§ 2.782 *Petition for rule making.* Any interested person may petition the Commission to issue, amend, or rescind any rule or regulation of the Commission within the scope of §2.780. The petition shall state the substance or text of any proposed rule or regulation, or amendment thereof, or shall specify the rule or regulation the rescission of which is desired, and shall state the basis for the request. The petition will be given a docket or other identifying number and will become a matter of public record, except as may otherwise be required pursuant to section 181 of the act or order of the Commission.

§ 2.783 *Determination of petition.* No hearing will be held directly on the petition unless the Commission deems it advisable. If the Commission determines that the petition discloses sufficient reasons to justify the relief requested, the Commission will issue an appropriate notice of proposed rule making. If the Commission determines that the petition does not disclose sufficient reasons to justify instituting the public rule making procedure, the Commission will so notify the petitioner with a simple statement of the grounds.

§ 2.784 *Notice of proposed rule making.* A general notice of proposed rule making will be published in the FEDERAL REGISTER unless all persons subject to the proposed rule making are named and either personally served with notice or otherwise have actual notice in accordance with law. The notice, whether published or personally served, shall include: (a) A statement of the time, place, and nature of the public rule making hearing; (b) reference to the authority under which the rule is proposed; (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved. The publication or service of notice shall be made not less than 15 days prior to the time fixed for the hearing, provided that a lesser time may be prescribed upon good cause found and incorporated, with a brief statement of the reasons, in the notice.

§ 2.785 *Participation by interested persons.* After notice required by § 2.784, the Commission will afford interested persons an opportunity to participate in the rule making through the submission of data, views, or arguments in such informal hearing, pursuant to § 2.720, as the notice provides. The opportunity to participate may include an opportunity to comment upon or respond to the data, views, or arguments submitted by others. Where additional time may be needed for this purpose the Commission may, upon the request of an interested person, grant an additional reasonable period of time for the submission of data, views, or arguments in reply.

§ 2.786 *Commission action.* After consideration of all relevant matters presented, the Commission will incorporate in any rule adopted a concise general statement of its basis and purpose and will cause the rule to be published in the FEDERAL REGISTER or served upon the affected parties.

§ 2.787 *Effective dates.* The rule will specify its effective date. Publication or service of the rule, other than one granting or recognizing exemption or relieving restriction, shall be made not less than 30 days prior to the effective date thereof unless the Commission may provide otherwise upon good cause found and published with the rule.

AVAILABILITY OF OFFICIAL RECORDS

§ 2.790 *Public inspection, exceptions, requests for withholding.* (a) Except as provided in paragraph (b) of this section or as required to protect Restricted Data or defense information, matters of official record in any proceeding subject to this Part (including applications for licenses, licenses, rules, regulations, orders, transcripts of hearings, exhibits received in evidence, and decisions) will be made available for public inspection.

(b) The Commission may withhold any document or part thereof from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned. Such withholding from public inspection shall not, however, affect the right of persons properly and directly concerned to inspect the document.

(c) Persons requesting that documents or information therein be withheld from public disclosure shall make prompt application identifying the material and giving the reasons. Where the applicant is responsible for the preparation of the document, he shall insofar as is possible segregate in a separate paper the information for which the special treatment is requested. The Commission may honor the request upon a finding that public inspection is not required in the public interest and would adversely affect the interest of the person concerned. If the request is denied, the applicant will be notified thereof with a statement of the reasons.

Dated at Washington, D. C., this 3d day of August, 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55-6420; Filed, Aug. 9, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF FILING OF PLATS OF SURVEY

AUGUST 1, 1955.

Notice is given that the plats of survey of the following described lands will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN, UTAH

T. 22 S., R. 1 E.

Dependent resurvey of south and east boundaries and subdivisional lines.
Plat of survey accepted April 6, 1955.

T. 26 S., R. 16 E.,
Sections 2, 16, 31, 32, and 36.

Area surveyed: 3,141.80 acres.
Plat of survey accepted June 14, 1955.

T. 27 S., R. 17½ E.,
Parts of Sections 2 and 36.

Area surveyed: 506.13 acres.
Plat of survey accepted June 20, 1955.

T. 27 S., R. 18 E.,
Sections 2, 3, 16, 32, and 36.

Area surveyed: 3,298.88 acres.
Plat of survey accepted June 20, 1955.

T. 27 S., R. 19 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,613.36 acres.
Plat of survey accepted June 20, 1955.

T. 28 S., R. 17½ E.,
Part of Section 2.

Area surveyed: 468.98 acres.
Plat of survey accepted June 20, 1955.

T. 28 S., R. 18 E.,
Sections 2, 16, and 36.

Area surveyed: 1,920.20 acres.
Plat of survey accepted June 20, 1955.

T. 28 S., R. 19 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,536.59 acres.
Plat of survey accepted June 20, 1955.

The plat of survey of T. 22 S., R. 1 E., SLM, Utah, represents a dependent resurvey of the Salt Lake Meridian in T. 22 S.; the south and east boundaries and subdivisional lines are designed to restore all corners in their true original locations according to the best available evidence; the lottings and areas are as shown on plat approved March 19, 1878.

The primary purpose of the remainder of these surveys was to accommodate the right of the State of Utah under Grant for Common Schools in the act of July 16, 1894 (28 Stat. 107).

It is presumed that the right of the State of Utah attached to sections 2, 16, 32, and 36, of the above described townships on the date of acceptance of plat of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, do not attach to these sections.

No application for any of the lands described in any of the other sections may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–6457; Filed, Aug. 9, 1955; 8:46 a. m.]

WASHINGTON

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 2, 1955.

Pursuant to the delegation of authority under section 3.1 (a) (4) of the Redelegation Order No. 541 approved April 21, 1954, 19 CFR 2473, notice is hereby given that the original and triplicate original of the plat of survey of T. 14 N., R. 14 E. W. M., Group 184, Washington, accepted March 10, 1955, were filed and made part of the official records in the Land Office, Bureau of Land Management, Spokane, Washington, on July 28, 1955.

This survey was made as an administrative measure pursuant to the request of the United States Forest Service, Department of Agriculture.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55–6458; Filed, Aug. 9, 1955; 8:47 a. m.]

Geological Survey

GREEN RIVER BASIN, WYOMING

POWER SITE CLASSIFICATION NO. 432

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the

provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 37 N., R. 109 W.,
Sec. 6, lot 7;
Sec. 7, lots 1, 2, 3, and 4;
Sec. 18, lots 1 and 2.
T. 36 N., R. 110 W.,
Sec. 7, lots 1 and 2.
T. 37 N., R. 110 W.,
Sec. 2, lots 1 and 2.
T. 38 N., R. 110 W.,
Sec. 14, S½NW¼ and SW¼;
Sec. 23, SW¼NE¼, W½, and W½SE¼;
Sec. 25, W½SW¼;
Sec. 26, W½NE¼, SE¼NE¼, E½NW¼, N½SW¼, N½SE¼, and SE¼SE¼;
Sec. 35, E½W½.
T. 36 N., R. 111 W.,
Sec. 4, SE¼SE¼;
Sec. 5, E½SE¼;
Sec. 9, NE¼, SW¼NW¼, and S½;
Sec. 10, NE¼SW¼, S½SW¼, and SE¼;
Sec. 11, S½NW¼ and SW¼;
Sec. 12, N½NE¼, E½SW¼, and SE¼;
Sec. 14, W½NW¼;
Sec. 15, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, W½NW¼ and E½SW¼;
Sec. 23, NE¼NE¼;
Sec. 25, W½NW¼ and SE¼NW¼;
Sec. 26, S½NE¼, SE¼NW¼, and S½;
Sec. 27, E½NW¼.
T. 26 N., R. 115 W.,
Sec. 19, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 30, W½NE¼, SE¼NE¼, and N½SE¼.
T. 26 N., R. 116 W.,
Sec. 11, E½SE¼;
Sec. 13, NE¼NW¼ and SW¼;
Sec. 14, E½E½;
Sec. 24, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼.
T. 29 N., R. 116 W.,
Sec. 7, E½E½;
Sec. 8, W½NW¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, N½N½.

The area described aggregates 5,905 acres.

Dated: August 4, 1955.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 55-6477; Filed, Aug. 9, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-2019; etc.]

UNITED GAS PIPE LINE CO.

ORDER EXTENDING TIME FOR FILING EXCEPTIONS AND FIXING DATE OF ORAL ARGUMENT

Mississippi River Fuel Corporation, an intervener, on July 29, 1955, filed a motion for an extension of time from August 10, 1955, within which to file exceptions to the Presiding Examiner's decision issued July 21, 1955, in these proceedings, and for oral argument before the Commission.

It appears that good cause exists for extending the time within which exceptions may be filed to the Presiding Examiner's decision. Also, it is appropriate for carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission concerning the matters involved in and the issues presented by the exceptions to the Presiding Examiner's decision.

Inasmuch as the time within which to file exceptions is extended, it is also desirable to extend the time within which United Gas Pipe Line Company is required to make the appropriate filing described in the order accompanying the Presiding Examiner's decision.

The Commission orders:

(A) The time within which exceptions to the decision of the Presiding Examiner shall be filed be and the same is extended to and including August 29, 1955.

(B) Oral argument shall be held before the Commission on September 29, 1955 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(C) Any party desiring to participate in the oral argument shall notify the Secretary of the Commission, in writing, on or before September 19, 1955, of such intention and the time requested for such argument.

(D) The time within which United Gas Pipe Line Company is required to make the appropriate filing described in the order accompanying the Presiding Examiner's decision be and the same is hereby extended to a date to be hereafter fixed by further order of the Commission.

Adopted: August 3, 1955.

Issued: August 4, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6469; Filed, Aug. 9, 1955; 8:49 a. m.]

[Docket Nos. G-7327, etc.]

GEORGE A. BUTLER, ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 4, 1955.

In the matters of George A. Butler, et al., Docket Nos. G-7327, G-7329, and G-7337; B. V. Christie, et al., Docket Nos. G-7328 and G-7336; Henry Beissner, et al., Docket No. G-7330; H. E. Williams, et al., Docket No. G-7331; R. E. Smith, et al., Docket No. G-7332; J. S. Oshman, Trustee, et al., Docket Nos. G-7333, G-7334 and G-7340; Oil Drilling, Inc., et al., Docket No. G-7335; R. W. Askanase, et al., Docket No. G-7338; Morris Rauch, et al., Docket No. G-7339; Forest Oil Corporation, Docket No. G-7347; Lenoir M. Josey, Inc., et al., Docket No. G-7374; Mississippi River Fuel Corporation, Docket No. G-7376; N. C. Ginther, et al., Docket No. G-7377.

Notice is hereby given that on July 18, 1955, the Federal Power Commission issued its findings and order adopted July 13, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6470; Filed, Aug. 9, 1955; 8:49 a. m.]

[Docket No. G-4882]

WESTERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 4, 1955.

Take notice that Western Natural Gas Company, Applicant, a Delaware corporation whose address is Houston, Texas, filed on November 16, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural-gas from the Hugoton Field in Grant and Stanton Counties, Kansas and sells it in interstate commerce to Cities Service Gas Company for resale. The price of the gas is stated to be 11 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 7, 1955, 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 in 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 section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6471; Filed, Aug. 9, 1955; 8:49 a. m.]

[Docket No. G-5160]

H. L. BROWN

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 4, 1955.

Take notice that H. L. Brown, Applicant, an individual whose address is 636 Ivy Lane, San Antonio, Texas, filed on November 19, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to

render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell in interstate commerce to the United Gas Pipe Line Company for resale its share of gas produced from two wells located in Doty Gas Field of Orange County, Texas. The price of the gas as stated is 9 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 7, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 26, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6472; Filed, Aug. 9, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 1955.

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

LONG-AND-SHORT HAUL

FSA No. 30920: Styrene—Kobuta, Pa., to Louisiana and Texas. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on styrene, tank-car loads from Kobuta, Pa., to Baton Rouge, Lake Charles, West Lake Charles, La., and Baytown, Houston, and Port Neches, Texas.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 78 to Agent Kratzmeir's I. C. C. No. 4115 and two other tariffs.

FSA No. 30921: Merchandise—Memphis, Tenn., to Atlanta, Ga., and Birmingham, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, namely, freight, all kinds, in mixed carloads from Memphis, Tenn., to Atlanta, Ga., and group, and Birmingham, Ala.

Grounds for relief: Rates made with relation to distance class rates and circuity.

Tariff: Supplement 15 to Agent Spaninger's I. C. C. 1458.

FSA No. 30922: Merchandise—Memphis, Tenn., and New Orleans, La., to Florida and Georgia. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Merchandise, namely, all freight, in mixed carloads from Memphis, Tenn., and New Orleans, La., to Yukon, Fla., and Warner Robins, Ga.

Grounds for relief: Rates made with relation to class rates and circuity.

Tariff: Supplement 15 to Agent Spaninger's I. C. C. 1458.

FSA No. 30923: Merchandise—Cincinnati, Ohio, to Florida. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, namely, freight, all kinds, in mixed carloads, from Cincinnati, Ohio to Miami and West Palm Beach, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 15 to Agent Spaninger's I. C. C. 1458.

By the Commission.

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-6473; Filed, Aug. 9, 1955; 8:50 a. m.]

[Notice No. 72]

MOTOR CARRIER APPLICATIONS

AUGUST 5, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver or opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 178, filed March 14, 1955, amended May 9, May 27, and July 26, 1955, published in the April 20, and May 25, 1955 issues, on pages 2643 and 3658, RISS & COMPANY, INC., Riss Building, 15 West 10th Street, Kansas City, Mo. Applicant's representative: M. W. Van Cleave (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, commodities in bulk,* and *those requiring special equipment,* but excluding livestock, household goods as defined by the Commission, and such commodities as require special handling or rigging because of size or weight, between Avondale, Colo., and Kit Carson, Colo., from Avondale over unnumbered Pueblo County Road (formerly Colorado Highway 229) to junction Colorado Highway 96, thence over Colorado Highway 96 to junction U. S. Highway 287, thence over U. S. Highway 287 to Kit Carson, and return over the same route, serving no intermediate points, and serving Kit Carson, Colo., for the purpose of joinder only, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) Kansas City, Mo., and Sterling, Colo., and (b) Oklahoma City, Okla., and Denver, Colo. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 3009 Sub 19, filed July 25, 1955, WEST BROTHERS, INC., 706 East Pine St., Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mobile, Ala., and Pensacola, Fla., (1) from Mobile over U. S. Highway 90 to junction of U. S. Highway 98 north of

Daphne, Ala., thence over U. S. Highway 98 to junction U. S. Highway 90 a few miles west of Pensacola, Fla., thence over U. S. Highway 90 to Pensacola, and return over the same route, serving all intermediate points, and (2) from Mobile over route described under (1) above to junction Alabama Highway 104, thence over Alabama Highway 104 to Robertsdale, Ala., thence over Alabama Highway 3 to Foley, Ala., thence over route described under (1) above to Pensacola, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

No. MC 3563 Sub 10, filed July 25, 1955, GENERAL EXPRESSWAYS, INC., 221 West Roosevelt Road, Chicago 5, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cedar Rapids, Iowa and South Amana, Iowa, from Cedar Rapids over Iowa Highway 149 to junction U. S. Highway 6, near Homestead, Iowa, thence return over Iowa Highway 149 to junction Iowa Highway 220, thence over Iowa Highway 220 to South Amana, (also from East Amana, Iowa, approximately two (2) miles east of Iowa Highway 149, over Iowa Highway 220 to South Amana), and return over the above routes, serving the intermediate points of Amana, West Amana, and Middle Amana.

NOTE: Applicant states that Amana, East Amana, West Amana, Middle Amana, and South Amana are referred to as "Amana Colonies". Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, and Wisconsin.

No. MC 4405 Sub 265, filed July 22, 1955, DEALERS TRANSIT, INC., 12933 South Stony Island Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers* (Olson-Kurbette), as more fully described in the application, in initial movements, in truckaway service, from Athens, N. Y., to all points in the United States; and (2) *Trailers* (Olson-Kurbette), in initial movements, in driveaway service, from Athens, N. Y., to all points in the United States, except those in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

No. MC 18254 Sub 6, filed July 27, 1955, BUFFALO STORAGE AND CARTING COMPANY, 350 Seneca St., Buffalo, N. Y. Applicant's attorney: Gilbert Nurick, Commerce Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excluding Class A and B explosives, and household goods, as defined by the Commission, in service auxilliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between junction U. S. Highway 219 and New York Highway 17 and Smethport, Pa., from junction U. S. Highway 219 and New York Highway 17, thence over U. S. Highway 219 to junction Pennsylvania unnumbered highway west of Aiken, Pa., thence over unnumbered highway to Aiken, thence over Pennsylvania Highway 646 to Ornsby, Pa., thence over Pennsylvania Highway 59 to Smethport, and return over the same route, serving all points which are stations on the Pennsylvania Railroad, and (2) from junction U. S. Highway 219 and Pennsylvania Highway 46, thence over Pennsylvania Highway 46 to Farmer's Valley, Pa., and return over the same route, serving all points which are stations on the Pennsylvania Railroad. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 19201 Sub 84, filed July 29, 1955, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, W. E., Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, commodities in bulk*, and *commodities requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad Company, (1) between St. Marys, Pa., and Emporium, Pa., over U. S. Highway 120, (2) between junction Pennsylvania Highways 518 and 18 east of Sharpsville, Pa., and Greenville, Pa., over Pennsylvania Highway 18, and (3) from junction Pennsylvania Highway 18 and unnumbered highway east of Transfer, Pa., and Transfer, Pa., over unnumbered highway. Serving as intermediate points on the above-specified routes all points which are stations on the line of the Pennsylvania Railroad.

No. MC 25643 Sub 34, filed August 1, 1955, EVERTS' COMMERCIAL TRANSPORT, INC., 920 18th Place West, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 N. W. 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rosin sizing*, liquid, in bulk, in tank vehicles, from Seattle, Wash., to St. Helens, Salem and Oregon City, Oreg.

No. MC 30837 Sub 181, filed April 22, 1955, published in the May 11, 1955 issue, on page 3197, amended July 29, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile power cranes, shovels, draglines*, and *other construction, earthmoving, and excavating equipment, dump bodies* and *hoists, truck tank and refuse collection bodies*, including such commodities when truck-mounted, in initial and secondary movements, in driveaway and truckaway service, from Milwaukee, Wis., to all points in the United States.

No. MC 30837 Sub 187, filed July 28, 1955 KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th St., Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crane carriers*, and *crane carrier chassis*, in initial movements, by driveaway and truckaway methods, from Tulsa, Okla., to points in the United States, including the District of Columbia.

No. MC 31441 Sub 12, filed July 27, 1955, GEORGE F. DOCKHAM, doing business as LEDO TRUCKING CO., Box 146, Raymond, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coke* and *pig iron*, from Everett, Mass., to points in Vermont.

No. MC 36534 Sub 13, filed July 25, 1955, STRONG & HARRIS, INC., Box 137, Vanadium, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Ore* and *ore concentrates*, from points in Cochise County, Ariz., to points in Hidalgo and Luna Counties, N. Mex., and (2) *Mine and mill supplies*, from points in Hidalgo and Luna Counties, N. Mex., to points in Cochise County, Ariz. Applicant is authorized to conduct operations in Arizona and New Mexico.

No. MC 42329 Sub 115, filed July 11, 1955, HAYES FREIGHT LINES, INC., 628 East Adams, Springfield, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 24 and 25, near Toledo, Ohio, and junction U. S. Highways 25 and 30S, near Lima, Ohio, over U. S. Highway 25, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations (1) between Cleveland, Ohio, and Danville, Ill., and (2) between Chicago, Ill., and Columbus, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

No. MC 46737 Sub 23 (amended), filed June 6, 1955, GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron articles*, and *steel articles*, as defined by the Commission, and *empty containers* used in transporting iron articles, and steel articles, between Portsmouth, Ohio (including points in the commercial zone thereof), on the one hand, and, on the other, points in Ohio. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Kentucky, Michigan, and Ohio, and irregular route operations in Illinois, Indiana, Michigan, and Ohio.

NOTE: This application and the pending application in Docket No. MC–F 5995, published on page 4205 under Section 5 applications in issue of June 15, 1955, are directly related to each other.

No. MC 58948 Sub 73, filed July 22, 1955, UNION TRANSFER COMPANY, a corporation, doing business as UNION FREIGHTWAYS, 720 Leavenworth, P. O. Box 1586, Omaha, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *household goods* as defined by the Commission, except bank bills, coin, currency, deeds, drafts, notes, postage stamps, valuable papers and negotiable papers, articles and papers of extraordinary value, tank truck shipments, wild animals, dead animals, Class A and B explosives, coal, sand, and gravel, and automobiles, between Cedar Rapids, Iowa, and Middle Amana, Iowa, over Iowa Highway 149, serving no intermediate points. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska.

No. MC 60780 Sub 2, filed July 29, 1955, SPAULDING TRANSFER LINE, INC., Orleans, Ind. Applicant's attorney: Kern G. Beasley, Citizens National Bank Bldg., Linton, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including household goods* as defined by the Commission, and excepting commodities of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Salem, Ind., and Leipsic, Ind., from Salem over Indiana Highway 60 to Leipsic, returning from Leipsic over unnumbered county road to junction Indiana Highway 337, thence over Indiana Highway 337 to Livonia, Ind., and thence over Indiana Highway 56 to Salem, serving the intermediate points of Campbellsburg, Saltillo, and Livonia and the origin and destination points of Salem and Leipsic, Ind. Applicant is authorized to conduct operations in Indiana, Kentucky and Ohio.

No. MC 66881 Sub 3, filed June 30, 1955, J. WILBUR WAGNER, R. D. No. 3, Newville, Pa. Applicant's attorney: John McCrea, Shippensburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities in bulk*, but excepting those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between points in the Townships of Southampton, Hopewell, Upper Mifflin, Lower Mifflin, Upper Frankford, Lower Frankford, West Pennsboro, Dickinson, Penn, South Newton, and North Newton, Cumberland County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, Virginia, Vermont, and West Virginia. Applicant is authorized to conduct operations in the transportation of specified commodities in New York, New Jersey, Maryland, Pennsylvania, and Virginia.

No. MC 70662 Sub 82, filed July 5, 1955, published in the July 27, 1955, issue, on page 5369, amended July 29, 1955, CANTLAY & TANZOLA, INC., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in San Bernardino and Imperial Counties, Calif., to points in Arizona and Nevada, and to ports of entry on the International Boundary line between the United States and Mexico, at or near Andrade, Calexico, Tecate and San Ysidro, Calif. *Contaminated shipments* of petroleum and petroleum products, from points in the above-described destination territory to points in the above-specified origin territory and to points in the Los Angeles, Calif., Basin area embracing Los Angeles, Orange and Ventura Counties, Calif. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, and Utah.

NOTE: Applicant states this application is filed for the purpose of following the bulk petroleum traffic to new proposed pipeline origins in the applied-for territory which territory is presently served from the Los Angeles, Calif., Basin shipping area.

No. MC 75463 Sub 12, filed June 27, 1955, REED LINES, INC., 209 Canal St., Defiance, Ohio. Applicant's attorney: John P. McMahon, 44 E. Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned milk, evaporated milk, other milk products*, and *supplies used or useful in the production and distribution thereof*, between Defiance, Ohio, on the one hand, and, on the other, points in New York, Maryland, New Jersey, Kentucky, Tennessee, Illinois, Rhode Island, those in Pennsylvania on and east of U. S. Highway 219, those in West Virginia on and south of U. S. Highway 50 and on and east of U. S. Highway 119, those in Michigan on and north of Michigan 21, those in Indiana on and south of U. S. Highway 40, and the District of Columbia; *empty containers or other such incidental factilities* (not specified) used in transporting the commodities specified in this application or return. Applicant is authorized to conduct operations in Michigan, Ohio, Pennsylvania, Connecticut, Delaware, Kentucky, Massachusetts, Maryland, New Jersey, Rhode Island, Virginia, West Virginia, New York, and the District of Columbia.

No. MC 92883 Sub 3, filed July 25, 1955, HARLAN B. YULE, Box 105, Medford, Minn. Applicant's attorney: James K. Rietz, 122½ N. Cedar Street, Owatonna, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Windrow swathers*, from Owatonna, Minn. to points in North Dakota, South Dakota, Montana, Illinois, Iowa, Nebraska, Wisconsin, Kansas, Oklahoma, Wyoming, Utah, Idaho, Missouri, Minnesota, Colorado, and Texas. Applicant is authorized to conduct operations in Iowa and Minnesota.

No. MC 95876 Sub 7, filed July 27, 1955, ANDERSON TRUCKING SERVICE, INC., 211 Cooper Avenue, St. Cloud, Minn. Applicant's attorney: Leonard E. Lindquist, Midland Bank Building, Minneapolis 1, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Stone*, rough, finished, or partially finished, from points in Blue Earth, Le Sueur, and Nicollet Counties, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Wisconsin, Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Florida, New Hampshire, Vermont, New Jersey, and the District of Columbia; and *machinery, equipment*, and *supplies* used in, or in connection with, the quarrying, fabricating, and finishing of stone, between points in Blue Earth, Le Sueur, and Nicollet Counties, Minn., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Wisconsin, Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Florida, New Hampshire, Vermont, New Jersey, and the District of Columbia. Applicant is authorized to conduct operations in Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, South Dakota, and Wisconsin.

No. MC 101075 Sub 33, filed July 22, 1955, TRANSPORT, INC., 1215 Center Ave., Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Council Bluffs, Iowa to points in Minnesota on and west of U. S. Highway 169 from the Iowa-Minnesota State line to Mankato, on and north of U. S. Highway 14 from Mankato to Waseca, on and west of U. S. Highway 13 from Waseca to New Prague, on and west of Minnesota Highway 21 from New Prague to Jordan, Minn., on and south of U. S. Highway 169 from Jordan to Belle Plaine, Minn., on and south of Minnesota Highway 25 from Belle Plaine to Green Isle, Minn., on and west of Minnesota Highway 25 from Green Isle to Montrose, Minn., on and south of U. S. Highway 12 from Montrose to Willmar, Minn., on and west of U. S. Highway 71 from Willmar to Blackduck, Minn., and on and west of U. S. Highway 72 from Blackduck to the International Boundary between the United States and Canada. Applicant is authorized to conduct operations in Iowa, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and Minnesota.

No. MC 103201, Sub 13 (amended) filed July 12, 1955, EUGENE BROWN AND LEONARD S. RALPH, doing business as FRONTIER FREIGHT LINES, P. O. Box 591, Kemmerer, Wyo. Applicant's attorney: Leonard S. Ralph, 32 Exchange Place, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over regular routes, transport-

ing: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between (1) Kemmerer, Wyo. and Rock Springs, Wyo., from Kemmerer over U. S. Highway 30N to Granger Junction, thence over U. S. Highway 30 to Rock Springs and return over the same route, serving all intermediate points and the off-route point of Westvaco, Wyo.; (2) Farson, Wyo. and Riverton, Wyo., from Farson over Wyoming Highway 28 to Lander, Wyo. and thence over Wyoming Highway 320 to Riverton, Wyo., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Utah and Wyoming.

No. MC 104654 Sub 104, filed July 25, 1955, COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Evansville, Ind., to points in Illinois on and south of U. S. Highway 36. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, and Tennessee.

No. MC 104893 Sub 4, filed June 28, 1955, H. GORDON TRUEMAN, St. Leonard, Md. Applicant's attorney: Drew L. Carraway, Suite 618 Perpetual Building, 1111 E Street, N. W., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats* and *boat parts* (including engines), and *racks* and *frames* necessary for the transportation of boats, between all points in Calvert County, Md., on the one hand, and, on the other, all points in Arkansas, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia,, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states no duplicate authority is sought and if this application is granted as applied for, he is agreeable to deletion of present authority to transport boats as now appears in his Certificate.

No. MC 107512 Sub 5, filed July 22, 1955, DAVID S. WENGER, doing business as DEPENDABLE TRANSPORTATION CO., 131 East Main Street, Brownstown, Pa. Applicant's attorney: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand*, from points in Kent, New Castle and Sussex Counties, Del., Caroline, Cecil, Kent, Queen Annes, and Talbot Counties, Md., and Gloucester County, N. J. to points in Berks, Chester, Cumberland, Dauphin, Lebanon, Montgomery and York Counties, Pa. *Stone*, from points in Berks, Chester, Lancaster and Lebanon Counties, Pa., to points in Delaware, Maryland and New Jersey. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

No. MC 107839 Sub 18, filed July 25, 1955, DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt St., Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, *fresh fruit* and *fresh vegetables, frozen fruit* and *frozen vegetables*, and *fresh fish* and *frozen fish*, in refrigerated equipment, between points in Colorado, on the one hand, and, on the other, points in Louisiana. Applicant is authorized to conduct operations in Colorado, New Mexico and Texas.

No. MC 108207 Sub 38 (amended June 29, 1955 and further amended July 29, 1955) Published on page 3202 of issue of May 11, 1955, and republished on page 5007 of issue of July 13, 1955. FROZEN FOOD EXPRESS, a corporation, P. O. Box 5382, 318 Cadiz St., Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, *bakery goods, frozen foods, yeast, salad dressing, fresh salads, candy* and *confections* and *foodstuffs requiring refrigeration in transit*, between points in Texas, on the one hand, and, on the other, points in California, Arizona, and New Mexico, and (2) *nuts*, shelled from points in Texas, to points in California, Arizona, and New Mexico. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 109603 Sub 12, filed July 25, 1955, LOO-MAC FREIGHT LINES INC., 633 East Street, Memphis, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Hobbs Island, Ala., located approximately 10 miles south of Huntsville, Ala., as an off-route point, in connection with carrier's regular route operations between Huntsville, Ala., and Atlanta, Ga., over U. S. Highway 72, and between Athens, Ala., and Huntsville, Ala., over U. S. Highway 72. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, and Tennessee.

No. MC 110098 Sub 13 (amended) Published on page 3203 of issue of May 11, 1955. ZERO REFRIGERATED LINES, a corporation, P. O. Box 4064 Sta. "A", Room 201 Administrative Building, 1500 So. Zarzamara St., San Antonio 7, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *oleomargarine*, and *cheese*, from points in Texas, and Oklahoma, to points in Oregon, and Washington, (2) *frozen foods*, from points in Idaho and Utah, to points in Texas, and Oklahoma, and (3) *foodstuffs requiring refrigeration in transit*, between points in Texas, on the one hand, and, on the other, points in Arizona, California, New Mexico, Oregon, and Washington. Applicant is authorized to conduct operations in California, Iowa, Louisiana, Minnesota, Oregon, Texas, Washington, and Wisconsin.

No. MC 110098 Sub 15, filed August 1, 1955, ZERO REFRIGERATED LINES, Room 201 Administrative Bldg., 1500 So. Zarzamora Street, San Antonio 7, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Meat, meat products and meat by-products*, as defined by the Commission, between Fremont, Nebr., Austin, Minn., Madison, Wis., and Fort Dodge, Dubuque, Ottumwa and Davenport, Iowa, on the one hand, and, on the other, points in Texas; and (b) *frozen foods*, between points in Minnesota, Iowa and Wisconsin, on the one hand, and, on the other, points in Texas and Louisiana. Applicant is authorized to conduct operations in California, Iowa, Louisiana, Minnesota, Oregon, Texas, Washington and Wisconsin.

No. MC 110264 Sub 8, filed July 29, 1955, ALBUQUERQUE PHOENIX EXPRESS, INC., P. O. Box 404, 504 Veranda Rd., N. W., Albuquerque, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A, B and C explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Carrizozo, N. Mex., and Holloman Air Force Base, N. Mex., from Carrizozo over U. S. Highway 54 to Alamogordo, N. Mex., thence over U. S. Highway 70 to Holloman Air Force Base, and return over the same route, serving the intermediate point of Alamogordo, N. Mex., and (2) between Tularosa, N. Mex., and Hondo, N. Mex., from Tularosa over U. S. Highway 70 to Hondo, and return over the same route, serving no intermediate points, to be used as an alternate route, for operating convenience only in performing the operations applied for in (1) above and in connection with carrier's regular route operations between Carrizozo and Roswell, N. Mex. Applicant is authorized to conduct operations in Arizona and New Mexico.

No. MC 110824 Sub 5, filed July 25, 1955, A. F. POSNIK AND COMPANY, a corporation, 12300 Visger Road, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular

routes, transporting: *Petroleum, fuel oil distillants* and *aviation gasoline*, in bulk, in tank vehicles, from Toledo, Ohio, to the Alpena, Mich. Field Training site of the United States Air Force. Applicant is authorized to conduct operations in Indiana, Michigan and Ohio.

No. MC 110940 Sub 7, filed July 28, 1955, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, asphalt products*, and *fuel oils*, in bulk, in tank vehicles, from Birmingport and Birmingham, Ala., to points in Tennessee, Georgia, and points in Mississippi on and north of U. S. Highway 80, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application. Applicant is authorized to conduct operations in Alabama, Georgia, Tennessee and Mississippi.

No. MC 111170 Sub 22, filed July 18, 1955, WHEELING PIPE LINE, INC., P. O. Box 270, El Dorado, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Shelby County, Tenn., to points in Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

No. MC 111812 Sub 23, filed July 29, 1955, MIDWEST COAST TRANSPORT, INC., P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, from Sioux Falls, S. Dak., to Las Vegas, Nev. RESTRICTION: The operations may not be joined to otherwise authorized operations at Sioux Falls for the purpose of conducting any through service. Applicant is authorized to conduct operations in California, Minnesota, Oregon, South Dakota, and Washington.

No. MC 112223 Sub 28, filed July 5, 1955, QUICKIE TRANSPORT COMPANY, a corporation, 1121 South 7th Street, Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal* and *coke*, in bulk, from Dakota, Hennepin and Ramsey Counties, Minn., to points in Iowa, North Dakota, South Dakota and Wisconsin, and *damaged shipments* of the above-specified commodities on return.

No. MC 112479 Sub 6, filed July 21, 1955, CHESTER A. SMITH, 725 E. Market St., Cadiz, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Earthenware*, from Scio, Ohio to points in Pennsylvania, Maryland, New Jersey, and the District of Columbia; *returned and damaged shipments of earthenware*, from the above-named destination points to Scio, Ohio. Applicant is authorized to conduct operations from Scio, Ohio to Boston, Mass., Chicago, Ill., New York, N. Y., and St. Louis, Mo.

No. MC 115081 Sub 2, filed July 25, 1955, B. A. KING AND RICHARD W. KING, doing business as KING AND SON, Socorro, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Catron County, N. Mex. to Eagar, Ariz.

No. MC 115412, filed June 16, 1955, (Amended) published page 5008 issue of July 13, 1955, ALBERT VIGNA, doing business as VIGNA SEAFOOD TRANSPORT, Scriven and First Streets, Darien, Ga. Applicant's attorney: Dan R. Scheartz, Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Seafoods*, fresh or processed, in packages or loose, between the City of St. Simons Island, Ga., on the one hand, and, on the other, points in the United States.

No. MC 115479, filed July 22, 1955, WM. VON RISSEN, JR., doing business as WM. VON RISSEN TRUCKING CO., 1699 Grand Avenue, Cincinnati, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Freezers* for domestic uses, *refrigerators, kitchen cabinets* with and without sinks, *roofing, roofing materials*, and *roofing supplies*, from Cincinnati, Ohio to points in Boone, Campbell, Kenton, and Pendleton Counties, Ky.

No. MC 115480, filed July 25, 1955, E. L. BANGERTER, 741 West Fifth North, Green River, Wyo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in sacks, from Devils Slide, Utah to Rock Springs, Wyo., restricted against movement to oil fields or refineries; *green native lumber*, from Wilson, Wyo. to Ogden, Utah.

No. MC 115482, filed July 25, 1955, GEORGE KALEC, P. O. Box 196, Midvale, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, from Midvale and Uhrichsville, Ohio, to points in Pennsylvania, West Virginia and Michigan. *Returned and damaged shipments of clay products*, on return.

No. MC 115490, filed August 2, 1955, BERNARD KLEIN, SAMUEL KLEIN, and EMANUEL KLEIN, doing business as BERNARD'S EXPRESS & TRUCKING, 48–20 30th Street, Long Island City, N. Y. Applicant's representative: Leonard J. Walsh, 15 Cathedral Avenue, Franklin Square, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Toilet paper, facial tissue, paper towels, paper napkins, paper containers, paper plates, sanitary napkins, wrapping paper*, and *paper bags*, from Long Island City, N. Y., to points in Nassau and Suffolk Counties, N. Y., and returned shipments of the above commodities on return, restricted to shipments having a prior movement by rail.

No. MC 115491, filed August 1, 1955, COMMERCIAL CARRIERS, CORPORATION, P. O. Box 538, Lake Alfred, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned citrus products*, on pallets, on flat bed equipment, from points in Saint Lucie, Orange, Volusia, Lake, Osceola, Polk, Pasco, Hillsborough, Hardee, De Soto, Manatee, Pinellas, Seminole Counties, Fla., to Tampa, Fla., and *Empty pallets*, from Tampa, Fla., to points in the above-named Counties on return.

No. MC 115495, filed August 4, 1955, UNITED PARCEL SERVICE OF CINCINNATI, INC., 640 W. 3rd Street, Cincinnati, Ohio. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Chicago, Ill., and points in Illinois and Indiana, within 50 miles thereof, on the one hand, and, on the other, points in the following counties in the state of Michigan: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ingham, Jackson, Kalamazoo, Kent, Muskegon, Ottawa, Saint Joseph, Van Buren; all points in the following counties in the state of Illinois: Boone, Bureau, Carroll, Champaign, Cook, DeKalb, De Witt, Du Page, Ford, Grundy, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, Macon, Marshall, McHenry, McLean, Ogle, Peoria, Piatt, Putnam, Rock Island, Langamon, Stark, Stephenson, Tezewell, Vermilion, Whiteside, Will, Winnebago, Woodford; all points and places in the following counties in the state of Indiana: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, De Kalb, Delaware, Elkhart, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Newton, Noble, Porter, Pulaski, Randolph, Saint Joseph, Starke, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wayne, Wells, White, Whitley; all points and places in the following counties in the state of Wisconsin: Brown, Calumet, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, Winnebago; and Davenport, Dubuque, and Clinton, Iowa and their Commercial Zones as defined by the Interstate Commerce Commission. RESTRICTIONS: (1) No service will be rendered in the transportation of any package or article exceeding 70 pounds in weight or 120 inches in length and girth combined. (2) No service will be rendered hereunder in the transportation of such commodities sold by department stores and specialty shops between such stores or shops and their customers; or between such stores or shops and branches and warehouses

thereof; or between such stores' and shops' branches and warehouses and such stores' or shops' customers. Applicant is authorized to conduct *contract* carrier operations by virtue of Permit No. MC 13426. Section 210 (dual operations) may be here involved.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 16, filed June 22, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending in Suffern, Monroe, Goshen, Middletown, Monticello, Liberty, Hancock, Deposit, Binghamton, Endicott, Port Jervis, Newburgh, Highland, Kingston, New York and Wurtsboro, N. Y., Mahwah, N. J., Hawley, Carbondale and Forest City, Pa., and points within three miles of each of the above points, and points in Pike County, Pa., and extending to Graymoor, Hyde Park and West Point, N. Y., Washington, D. C., Atlantic City and Asbury Park, N. J., Philadelphia, Crystal Cave and Valley Forge, Pa., Annapolis, Md., and ports of entry at the International Boundary line between the United States and Canada at New York. Applicant is authorized to conduct regular route operations in New Jersey, New York and Pennsylvania.

No. MC 1501 Sub 106, filed June 10, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Linwood C. Major, Jr., 2001 Massachusetts Avenue, N. W., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between junction Ohio Turnpike and Ohio Highway 18, near the Niles-Youngstown Interchange (west of Youngstown, Ohio), and the Ohio-Indiana State line, near Columbia, Ohio, from junction Ohio Turnpike and Ohio Highway 18 over the Ohio Turnpike to the Ohio-Indiana State line, thence over access road to junction U. S. Highway 20, (2) between Cleveland, Ohio and the North Olmsted-Cleveland Interchange (Ohio Turnpike), over Ohio Highway 10, (3) between Lorain, Ohio and the Lorain-Elyria Interchange (Ohio Turnpike), over Ohio Highway 57, (4) between Sandusky, Ohio and the Sandusky-Norwalk Interchange (Ohio Turnpike), over U. S. Highway 250, (5) between Norwalk, Ohio and the Sandusky-Norwalk Interchange (Ohio Turnpike), over U. S. Highway 250, (6) between Fremont, Ohio and the Fremont-Port Clinton Interchange (Ohio Turnpike), over Ohio Highway 53, (7) between Port Clinton, Ohio and the Fremont-Port Clinton Interchange (Ohio Turnpike), over Ohio Highway 53, (8) between Toledo, Ohio and Stony Ridge-Toledo Interchange (Ohio Turnpike), over U. S. Highway 120, (9) between Toledo, Ohio and Maumee-Toledo Interchange (Ohio Turnpike), over city streets and access roads and (10) between Fort Wayne, Ind., and the Bryan-Montpelier Interchange (Ohio Turnpike), from Fort Wayne over Indiana Highway 37 to the Ohio-Indiana State line, thence over Ohio Highway 2 to Bryan, Ohio, thence over Ohio Highway 15 to the Ohio Turnpike Interchange, and return over the above routes, serving all intermediate points on the Ohio Turnpike.

NOTE: Applicant states that it will serve intermediate points on the Ohio Turnpike, with the right of access wherever there is an Interchange at a junction with its regular routes. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 Sub 107, filed July 22, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill. Applicant's representative: H. Vance Greenslit, P. O. Box 297, Lexington 14, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, their *baggage, express, newspapers*, and *mail* in the same vehicle with passengers, between Elizabethtown, Ky., and Louisville, Ky., over new toll road being constructed, as shown on the map attached to the application, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 Sub 108, filed July 22, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill. Applicant's representative: H. Vance Greenslit, P. O. Box 297, Lexington 14, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers*, their *baggage, express, newspapers*, and *mail* in the same vehicle with passengers, between Athens, Ala. and Pulaski, Tenn., from Athens over Alabama Highway 127 to the Alabama-Tennessee State line, thence north over unnumbered Tennessee highway known only as Federal Aid Project No. 6208 to junction of Tennessee Highway 11 near Pulaski, thence over Tennessee Highway 11 to Pulaski, as shown on the map attached to the application, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 29889 Sub 2, filed July 25, 1955, ROCKLAND TRANSIT CORPORATION, 126 North Washington Avenue, Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in the Town of Ramapo, Rockland County, N. Y., (1) between Spring Valley, N. Y., and Pomona, N. Y., from Spring Valley, over New York Highway 45 to junction unnumbered highways, thence over unnumbered highways to Pomona, and return over the same route, serving all intermediate points, and (2) between junction New York Highway 59 and Almshouse Road (Hamlet of Tallman) and Kanes Open Camp, N. Y., from junction New York Highway 59 and Almshouse Road (Hamlet of Tallman) over Almshouse Road to junction Highview Road, thence over Highview Road to junction Spook Rock Road, thence over Spook Rock Road to Kanes Open Camp, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, and New York.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12630, filed July 28, 1955, O. L. RANDALL, doing business as RANDALL TOURS, 30 Rumbough Place, Asheville, N. C. Applicant's attorney: Robert R. Williams, Jr., Jackson Building, Asheville, N. C. For a license as a broker in arranging for the transportation of *Passengers and their baggage*, in the same vehicles with passengers, in round trip, special or charter operations by motor vehicle, from points in Yancey, Buncombe, Henderson, Madison, Haywood, Transylvania, Jackson, Swain, Macon, Graham, Clay and Cherokee Counties, N. C., to points in the United States, and return.

CORRECTIONS

No. MC–F 6010 and MC–F 6031 published issue of July 27, 1955, on pages 5374 and 5375 incorrectly designated the second initial of an individual's name. The correct name should read: J. A. RYDER.

MC–F 6036 published on page 5568, issue of August 3, 1955, Line 17 of said notice reading: "between Knoxville, Tenn. and Lexing—". Insert after the third word "Tenn."—"and Somerset, Ky., serving certain intermediate and off-route points; (Young) *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Jamestown, Ky." The notice in all other respects, with the exception of the above *addition*, remains as published.

Notice of applications of motor carriers of PASSENGERS listed through inadvertence under applications of motor carriers of property: No. MC 3647 Sub 185, PUBLIC SERVICE COORDINATED TRANSPORT, Newark, N. J., in July 13, 1955 issue, on page 5004; No. MC 84690 Sub 15, NORTHERN PACIFIC TRANSPORT COMPANY, St. Paul 1, Minn., in July 7, 1955, issue, on page 4833.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6037. Authority sought for purchase by MID-CONTINENT FREIGHT LINES, INC., 2217 South Robinson, Oklahoma City, Oklahoma of the operating rights and property of LUPER TRANSPORTATION COMPANY OF OKLAHOMA, 801 North Darlington, Tulsa, Oklahoma, and for acquisition by JOHN MEINDERS, also of Oklahoma City, of control of the operating rights and property through the purchase. Applicants' attorneys: Max G. Morgan, 450 American National Building, also of Oklahoma City, and Lee Reeder, 1012 Baltimore, Kansas City, Missouri. Operating rights sought to be transferred: *General commodities*, with

certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Oklahoma City, Okla., and Sapulpa, Okla., between Atoka, Okla., and Tulsa, Okla., between Allen, Okla., and Oklahoma City, Okla., between Atoka, Okla., and Seminole, Okla., between Konawa, Okla., and Asher, Okla., between Asher, Okla., and Ada, Okla., between Calvin, Okla., and McAlester, Okla., between Denison, Tex., and Dallas, Tex., and between Kansas City, Mo., and Tulsa, Okla., serving certain intermediate points; *General commodities*, with certain exceptions, not including household goods between Dallas, Tex., and Oklahoma City, Okla., and between Durant, Okla., and DeQueen, Ark., serving all intermediate points; certain exceptions, including household goods, over irregular routes, between Denison, Tex., and Colvert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla.; *Household goods* between points in Oklahoma within 100 miles of Shawnee, Okla., on the one hand, and, on the other, points in Kansas. Vendee is authorized to operate in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6038. Authority sought for purchase by THE KAPLAN TRUCKING COMPANY, 1607 Woodland Avenue, Cleveland, Ohio, of the operating rights of HESSLER CARTAGE COMPANY, 912 North First Street, St. Louis, Mo., and for acquisition by Edward H. Kaplan of control of the operating rights through the purchase. Applicants' attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between St. Louis, Mo., and Scott Field, Ill., between East St. Louis, Ill., and Belleville, Ill., and between St. Louis, Mo., and Millstadt, Ill., serving certain intermediate and off-route points; *Christmas trees, iron and steel articles, coal mine machinery and supplies*, and *farm machinery*, over irregular routes, from points in St. Louis County, Mo., to points in St. Clair County, Ill. Vendee is authorized to operate in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6040. Authority sought for control by RISBERG'S TRUCK LINE, 1130 S. E. Water Avenue, Portland, Oreg., of the operating rights and property of BECKETT TRUCK LINE, INC., 658 South 10th St., Hillsboro, Oreg., and for acquisition by Clement M. Risberg, of the operating rights and property through the transaction. Person to whom correspondence is to be addressed: Clement M. Risberg, 1130 S. E. Water Avenue, Portland 14, Oreg. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Portland, Oreg., and Forest Grove, Oreg., between Forest Grove, Oreg., and junction Oregon Highway 47 and U. S. Highway 99W, and between Portland, Oreg., and Hillsboro, Oreg., serving certain intermediate and off-route points; *Household goods*, as defined by the Commission, over irregular routes, between Portland, Oreg., and certain points in Washington and Yamhill counties, Oreg., and between points in Clatsop, Columbia, Tillamook, Washington, Multnomah, Yamhill, Clackamas, Polk, and Marion Counties, Oreg., on the one hand, and on the other, points in Klickitat, Skamania, Cowlitz, Wahkiakum, and Clark Counties, Wash. Applicant is authorized to operate in Washington and Oregon. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6041. Authority sought for purchase by MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Bismarck, N. Dak., of the operating rights and property of ADOLPH MUEHRING, doing business as SCHMIDT TRUCK LINES, 201 Commerce Street, Duluth, Minn., and for acquisition by J. A. ROSWICK, A. B. WANKE, E. J. ROSWICK, H. E. WALZ, all of Bismarck, W. J. GREENSTEIN, St. Paul, Minn., F. C. SWANSON, also of St. Paul, and N. M. ROSWICK, Fargo, N. Dak., of control of the operating rights and property through the purchase. Person to whom correspondence is to be addressed J. A. Roswick, 1205 Front Ave., Bismarck, N. Dak. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods as a *common carrier*, over a regular route, between Duluth, Minn., and West Fargo, N. Dak., serving certain intermediate and off-route points. Vendee is authorized to operate in Minnesota, North Dakota, South Dakota, Montana, and Wisconsin. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6042. Authority sought for purchase by NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla., of the operating rights and certain property of WILLIAM E. VAN ZILE, doing business as THE UNITED STATES TRAILER TRANSPORT COMPANY, 9551 Baltimore Boulevard, College Park, Md., and for acquisition by L. I. Payne, Tulsa, Okla., of control of said operating rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr., 227 Transportation Building, Washington 6, D. C. Operating rights sought to be transferred: *Trailers designed* to be drawn by passenger automobiles, in truckaway service, in initial movements, as a *common carrier*, over irregular routes, from Rockville, Md., and points within two miles thereof, Alexandria, Norfolk, and Petersburg, Va., and Baltimore, Md., to all points in the United States, from points in Ohio to all points in the United States, from Clearfield, Pa., to points in Ohio, New York, and New Jersey, from West Bend, Chilton, Newton, and Hurley, Wis., to points in the United States; *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *portable houses*, over irregular routes, from Elkton, Md., and points within five miles of Elkton to points in the United States; *Trailers* other than those designed to be drawn by passenger automobiles, in initial movements, from points in Fairfax County, Va., to all points in the United States, from Philadelphia and Albion, Pa., to all points in the United States; *Trailers* designed to be drawn by a passenger automobile, in secondary movements, over irregular routes, between points in the District of Columbia, Maryland, Pennsylvania, and Virginia, between points in the District of Columbia, Maryland, Pennsylvania, and Virginia on the one hand, and, on the other, points in the United States; *Cement mixers* and *farm gates*, from Clearfield, Pa., to points in Ohio, Maryland, Delaware, the District of Columbia, New Jersey, New York, and Connecticut. Vendee is authorized to operate in all states. Application has been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–6473; Filed, Aug. 9, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[24NY–2783]

SELEVISION WESTERN, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 3, 1955.

I. Selevision Western, Inc. (hereinafter referred to as the issuer), 52 Wall Street, New York 5, New York, having filed with the Commission on October 6, 1954 a notification on Form 1–A relating to a proposed public offering of 240,000 shares of its $1.00 par value Class A Convertible stock at $1.25 per share through Whitney-Phoenix Company, Inc., 52 Wall Street, New York 5, New York, as underwriter (hereinafter referred to as the underwriter) for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1–A, Item 1, failed to state therein all the jurisdictions in which the issuer's securities were to be offered.

B. The offering circular, dated October 5, 1954, filed with Form 1–A which was to be and was, in fact, used by the underwriter, in conjunction with the offering of said securities, contained untrue

statements of material facts and failed to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

The statement on page 5 of said offering circular under "Financial Investments of Directors and Officers" that "* * * Strabo V. Claggett controls Whitney-Phoenix Company, Inc., the underwriter, which company, along with himself, owns 235,000 Class B shares of Selevision Corporation of America out of the authorized 300,000 Class B shares, and Whitney-Phoenix Company, Inc. has purchased 65,000 Class A shares for investment out of 300,000 Class A shares * * *."

C. The underwriter sent to stockholders of Selevision Corporation of America four letters dated August 23, 1954, October 15, 1954, December 31, 1954, and March 2, 1955, which were not filed with the Commission as required by Rule 221 of Regulation A and such letters contained untrue statements of material facts and failed to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading:

1. The statements in the letter of August 23, 1954 that:

"The Board of Directors at the Meeting accepted the offer of Whitney-Phoenix Company, Inc., to purchase 65,000 shares of Class A stock from the Treasury of Selevision Corporation of America at $1.25 per share for investment, and 12,000 shares were paid for by a check from Whitney-Phoenix Company, Inc., for $15,000, the balance to be paid for by December 31, 1954, bringing in a total of $81,250."

2. The failure to state in the letter of March 2, 1955, in which stockholders were requested to purchase shares of Selevision Western, Inc., that the company had discontinued its wire service in February.

D. The use of said offering circular and letters in connection with the offering of the issuer's securities would and did operate as a fraud and deceit upon the purchasers of said securities.

III. *It is ordered* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under section 3 (b) and Regulation A, be and it is hereby temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Selevision Western, Inc., 52 Wall Street, New York 5, New York, United States Corporation Company, 15 Exchange Place, Jersey City 2, New Jersey, and Whitney-Phoenix Corporation, 52 Wall Street, New York 5, New York, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 55-6459; Filed, Aug. 9, 1955; 8:47 a. m.]

[File No. 811-31]

NORTH AMERICAN TRUST SHARES 1953

NOTICE OF MOTION TO TERMINATE REGISTRATION

AUGUST 4, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("Act") that North American Trust Shares 1953 ("NATS 1953") a registered investment company, has ceased to be an investment company.

NATS 1953, a unit investment trust, was created, pursuant to a Trust Agreement dated January 2, 1929, which terminated by its term on December 31, 1953. At the time of its termination, the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, was Trustee under said Trust and North American Depositor Corp., 63 Wall Street, New York 5, New York, was the successor depositor. NATS 1953 filed a notification of registration under the Act on October 26, 1940.

Following termination of the Trust on December 31, 1953, the assets of the Trust, pursuant to its provisions, were liquidated in April 1954. Following such liquidation $828,306.96 was available for distribution to the holders of 358,500 Trust Shares then outstanding at the rate of $2.31047 per Trust Share.

As of June 20, 1955, $684,139.65 had been distributed to holders surrendering 296,105 Trust Shares and Guaranty Trust Company of New York held $144,167.31 solely for the purpose of distribution to the holders of the outstanding 62,395 trust shares.

Notice is further given that any interested person may, not later than August 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Atomic Industries Fund, Inc., has ceased to be an investment company, by order as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

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

[F. R. Doc. 55-6460; Filed, Aug. 9, 1955; 8:47 a. m.]

[File No. 70-3404]

THE COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED BANK BORROWINGS

AUGUST 4, 1955.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Columbia proposes to borrow $25,000,000 in aggregate amount from ten commercial banks, to be evidenced by notes dated August 31, 1955, and maturing on July 31, 1956. The notes will bear interest at the rate of 3 percent per annum and may be prepaid on 10 days' notice without penalty. Columbia agrees, however, that no prepayment will be made with funds borrowed from banks at a lower rate of interest. The names of the lending banks and their respective participations are as follows:

Guaranty Trust Co. of New York	$9,000,000
Bankers Trust Co	2,500,000
Chemical Bank & Trust Co	2,500,000
Irving Trust Co	2,500,000
Mellon National Bank & Trust Co	2,500,000
The Hanover Bank	1,000,000
Brown Brothers, Harriman & Co	1,000,000
The First National City Bank of New York	2,000,000
J. P. Morgan & Co., Inc	1,000,000
Manufacturers Trust Co	1,000,000
Total	25,000,000

The proceeds of said borrowings will be used to repay 3 percent bank loans in the same principal amount which will mature on August 31, 1955. Said loans were negotiated in 1954 to repay 3¼ percent bank loans in the same principal amount which matured September 30, 1954. The bank loans when originally executed were made for construction purposes.

Columbia has heretofore in 1955 borrowed from banks $15,000,000 to provide for additional plant facilities and $35,000,000 for the purchase of inventory gas. It is anticipated that the latter amount will be repaid as the inventory gas is sold during the coming heating season.

Plans are now being developed for the sale by Columbia in September 1955 of $40,000,000 principal amount of senior debentures. The proceeds from such sale will be used, in part, to complete the 1955 construction program and the bal-

ance, presently estimated at $20,000,000, will be used to prepay a like amount of construction bank loans.

Columbia states that legal fees in the amount of $1,500, representing the allocation of a portion of an annual retainer, and expenses of $125, will be paid in connection with the proposed transactions.

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

Notice is further given that any interested person may, not later than August 25, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his request, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after that date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

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

[F. R. Doc. 55-6461; Filed, Aug. 9, 1955; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project No. 3-DC-01]

FEDERAL OFFICE BUILDING

PROSPECTUS FOR PROPOSED BUILDING IN SOUTHWESTERN PORTION OF THE DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954, as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01

PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

A. *Brief description of proposed building:*

The project contemplates the erection of a Federal Office Building on a site to be acquired in the Southwest redevelopment area.

The proposed building will be a six-story and penthouse structure, stone exterior, with cafeteria included, and air conditioned throughout. It will have a gross floor area of 815,000 square feet, that will provide 558,000 square feet of net space, of which 500,000 square feet will be office area, 10,000 square feet for shops, 34,000 square feet for cafeteria, and 14,000 square feet for custodial, health unit, etc.

B. *Maximum cost and financing:*

1. Total over-all value of project		$20,200,000
a. Items not included in purchase contract:		
(1) Architectural	$995,000	
(2) Land	2,500,000	
		$3,495,000
b. Purchase contract costs:		
(1) Improvements		$16,705,000
2. Contract Term		10 to 25 years
3. Maximum rate of interest on purchase contract		4%

C. *Estimated annual costs:*

1. 25 Year Contract Term:		
a. Purchase contract payments:		
(1) Amortization and interest	$1,069,320	
(2) Taxes	251,213	
Rate per net sq. ft. $2.37.		$1,320,533
b. Costs not included in purchase contract payments:		
(1) Custodial and utilities	$538,000	
(2) Repair and maintenance	82,000	
Rate per net sq. ft. $1.11.		$620,000
c. Total Estimated Annual Cost		$1,940,533
Rate per net sq. ft. $3.48.		
2. Second 25 Year Term:		
a. Custodial and utilities		$538,000
b. Repairs and maintenance		160,000
c. Total Estimated Annual Cost		$698,000
Rate per net sq. ft. $1.25.		
3. 50 Year Average:		
a. Total Estimated Annual Cost		$1,319,267
Rate per net sq. ft. $2.36.		
4. Annual Rental Costs for Comparable Space (Net Agency)		$1,970,000
Rate per net sq. ft. $3.94.		
5. Maximum Annual Payment Permitted (15% of fair market value.)		$3,030,000

NOTE: All estimates based on 1955 price levels.

D. *Present annual rental and other housing costs:*

	Net sq. ft.	Unit cost	Total cost
1. Existing Tempo's 4, 5 and T (or comparable space), to be supplanted by proposed building	500,522	$0.99	$495,760

E. *Justification of project:*

1. Lack of Suitable Space:

a. The needs for space for the permanent activities of the Federal Government cannot be satisfied by utilization of existing Government-owned space.

b. Suitable rental space of comparable sort and characteristics is not available at a price commensurate with that to be afforded through the contract proposed.

c. The space requested and proposed is needed for permanent activities of the Federal Government.

d. The best interest of the Government will be served by taking the action proposed.

2. Existing Conditions:

During the past several years there has been an active and widespread movement on the part of the public and Governmental agencies, notably the Commission of Fine Arts, concerning the removal of World War I and II Tempos and the restoration of the park lands.

Data compiled as of December 31, 1954, indicates that the Federal Government is currently utilizing four (4) World War I Tempo's, providing 2,083,903 square feet of net agency space, with 16,506 personnel; and 35 World War II Tempo's, providing 3,585,063 square feet, with 22,823 personnel. In summary, 39 Tempo's, providing a total of 5,668,966 square feet of net agency space, with aggregate personnel of 39,329. The aforementioned figures do not include space or personnel of the Central Intelligence Agency.

The Congress, long sympathetic to the insistent demand for the razing of the Tempo's has considered several proposed bills to accomplish this purpose. Among these was S. 1290, passed in the Senate on June 8, 1955, and enacted as Public Law 150, 84th Congress, approved July 12, 1955. That law expressly manifests the intent of Congress that (1) provision of accommodations for executive agencies by GSA as a part of the program for redevelopment of the southwest portion of the District of Columbia be accomplished on a lease-purchase basis and (2) temporary space of equivalent occupancy be demolished.

The proposed building will provide approximately 500,000 square feet of net office space, to accommodate equivalent personnel dispossessed from temporary buildings contemplated for initial demolition under current long-range planning programs.

3. Direct and Indirect Benefits Expected to Accrue.

a. Agencies whose related operations are scattered among two or more locations will be able to concentrate all of them in a single location and thereby realize appreciable economies deriving from such factors as contiguity of operating elements, immediate accessibility of employees and records, and elimination of transportation and communication delays.

b. The accommodation of Federal agencies in a single building will provide flexibility in making internal reassignments of agency space where increases or decreases in requirements occur.

c. The proposed building will be functional in concept and devoid of excessive embellishment and extravagant appointments. The design of the building and facilities will provide for the utmost economy in construction; maintenance and operation costs considered. It will be provided with modern fittings, appointments and conveniences comparable to those provided in buildings of private enterprise. Maintenance and improvement of employee morale and the consequent increasing of employee efficiency over a period of years may thus be confidently expected to result in intangible though nonetheless real economies.

F. *Analysis of project space:*

1. Since this project is intended to provide for relocation of numerous Federal activities now housed in temporary buildings, no specific allocation of space among agencies can be made. Therefore requirement for Certificate of Need otherwise required by Section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress.

2. Space:

a. Distribution:

Agency	Tempo's 4, 5, and T proposed			
	Net sq. ft.	Personnel	Net sq. ft.	Personnel
The specific allocation of agencies to be quartered in the proposed building has not been presently determined.				
Subtotal, Agency Space	500,520	3,072	500,000	3,700
General Services:				
Custodial and Shops			22,000	132
Health Unit and Vending Stand			2,000	3
Cafeteria			34,000	50
Total	500,520	3,072	558,000	3,885

b. Utilization:

Agency Space—sq. ft. per person	163	135
Total Space—sq. ft. per person	163	144
c. Efficiency: Ratio, net to gross (net assignable)		68.5%

G. *Analysis of project cost:*

1. Costs of Improvements—Normal:		
a. Construction	$12,250,000	
b. Elevator	430,000	
c. Air Conditioning	1,750,000	
d. Interest, taxes, etc., during construction	730,000	
Cost per gross sq. ft. $18.60.		$15,160,000
2. Costs of Improvements—Additional:		
a. Approaches & utilities	$150,000	
b. Steam connection	120,000	
c. Stone face	525,000	
d. Contingencies	750,000	
		$1,545,000
3. Total Cost of Improvement		$16,705,000
4. Costs Not Included in Purchase Contract:		
a. Architectural	$995,000	
b. Land to be acquired (Est. Cost)	2,500,000	
		$3,495,000
5. Total over-all value of project		$20,200,000

H. *Other selected data:*

1. The proposed contract provisions will not exceed the amount necessary to:

a. Amortize principal.

b. Provide interest not to 4% of the outstanding principal.

c. Reimburse contractor for the cost of taxes and interest during construction.

d. Reimburse contractor for proportional charge for redevelopment general area, streets and utilities.

2. It is proposed to make awards on financing and construction by competition.

3. Estimated completion date for the project is 40 months from date of final approval.

4. Taxes computed on basis of 75% ratio and $22.00 per $1,000.

5. Insurance included during construction only as part of total cost borne by construction contractor. During post-construction period Government will act as self-insurer.

Project Number 3-DC-01

Submission

Submitted at Washington, D. C.

Recommended:

[S] PETER A. STROBEL,
Commissioner of Public Buildings Service,
General Services Administration.

Approved:

[S] A. E. SNYDER,
Acting Administrator,
General Services Administration.

Statement of Director, Bureau of the Budget

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON, D. C.

Project 3-DC-01
Federal Office Building,
Southwest Redevelopment Area,
Washington, D. C.

JULY 22, 1955.

MY DEAR MR. MANSURE:

Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, transmitted with your letter of June 28, 1955, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understandings:

1. That the project cost of $20,200,000 (including $2,500,000 for land to be acquired) is a maximum figure.

2. That the reported annual operating cost of existing Tempos 4, 5 and T, i. e., 99¢ per sq. ft., represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the proposed building will house some 10 percent of Federal employes presently housed in temporary buildings, and that the specific allocation of agencies in the proposed building is to be determined later by GSA.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to approval of the lease-purchase agreement.

Sincerely yours,

[Signed] ROWLAND HUGHES,
Director.

HON. EDMUND F. MANSURE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 55-6130; Filed, July 26, 1955; 10:09 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-36]

ADDRESSES AND DESCRIPTIONS OF CAPTAINS OF PORT OFFICES AND PORT AREAS FOR SAVANNAH, GA., AND KETCHIKAN, T. A.

For the information of those affected by the requirements in 33 CFR Part 124 (20 F. R. 1532) to file advance notice of time of arrival with the local Captain of the Port or the Coast Guard District Commander, the addresses and descriptions of Coast Guard districts, as well as Captain of the Port offices and port areas, were published in the FEDERAL REGISTER dated March 12, 1945 (20 F. R. 1537-1539), as Coast Guard Document CGFR 55-7 and Federal Register Document 55-2100. The "Captain of the Port Offices and Port Areas" for Savannah, Ga., and Ketchikan, T. A., have been revised as follows:

Seventh Coast Guard District. * * * Captain of the Port Office, P. O. Box 194, Savannah 12, Ga.: All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 32°10'00" N., 81°10'00" W. east to the 81°08'00" W. meridian; thence south to the 32°08'00" N. parallel; thence east to the 80°47'30" W. meridian; thence south to the 31°59'00" N. parallel; thence west to the 81°09'00" W. meridian; thence north to the 32°08'00" N. parallel; thence west to the 81°10'00" W. meridian; thence north to the point of beginning.

Seventeenth Coast Guard District. Captain of the Port Office, Coast Guard Base, Ketchikan, Territory of Alaska: All navigable waters of the U. S. and contiguous land areas within the following boundaries: A line extending from a point at the junction of 54°40'00" N. and the United States-Canadian Boundary as indicated on USC & GS Chart 8102, easterly and northerly along the United States-Canadian Boundary to the 56°00'00" N. parallel, thence west to the 134°00'00" W. meridian, thence south to the 54°40'00"N. parallel, and thence east to the point of beginning.

Dated: August 4, 1955.

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

[F. R. Doc. 55-6475; Filed, Aug. 9, 1955; 8:50 a. m.]