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## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Miscellaneous Regulations  
[Administration Letter 559 (444)]

#### PART 383—FARM HOUSING LOANS

##### DEFINITION OF FARM

Section 383.3 (b), Title 6, Code of Federal Regulations (21 F. R. 3477), is revised to redefine a farm and to read as follows:

§ 383.3 *Qualifications for Farm Housing loan.* \* \* \*

(b) *Farm.* For purposes of this part, a farm includes the total acreage of one or more tracts of land owned by the applicant and operated as an individual farm which is in agricultural production and annually will produce agricultural commodities for sale and home use which have a gross value of not less than \$400 based on 1944 prices.

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480)

Dated: April 14, 1958.

[SEAL]                      H. C. SMITH,  
                                    Acting Administrator,  
                                    Farmers Home Administration.

[F. R. Doc. 58-2878, Filed, Apr. 17, 1958;  
8:50 a. m.]

## TITLE 7—AGRICULTURE

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

#### PART 728—WHEAT

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# FEDERAL REGISTER

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## CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 (\$1.00)

Titles 22-23, Rev. Jan. 1, 1958 (\$4.25)

Titles 28-29 (\$1.50)

Previously announced: Title 3, 1957 Supp. (\$0.40); Titles 4-5 (\$1.00); Title 8, Rev. Jan. 1, 1958 (\$3.25); Title 9 (\$0.75); Titles 10-13 (\$1.00); Title 17 (\$0.65); Title 18 (\$0.50); Title 20 (\$1.00); Titles 30-31 (\$1.50); Title 32, Parts 700-799 (\$0.60), Part 1100 to end (\$0.50); Titles 35-37 (\$1.00); Title 39 (\$0.60); Titles 40-42 (\$1.00); Title 43 (\$0.70); Title 46, Parts 1-145 (\$0.75), Parts 146-149, Rev. Jan. 1, 1958 (\$5.50); Title 49, Part 165 to end (\$0.75)

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**AUTHORITY:** §§ 728.850 to 728.895 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331-338, 362-368, 372-374, 376, 52 Stat. 38, as amended, 52-55, as amended, 62-64, as amended, 65, as amended, 66, as amended, 55 Stat. 203, as amended, sec. 106, 70 Stat. 191; 7 U. S. C. 1301, 1331-1338, 1340, 1362-1368, 1372-1374, 1376, 1824.

#### GENERAL

§ 728.850 *Basis and purpose.* The regulations contained in §§ 728.850 to



728.895, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1958 and subsequent crops of wheat: Identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat are planted, to farms on which the normal production of the wheat acreage is less than 200 bushels, to wheat produced by publicly owned experiment stations, to wheat grown on Federal and State wildlife refuge farms, and to farms where all the wheat crop is fed or used for seed or food on the farm. The regulations in §§ 728.850 to 728.895 will remain in effect until amended, superseded or suspended. Prior to preparing §§ 728.850 to 728.895, inclusive, public notice (22 F. R. 6994, 23 F. R. 118, 1604) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining to the regulations in §§ 728.850 to 728.895, inclusive, were received pursuant to such notices. Since 1958 wheat acreages are now being measured in some sections of the country and since farmers should be informed as soon as possible of these measured acreages and of the final dates by which their wheat acreages in excess of their farm allotments may be adjusted to such allotments, it is hereby found that compliance with the effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations herein shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

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

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

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

(c) "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.

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

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

(f) "Committees":

(1) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(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 under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(3) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

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

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

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

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

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

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

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

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

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

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

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

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

(r) "Crop year" means the calendar year in which the wheat crop is harvested or would, under normal conditions, be harvested.

(s) "Marketing year" means the period beginning July 1 and ending June 30 of the following year, both dates inclusive.

(t) "Farm" means farm as defined in the regulations governing determination of acreage and performance (Part 718 of this chapter) and any amendments thereto.

(u) "Farm acreage allotment" means the wheat acreage allotment established for the farm in accordance with applicable regulations.

(v) "Wheat acreage" means any acreage planted to wheat, and any acreage of volunteer wheat which reaches maturity, excluding any acreage (1) of a wheat mixture in wheat-mixture counties, or of a mixture of other grains and wheat in non-wheat-mixture counties which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title); (2) of wheat cover crop; (3) of wheat grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station; (4) of wheat grown by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm; (5) in case of a delayed notice of excess acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm; and (6) of unharvested wheat seeded in excess of the allotment which is completely destroyed by some cause beyond the control of the operator (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county (as determined under § 728.855), or (ii) within 15 days after a delayed notice of the acreage of wheat is mailed to the operator of the farm. Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat and poulard wheat.

(w) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment.

(x) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the



date wheat harvest normally begins in the county or areas within the county as prescribed in § 728.855.

(y) "Wheat mixture" means a mixture of wheat and other small grains which (1) when seeded, contained less than 50 percent of wheat by weight, and (2) when harvested, produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity. The seeding of any acreage of flax, Austrian winter peas, rough peas, and vetch with wheat or a mixture of wheat and other small grains will disqualify this acreage from the classification of wheat mixture. Volunteer infestations of flax, Austrian winter peas, rough peas or vetch will not change the classification of a crop otherwise qualifying as a wheat mixture. Such volunteer flax, vetch and peas shall be excluded in determining the percentage of wheat and other small grains in a mixture.

(z) "Wheat mixture counties" means counties in the commercial wheat-producing area in which the seeding of wheat mixtures is a normal farming practice determined to be as follows: All counties in the States of Alabama, Arkansas, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Ninidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls and Washington; in the State of Oregon the counties of Benton, Clackamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe County.

(aa) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.853.

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

(cc) "Farm marketing quota" means the wheat marketing quota established for the farm under § 728.858.

(dd) "Farm marketing excess" means the amount of wheat determined for any farm under § 728.859 or § 728.862, whichever is applicable.

(ee) "Penalty" means the penalty referred to in § 728.872.

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

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

(hh) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bar-

tered, or exchanged, or are to be so disposed of:

(1) The terms "marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(2) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift. The penalty on excess wheat is due regardless of what use is made of the excess wheat.

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

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

§ 728.852 *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. Such forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 728.853 *Normal yields—(a) Farms for which normal yields will be determined.* The county committee will determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which it is necessary to establish a normal yield to determine whether the farm falls within the 200 bushel exemption as provided in § 728.890, for each farm for which a request is made to the county committee by the operator either prior to or after seeding, and for each farm as required for the purposes of the provisions of § 728.879 (h) and (i). Determinations of farm normal yields shall be documented in a manner approved by the State committee and such determinations shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved by or on behalf of the State committee.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per harvested acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields,

adjusted for abnormal weather conditions and trends in yields.

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

(d) *Irrigated and nonirrigated yields.* Where irrigated and nonirrigated wheat are produced on the same farm, a separate normal yield shall be established for each classification on the basis of the applicable factors in paragraph (b) or (c) of this section (paragraph (c) to apply where records on an irrigated and nonirrigated basis are not available for each of the applicable ten years), and the normal yield for the farm shall be determined by computing the average of the irrigated and nonirrigated normal yields so determined, weighted by the actual acreages of irrigated and nonirrigated wheat on the farm for the year for which the yield is being determined. Where there is no wheat acreage for the year for which the yield is being determined, the normal yield for such a farm shall be the average of the irrigated and nonirrigated normal yields, weighted by the acreages which it is determined by the county committee were contributed to the farm wheat acreage allotment (for the year for which the yield is being determined) by the production in prior years of irrigated and nonirrigated wheat.

#### MEASUREMENT OF FARMS AND FINAL DATES FOR DISPOSAL OF EXCESS ACREAGE

§ 728.854 *Measurement of farms—(a) Identification of farms.* Each wheat farm shall be identified by a farm serial number, assigned by the county committee, and all records pertaining to wheat marketing quotas for the crop year shall be identified by the farm serial number.

(b) *Farms which are to be measured.* The county committee shall provide for the measurement of all farms in the county having a wheat acreage allotment and any other farm in the county on which the committee has reason to believe there is wheat which could be available for harvest, regardless of its intended use, for the purposes of ascertaining with respect to each of such farms the acreage of wheat and whether such acreage is in excess of the farm wheat acreage allotment. Measurement shall be made under the general supervision of the county committee in accordance with Part 718 Determination of Acreage and Performance, of this



chapter (22 F. R. 3747), and any amendments thereto.

(c) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. In addition, upon request of the county committee, the State administrative officer may designate an employee of the State committee to serve as a reporter.

(d) *Measurement of wheat acreage.*  
 (1) Upon his first visit to the farm for purposes of measurement, the reporter assigned thereto shall (i) when there is no wheat acreage reserve agreement for the farm, estimate the acreage planted to wheat including volunteer wheat and wheat mixtures in wheat-mixture counties where the total acreage of wheat is obviously less than 10 acres and all producers of wheat on the farm, or their authorized representatives, indicate on the Form CSS-578 that they will not apply for price support on the wheat produced on the farm; and (ii) in all other cases measure all acreages on which wheat is growing except fields or parts of fields which are identified by the operator or producer as being fields of wheat mixtures in wheat-mixture counties, acreages to be used as cover crop, or volunteer wheat. The acreages of such wheat mixtures, cover crop, and volunteer wheat may be measured, and if not measured, shall be estimated.

(2) All farms required to be measured under the provisions of subparagraph (1) (ii) of this paragraph which from such measurement (including estimates, if any) are found to have acreage on which wheat is growing in excess of the farm wheat acreage allotment shall be revisited by a reporter for the purposes of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any farm on which the first inspection showed a total acreage of wheat not in excess of 15 acres unless a producer on such farm requests measurement and pays the cost thereof by the date specified on Notice of Excess Acreage (Form CSS-590), which date shall coincide with the latest date on which the adjustment may be made as provided in § 728.855. On this visit all acreage devoted to wheat which has not been adjusted prior to harvest so as not to qualify as wheat acreage in accordance with the regulations in this subpart, or which does not qualify as a wheat mixture in wheat-mixture counties, shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

§ 728.855 *Notice of excess acreage and final dates for disposal of excess acreage—(a) Notice of excess acreage.* (1) If the county committee determines that the wheat acreage on any farm is in excess of the farm wheat acreage allotment, the operator shall be mailed a written notice on Form CSS-590 showing the wheat acreage and the final date for adjusting such acreage to the farm wheat acreage allotment. The date shown on such notice shall be the ap-

plicable date as established under paragraph (b) of this section, except that if the notice is not mailed at least 15 days prior to such date, the period during which the excess wheat acreage may be adjusted to the wheat acreage allotment shall be extended to a date which is 15 days from the date the notice is mailed. In the event of such delayed notice, if the disposition of the excess is carried out after the end of the final date specified in paragraph (b) of this section, such disposition must be by plowing or discing under. Form CSS-590, original or revised, shall bear the actual or facsimile signature of the county office manager or a member of the county committee. Such facsimile signature may be affixed by a county office employee.

(2) If the producer on the farm is unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit prescribed on the notice, a request for additional time may be filed in writing at the county office by any producer on the farm who has an interest in the crop. In order to be considered, the request for additional time must be filed prior to the expiration of the final date for disposition of the excess as shown on the notice. The reason the producer on the farm is unable to dispose of the excess acreage within the prescribed time limit shall be set forth in the request for additional time. If the county committee or the county office manager determines from the facts available that the producer was unable to dispose of the excess acreage within the prescribed time, because of conditions beyond his control, the county committee or county office manager may grant an extension of such time sufficient to afford a fair and reasonable opportunity for such disposal: *Provided*, That such extended period shall not exceed 15 days from the time limit prescribed in the notice from which relief is sought. Disposition of the excess acreage within the extended period must be accomplished by mechanical means or by some cause beyond the control of the operator to the extent it cannot be harvested for grain or used for hay, pasture or silage. If an extension is granted, the operator shall be mailed a revised notice on Form CSS-590 showing the extended disposition date. If a request for extension is denied, the county office manager shall notify the operator by letter of the denial.

(3) If the producer is unable to dispose of the excess wheat acreage because of conditions beyond his control and the producer failed to apply for an extension by the county committee, prior to the disposal date referred to in subparagraphs (1) and (2) of this paragraph, a request for additional time may be filed in writing at the county office, for consideration by the State committee, by any producer on the farm who has an interest in the crop. In order to be considered, he must file the request in writing and show the reason he was unable to comply with the expiration date of which he was notified. If the State committee, or State administrative officer on behalf of the State committee, determines that the producer was unable, be-

cause of conditions beyond his control, to dispose of the excess acreage within the time limit, the county office may be authorized to extend the expiration date. Upon receipt of such authorization, the county committee or county office manager shall extend the previous date for disposition to provide the producer a reasonable opportunity to dispose of the excess acreage. If any extension of time is granted pursuant to this subparagraph, the farm operator shall be mailed a revised notice on Form CSS-590, showing the extended disposition date. If a request for extension is denied, the county office manager shall notify the operator by letter of denial.

(4) Notwithstanding the provisions of subparagraphs (2) and (3) of this paragraph, in no case shall a disposition date be later than the time the harvesting of wheat begins on the farm, except where it may be necessary to issue a delayed notice in accordance with subparagraph (1) of this paragraph.

(b) *Final date for the disposal of excess acreage.* The final dates determined by the Secretary, upon recommendation of the county and State committees for the disposal of excess wheat acreage as wheat cover crop, are considered to be not later than 30 days prior to the date wheat harvest normally begins in the county or area within the county. The dates for each crop year in each county or areas of a county by which the excess acreage of wheat on the farm must be utilized in the prescribed manner as provided in paragraph (a) of this section, are as follows, except that for 1958, if the date for any county shown in this subpart, the effective date for such county shall be ten days after such publication:

## ARKANSAS

May 20: All counties.

## CALIFORNIA

May 1: Imperial.

May 15: Fresno, Kern (except for Tehachapi and Temblor Districts), Kings, Madera, Merced, Riverside (Palo Verde Valley), Tulare.

June 1: Kern (Tehachapi and Temblor Districts), Los Angeles, Mariposa, Nevada, Orange, Placer, Riverside (except for Palo Verde Valley), San Bernardino, San Diego, San Joaquin, Stanislaus, Ventura.

June 15: Alameda, Amador, Calaveras, El Dorado, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Sonoma, Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yola, Yuba, Santa Barbara, Shasta (for Cottonwood and Anderson Districts), Tuolumne.

July 1: Alpine, Inyo, Mono.

July 15: Siskiyou (for Shasta Valley), Mendocino.

August 1: Lassen, Modoc, Plumas, Trinity, Shasta (except for Cottonwood and Anderson Districts), Sierra.

August 15: Siskiyou (except for Shasta Valley).

## COLORADO

June 5: Baca, Bent, Cheyenne, Crowley, Kiowa, Las Animas, Otero and Prowers.

June 10: Adams, Arapahoe, Elbert, Kit Carson, Lincoln, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma.

June 15: Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, and Pueblo.



## RULES AND REGULATIONS

June 25: Custer, Delta, Dolores, Fremont, La Plata, Mesa, Montezuma, Montrose, Ouray and San Miguel.

July 20: Chaffee, Eagle, Garfield, Grand, Gunnison, Jackson, Moffat, Park, Pitkin, Rio Blanco, Routt and Teller.

August 15: Alamosa, Archuleta, Conejos, Costilla, Rio Grande and Saguache.

## DELAWARE

May 31: All counties.

## GEORGIA

April 25: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bullock, Screven, and all counties south thereof.

May 10: Area II—Harison, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

May 24: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

## IDAHO

## (Nonirrigated)

July 1: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Washington.

July 15: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine, Twin Falls.

August 1: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15: Valley.

## (Irrigated)

July 1: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington.

July 15: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power, Twin Falls.

August 1: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

(Elevation under 2,500 feet)

July 15: Nez Perce.

August 1: Clearwater.

(Elevation over 2,500 feet)

August 1: Nez Perce.

August 15: Clearwater.

(Elevation under 3,500 feet)

July 15: Boundary, Kootenai.

August 1: Benewah, Bonner, Idaho, Latah, Lewis.

(Elevation over 3,500 feet)

August 1: Boundary.

August 15: Benewah, Bonner, Idaho, Kootenai, Latah, Lewis.

## ILLINOIS

May 25: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iriquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.

## INDIANA

June 1: Allen, De Kalb, Elkhart, Fulton, Jasper, Kosciusko, La Grange, Lake, La Porte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley.

May 15: All other counties.

## IOWA

(Winter Wheat)

June 1: All counties.

(Spring Wheat)

June 10: All counties.

## KANSAS

May 20: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Harvey, Kingman, Labette, Montgomery, Neosho, Pratt, Reno, Sedgwick, Sumner, Wilson, Woodson.

May 25: Anderson, Atchison, Barton, Brown, Chase, Clark, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Haskell, Hodgeman, Jackson, Jefferson, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Morris, Morton, Nemaha, Osage, Ottawa, Pawnee, Pottawatomie, Republic, Rice, Riley, Rush, Saline, Seward, Shawnee, Stafford, Stanton, Stevens, Wabaunsee, Washington, Wyandotte.

June 1: Decatur, Ellis, Finney, Gove, Graham, Greeley, Hamilton, Jewell, Kearny, Lane, Logan, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Russell, Scott, Sheridan, Smith, Trego, Wallace, Wichita.

June 5: Cheyenne, Rawlins, Sherman, Thomas.

## KENTUCKY

June 1: All counties.

## MARYLAND

May 31: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Prince Georges, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, Worcester.

June 10: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20: Allegany and Garrett.

## MICHIGAN

June 10: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15: All other counties in the lower Peninsula.

June 25: Upper Peninsula counties.

## MINNESOTA

June 30: All counties.

## MISSOURI

June 1: All counties south of the Missouri River.

June 10: All counties north of the Missouri River.

## MONTANA

(Winter Wheat)

July 11: All counties.

(Spring Wheat)

July 21: All counties.

## NEBRASKA

June 1: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 15: Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Custer, Dakota, Dawson, Dixon, Dundy, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt,

Hooker, Howard, Keith, Keya Paha, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Nance, Perkins, Pierce, Platte, Polk, Rock, Sherman, Stanton, Thomas, Valley, Wayne, Wheeler.

June 20: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.

## NEW JERSEY

June 1: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem.

June 8: Mercer, Middlesex, Monmouth, Somerset, Union.

June 15: Bergen, Essex, Hunderdon, Morris, Passaic, Sussex, Warren.

## NEW MEXICO

May 1: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

May 15: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

June 1: Colfax, Catron, Harding, Mora, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

June 15: Any area above 7,000 feet elevation.

## NEW YORK

June 5: Nassau, Suffolk.

June 15: All other counties.

## NORTH CAROLINA

May 15: All counties.

## NORTH DAKOTA

July 5: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 15: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mount-rail, Nelson, Pembina, Pierce, Ramsey, Ren-ville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells, Williams.

## OHIO

June 11: All counties.

## OKLAHOMA

April 15: Beckham, Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, Washita.

May 10: Beaver, Cimarron, Ellis, Harper, Texas, Woods and Woodward.

April 25: All other counties.

## OREGON

(Winter Wheat)

June 15: Benton, Clackamas, Linn, Marion, Polk, Washington, Yamhill.

July 1: Wasco.

July 15: Baker, Douglas, Jackson, Josephine, Lane, Union.

July 20: Wallowa.

(Spring Wheat)

July 15: Benton, Clackamas, Linn, Marion, Polk, Wasco, Washington, Yamhill.

August 1: Baker, Douglas, Jackson, Josephine, Lane.

August 10: Union.

August 20: Wallowa.

(All Wheat)

June 15: Clatsop, Columbia, Coos, Curry, Hood River, Lincoln, Multnomah, Tillamook.

July 1: Gilliam, Morrow, Sherman and Umatilla counties under 2,000 feet elevation, Malheur under 3,000 feet elevation.

July 15: Deschutes, Grant under 2,000 feet elevation, Harney, Malheur over 3,000 feet elevation.

July 20: Jefferson (nonirrigated).



July 25: Gilliam, Morrow and Sherman counties over 2,000 feet elevation.

August 1: Crook, Jefferson (irrigated) and all wheat in the warm springs area, Klamath (nonirrigated), Lake, Umatilla over 2,000 feet elevation, Wasco (all wheat in the warm springs area), Wheeler.

August 15: Grant over 2,000 feet elevation, Klamath (irrigated).

PENNSYLVANIA

June 7: Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Greene, Juniata, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Washington, York.

June 21: Allegheny, Armstrong, Beaver, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Huntingdon, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming.

SOUTH CAROLINA

May 15: All counties.

SOUTH DAKOTA

June 20: Pennington, Custer, Fall River, Shannon, Jackson, Washabaugh, Bennett, Jones, Lyman, Mellette, Todd, Tripp, Gregory, Charles Mix, Bon Homme, Yankton, Clay, Union.

July 1: All other counties.

TENNESSEE

May 20: All counties.

TEXAS

April 10: Austin, Bee, Colorado, Duval, Hardin, Harris, Jackson, Liberty, Live Oak, Orange, Refugio, Victoria, Waller, Webb, and all counties south thereof.

May 20: Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Sherman, May 10: All other counties.

UTAH

June 20: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 1: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 10: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

VIRGINIA

June 15: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Frederick, Giles, Grayson, Highland, Lee, Loudoun, Madison, Montgomery, Orange, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, Warren, Washington, Wise, Wythe.

June 1: All other counties.

WASHINGTON

County	Area and type of wheat	Dates
Adams	Winter wheat	June 30.
Asotin	Spring wheat	July 20.
	All wheat, Areas 1 and 4	July 30.
Benton	Area 2	July 1.
	Area 3	July 20.
	Area 5	August 15.
Chelan	Winter wheat	June 30.
	Spring wheat dryland	June 30.
Columbia	Spring wheat irrigated	July 15.
	Area A:	
Cowlitz	Winter wheat	August 25.
	Spring wheat	September 1.
Douglas	Area B:	
	Winter wheat	July 20.
Franklin	Spring wheat	August 5.
	Area 1:	
Grant	Winter wheat	June 20.
	Spring wheat	June 30.
Klickitat	Area 2:	
	Winter wheat	July 5.
Lewis	Spring wheat	July 15.
	Area 3:	
Lincoln	Winter wheat	July 20.
	Spring wheat	July 15.
Mason	Area 4:	
	Winter wheat	July 20.
Okanogan	Spring wheat	August 15.
	Area 5:	
Pacific	Winter wheat	July 15.
	Spring wheat	August 15.
Pend Oreille	Area 6:	
	Winter wheat	August 1.
Pierce	Spring wheat	August 15.
	Area 7:	
San Juan	Winter wheat	July 20.
	Spring wheat	August 5.
Skagit	Area 8:	
	Winter wheat	July 20.
Skamania	Spring wheat	August 5.
	Area 9:	
Snohomish	Winter wheat	July 20.
	Spring wheat	August 5.

WASHINGTON—continued

County	Area and type of wheat	Dates
Chelan	All wheat	July 15.
Clark	do.	July 20.
Columbia	Area 1:	
	Winter wheat	June 20.
Cowlitz	Spring wheat	June 30.
	Area 2:	
Douglas	Winter wheat	July 5.
	Spring wheat	July 15.
Franklin	Area 3:	
	Winter wheat	July 20.
Grant	Spring wheat	July 30.
	Area 4:	
Klickitat	Winter wheat	July 20.
	Spring wheat	July 30.
Lewis	All wheat	July 20.
	Area 5:	
Lincoln	Winter wheat	July 20.
	Spring wheat	July 15.
Mason	Area 6:	
	Winter wheat	July 20.
Okanogan	Spring wheat	August 15.
	Area 7:	
Pacific	Winter wheat	July 15.
	Spring wheat	August 15.
Pend Oreille	Area 8:	
	Winter wheat	August 1.
Pierce	Spring wheat	August 15.
	Area 9:	
San Juan	Winter wheat	July 20.
	Spring wheat	August 5.
Skagit	Area 10:	
	Winter wheat	July 20.
Skamania	Spring wheat	August 5.
	Area 11:	
Snohomish	Winter wheat	July 20.
	Spring wheat	August 5.

WASHINGTON—continued

County	Area and type of wheat	Dates
Spokane	Area due west on north boundary of Township 24 to where it intercepts the east boundary of Range 42 and then due south to county line.	August 5.
	All the remainder of the county.	July 20.
Stevens	Winter wheat	July 15.
	Spring wheat	August 15.
Thurston	All wheat	July 15.
	do.	July 31.
Wahkiakum	Area due west on north boundary of Township 24 to where it intercepts the east boundary of Range 42 and then due south to county line.	August 1.
	All other Dryland areas and irrigated section.	
Whatcom	All wheat	July 15.
	Eastern Whitman	July 25.
Whitman	Western Whitman	July 10.
	All wheat	July 15.

WEST VIRGINIA

June 1: Berkeley, Boone, Cabell, Clay, Jackson, Jefferson, Kanawha, Lincoln, Logan, Mason, McDowell, Mingo, Putnam, Roane, Wayne, Wyoming.

June 10: Barbour, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Ritchie, Taylor, Tyler, Upshur, Wetzell, Wirt, Wood.

June 15: Fayette, Greenbrier, Mercer, Monroe, Nicholas, Pocahontas, Preston, Raleigh, Randolph, Summers, Tucker, Webster.

WISCONSIN

June 20: Adams, Buffalo, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Greene, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Portage, Racine, Richland, Rock, St. Croix, Sauk, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waushara, Winnebago.

July 5: Barron, Brown, Burnett, Calumet, Chippewa, Clark, Door, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, Wood.

July 15: Ashland, Bayfield, Douglas, Florence, Forest, Iron.

WYOMING

(Winter Wheat)

June 20: Goshen, Laramie, Platte.

July 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

July 20: Big Horn, Fremont, Hot Springs, Park, Washakie.

August 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

(Spring Wheat)

June 30: Goshen, Laramie, Platte.

July 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

August 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

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



of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the wheat acreage, (g) the farm normal yield, and (h) the farm marketing excess in bushels.

**FARM MARKETING QUOTA AND FARM MARKETING EXCESS**

§ 728.857 *Marketing quotas in effect.* Marketing quotas, when effective with respect to a particular crop of wheat, shall be applicable in the designated commercial wheat-producing area for such crop of wheat as published under this part. Wheat marketing quotas shall be applicable to all wheat of such crop in the commercial wheat-producing area notwithstanding that it may be available for marketing prior to the beginning of the marketing year or subsequent to the end of the marketing year. Notwithstanding the inapplicability of wheat marketing quotas outside the commercial wheat-producing area, the regulations in this subpart shall be applicable to buyers and transferees outside such area.

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

§ 728.859 *Farm marketing excess.* The farm marketing excess for any crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor: *Provided,* That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary.

§ 728.860 *Notice of farm marketing excess.* Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the wheat crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same date to each other wheat producer on the farm as shown on ASC county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced on the farm for which the notice is given. Each notice shall be on Form MQ-93—Wheat and shall contain the information necessary in each case to inform the producer as to the basis

for the determination set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 728.861 *Farms for which proper notice of the farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 728.860, 728.862, 728.879 and 728.880, the producer shall be so notified by the county committee on Form MQ-93—Wheat and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the farm marketing excess as provided in §§ 728.862, 728.879 and 728.880. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ-93—Wheat with a copy of the determination of the county committee as provided in § 728.862 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 728.862 *Farm marketing excess adjustment—(a) Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the wheat produced on any farm for which there is a farm marketing excess may (i) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 728.861, apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced on the farm in the applicable crop year, or (ii) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of wheat on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of wheat is normally substantially completed in the county or area in the county shall be determined by the Secretary, taking into consideration recommendations which the State and county committees may make. Unless application

for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 728.861, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established dates on which wheat harvest is normally substantially completed have been determined as aforesaid in wheat-producing counties to be as follows:

**ARKANSAS**

June 25: All counties.

**CALIFORNIA**

August 15: Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yola, Yuba.

September 1: Alameda, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Sonoma.

September 15: Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mendocino, Mono, Nevada, Placer, Tuolumne.

October 1: Lassen, Modoc, Plumas, San Luis Obispo, Shasta, Sierra, Siskiyou, Trinity.

**COLORADO**

August 15: Larimer, Boulder, Jefferson, El Paso, Pueblo, Huerfano, Las Animas and all counties east thereof.

November 1: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, Grand, Jackson, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel, Teller.

**DELAWARE**

August 1: All counties.

**GEORGIA**

July 1: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candier, Bulloch, Screven and all counties south thereof.

July 15: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

August 1: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

**IDAHO**

September 1: Ada, Canyon, Gem, Owyhee, Payette.

September 15: Washington, Cassia, Gooding, Jerome, Minidoka, Twin Falls.

October 1: Benewah, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Boise, Elmore, Blaine, Camas, Lincoln, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Clark, Fremont, Jefferson, Lemhi.



October 15: Bonner, Valley, Bear Lake, Butte, Cuater, Madison, Teton.

## ILLINOIS

July 31: All counties.

## INDIANA

July 16: All counties.

## IOWA

August 1: All counties.

## KANSAS

July 30: All counties.

## KENTUCKY

August 15: All counties.

## MARYLAND

August 1: All counties except Allegany and Garrett.

September 1: Allegany and Garrett.

## MICHIGAN

August 15: All counties south of and including Mason, Lake, Oseceola, Clare, Gladwin and Arenac.

August 31: All other counties including the upper Peninsula.

## MINNESOTA

September 1: All counties.

## MISSOURI

July 30: All counties.

## MONTANA

September 16: All counties.

## NEBRASKA

July 20: Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Salline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

August 1: All other counties.

## NEW JERSEY

July 24: All counties.

## NEW MEXICO

July 15: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

August 1: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (area east of Rio Puerco).

August 15: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (area west of Rio Puerco).

September 1: Any area above 7,000 feet elevation.

## NEW YORK

August 15: All counties.

## NORTH CAROLINA

July 15: All counties.

## NORTH DAKOTA

October 1: All counties.

## OHIO

July 18: All counties.

## OKLAHOMA

July 1: For all counties except Beaver, Cimarron and Texas.

July 15: Beaver, Cimarron and Texas.

## OREGON

September 1: Grant, Malheur, Umatilla.

September 15: Benton, Clackamas, Columbia, Douglas, Gilliam, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Union, Washington, Yamhill.

September 30: Wheeler.

October 1: Crook, Jefferson, Lake Wasco.

October 15: Baker.

October 20: Harney.

November 1: Wallowa.

November 15: Deschutes.

## PENNSYLVANIA

August 21: All counties.

## SOUTH CAROLINA

July 1: All counties.

## SOUTH DAKOTA

September 1: All counties.

## TENNESSEE

July 31: All counties.

## TEXAS

July 15: All counties.

## UTAH

September 15: All counties.

## VIRGINIA

September 1: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Frederick, Giles, Grayson, Highland, Lee, Loudoun, Madison, Montgomery, Orange, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, Warren, Washington, Wise, Wythe.

July 20: All other counties.

## WASHINGTON

August 25: Franklin.

August 31: Garfield, King.

September 1: Adams, Clark, Columbia, Cowlitz, East Ferry, Klickitat, Lincoln, Thurston, Walla Walla.

September 10: Grant, Douglas.

September 15: Asotin, Benton, Chelan, West Ferry, Spokane, Whitman.

September 20: Jefferson, Lewis, Mason.

September 30: Grays Harbor, Pierce, Skagit, Snohomish.

October 1: Okanogan, Pend Oreille, Yakima, Stevens.

October 15: Clallam, Island, Kittitas, San Juan, Whatcom.

## WEST VIRGINIA

August 15: All counties.

## WISCONSIN

September 1: All counties.

## WYOMING

## Winter Wheat

July 20: Goshen, Laramie, Platte.

August 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

August 20: Big Horn, Fremont, Hot Springs, Park, Washakie.

September 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

## Spring Wheat

July 30: Goshen, Laramie, Platte.

August 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

September 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined on the basis of the relevant facts, including past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, processing, sales and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In determining actual production the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as wheat acreage unless the county committee determines that no wheat could be harvested in any manner from the unharvested acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess; (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and farm marketing excess. A revised notice on Form MK-93—Wheat with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and



revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved by or on behalf of the State committee.

(c) *Adjustment where no wheat is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no wheat has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section, without the necessity of an application by the producer.

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

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

§ 728.865 *Successors-in-interest.* Subject to the provisions of § 728.893 (c) (5), any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the wheat. If a successor-in-interest should acquire from a deceased producer wheat subject to the lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor-in-interest to market the wheat penalty free until the penalty has been satisfied.

§ 728.866 *Review of quotas—(a) Right to review by a review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the

acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Part 711 of this chapter, Marketing Quota Review Regulations) issued by the Secretary (21 P. R. 9365), and any amendments thereto.

(b) *Action by county committee prior to review hearing.* Action shall be taken by the county committee prior to the review hearing in accordance with § 711.14 of the review regulations.

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

#### MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.867 *Issuance of marketing cards—(a) Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ-76—Wheat) for the applicable crop year if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.874 or § 728.875, (3) the farm marketing excess is stored, as provided in § 728.879, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 728.880. A marketing card shall not be issued until the performance report (CSS-578) has been signed by the operator or his representative. Upon request a marketing card will be issued to any wheat producer for a farm outside the commercial wheat-producing area. Marketing cards will be delivered to producers at the office of the county committee, except that if the county committee determines that it would facilitate the effective administration of the act and the committee has reason to believe that the marketing card will be used, marketing cards may be mailed to the producers entitled thereto: *Provided,* That the producers are instructed in writing to sign the card in the appropriate space thereon prior to its use. Each marketing card shall be serially numbered and shall show the names of the State and county and the serial number of the farm, the actual or facsimile signature of the county office manager or member of the county committee, the date of issuance, the name and address of the producer to whom issued, and the sig-

nature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or a member of the county committee giving an explanation of the reason the signature of the producer cannot be made. The facsimile signature provided for herein may be affixed by a county office employee.

(b) *Producers ineligible to receive marketing cards.* The producers on a farm shall be ineligible to receive marketing cards (1) if any producer on the farm owes any penalty for excess wheat for any preceding crop year, (2) if determination of the wheat acreage has not been made and has been prevented by any producer on the farm, (3) if the farm marketing excess determined under § 728.859 is adjusted under § 728.862, (4) if an exemption from marketing quota obligations is obtained under the provisions of § 728.893 and the conditions of the exemption are fully complied with, or (5) if both a crop of wheat and a crop of wheat mixture in wheat-mixture counties were produced on the farm in the same crop year. A producer shall not be considered to owe any penalty under subparagraph (1) of this paragraph if he has avoided or postponed payment of the penalty through storage of excess wheat in accordance with applicable regulations.

(c) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraphs (a) and (b) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the wheat crop, and (3) the producer's liability has not been reduced to a proportionate share of any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive a marketing certificate(s) with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties determine or if the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the act.



(d) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify wheat produced on any farm, the serial number of which is not entered on the card. A marketing card shall not be used to market any wheat which was not produced on a farm the serial number of which appears on the marketing card.

(e) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provision of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act. A marketing certificate shall be issued in such cases for any proved production.

§ 728.868 *Issuance of marketing certificates—(a) Producers to whom marketing certificates may be issued.* The county office manager or a member of the county committee, shall, upon request, issue a marketing certificate, Form MQ-94—Wheat, to any producer (1) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (2) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 728.874 (c), (3) who is ineligible to receive a marketing card solely because of penalties owed by him or by any producer on the farm for excess wheat for any preceding crop year, (4) who is ineligible to receive a marketing card solely because of excess wheat produced on another farm as provided in § 728.867 (c), (5) who is otherwise eligible to receive a marketing card but who has an interest in the wheat crop on a farm for which a multiple producer is ineligible to receive a marketing card, (6) who is ineligible to receive a marketing card because the farm marketing excess determined under § 728.859 was adjusted under § 728.862, (7) who is ineligible to receive a marketing card because he is exempted from marketing quota obligations under the provisions of § 728.893 for a certain crop year or years but has wheat on hand of a prior or subsequent crop year for which he would otherwise be eligible to receive a marketing card or is otherwise eligible to receive a marketing card on a farm not covered by such exemption, (8) who is ineligible to receive a marketing card because he has an interest in a crop of wheat and a crop of wheat mixture, in a wheat-mixture county, (9) who has eligible wheat produced in a prior year but who is ineligible to receive a marketing card for the current crop year, or (10) who is ineligible to receive a marketing card under § 728.867 (e). Upon request, a marketing certificate will be issued to any wheat producer outside the commercial wheat-producing area.

(b) *Completion of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names

of the State and county and the serial number for the farm, (3) the number of bushels of wheat eligible to be marketed, (4) the serial number of the marketing card assigned to the producer for the farm, if applicable, or the word "none" if no card has been assigned, and (5) the actual or facsimile signature of the county office manager or a member of the county committee, and the date of issuance. Such facsimile signature provided for herein may be affixed by a county office employee. The original and first copy of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the triplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify wheat produced on any farm the serial number of which is not entered on the certificate. When the wheat is marketed the buyer or transferee shall enter both on the original and copy of the marketing certificate (i) the number of bushels of wheat marketed, (ii) the date marketed and (iii) the name and address of the buyer or transferee. Both the buyer or transferee and the producer shall sign the original and copy of the marketing certificate. The original shall be retained by the buyer or transferee and the copy shall be returned to the producer. If all of the wheat eligible to be marketed was not marketed in one transaction, or if the producer desires to market part of the eligible wheat to another buyer or transferee, he shall request the county office manager or his designee, or the county committee, to issue a marketing certificate for the balance of the unmarketed eligible wheat. Such request shall be accompanied by the completed producer's copy of the marketing certificate showing the amount of wheat previously marketed. The completed producer's copy of the marketing certificate shall be retained in the county office and a marketing certificate for the balance of the unmarketed eligible wheat shall be issued to the producer. Notwithstanding the foregoing, the producer may request, and the county office shall issue, more than one marketing certificate at one time, provided the total number of bushels of wheat shown on all the marketing certificates as eligible to be marketed does not exceed the number of bushels eligible to be marketed for the farm.

§ 728.869 *Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders—(a) Report of loss, destruction or theft.* In case a marketing card, marketing certificate, or producer's copy of soil bank delivery order (Form CCC-382 or CCC-103) delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card, marketing certificate, or soil bank delivery order was issued; (2) the name of the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued, if someone other than the operator; (3) the serial number of the marketing card,

marketing certificate, or soil bank delivery order, and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

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

§ 728.870 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.869 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "cancelled". In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator



operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

#### IDENTIFICATION OF WHEAT

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

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

(b) *Identification by marketing certificate.* A marketing certificate (MQ-94—Wheat), properly executed, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

(c) *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ-95—Wheat), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.883 (d) and 728.884 shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (1) the MQ-95—Wheat shows the serial number of the marketing card, marketing certificate, or soil bank delivery order by which the wheat was identified and the signatures of the producer and intermediate buyer, or (2) the original MQ-95—Wheat bears the endorsement "penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(d) *Identification by soil bank delivery order.* The quantity of wheat obtained by a producer by redemption of Soil Bank Certificates, Form CCC-379, if offered for sale, shall be taken by the buyer as penalty free if identified by the producer's copy of the soil bank delivery order, Forms CCC-382 or CCC-103, completely filled in by the county committee.

(e) *Wheat sweepings or spillage and accumulation of samples.* A person other than a producer or intermediate buyer offering wheat sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman, feeder, or processor, or other grain dealer who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the

wheat had previously been marketed to the person executing the certificate if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person other than a producer or intermediate buyer offering wheat accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the wheat was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

(f) *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in this section shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.872.

#### PENALTY

§ 728.872 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1 of the calendar year in which the crop is harvested.

§ 728.873 *Lien for penalty.* The entire amount of wheat produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 728.874 or § 728.875, or the farm marketing excess is stored in accordance with § 728.879, or delivered to the Secretary in accordance with § 728.880.

§ 728.874 *Payment of penalties by producers—(a) Producers liable for payment of penalties.* Each producer having an interest in the wheat produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. Notwithstanding the foregoing, in any event, the amount of the penalty with respect to the farm marketing excess shall become due and be remitted not later than 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 728.862 (a) (3), or not later than 30 calendar days after notice of the farm marketing excess of wheat is mailed to the producer as provided in § 728.861: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.861 or § 728.880 shall not be remitted: *And provided further,* That the

penalty on that amount of the farm marketing excess which is stored pursuant to § 728.861 or § 728.879 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.879 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated (as established in § 728.862 (a) (3)), or (2) in the case of a delayed notice of the farm marketing excess, within 30 days from the date such notice is mailed to him, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.879 or § 728.880, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced on the farm bears to the total amount of wheat produced on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.879 or § 728.880, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 728.868, to be used by him only in the marketing of his proportionate share of the wheat crop produced on the farm.

§ 728.875 *Payment of penalties by buyers or transferees—(a) Buyers or transferees liable for payment of penalties.* Each person within the United States who buys or acquires from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the person who buys or acquires such wheat, a marketing card (MQ-76—Wheat), a marketing certificate (MQ-94—Wheat) or a completed producer's copy of the soil bank delivery order, Form CCC-382 or CCC-103, as prescribed in § 728.871 (a), (b) and (d), except that buyers or persons who acquire wheat whose places of business are outside the commercial wheat-producing area need not require identification as aforesaid of wheat produced outside the commercial wheat-producing area. In all cases where such buyer or person who acquires the wheat is not satisfied that the wheat was produced outside the commercial



wheat-producing area, he should obtain the identification required in this subpart.

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

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

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

§ 728.876 *Remittance of penalties to the treasurer of the county committee.* The penalty shall be delivered or mailed to the county committee. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Commodity Stabilization Service, USDA. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, it shall be accompanied by the original and first copy of MQ-95—Wheat and the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of both copies the statement "penalty satisfied" and his signature and title and the date thereof, before returning the first copy to the intermediate buyer.

§ 728.877 *Deposit of funds.* All funds received in the office of the county committee in connection with penalties for

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

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

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified

under this section unless the money has been remitted to the county committee and transmitted by the treasurer of the county committee to the State committee.

§ 728.879 *Stored farm marketing excess—(a) Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.859 or § 728.862, whichever is applicable.

(b) *Kinds of storage; commingling and substitution.* Excess wheat shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage", or in any other place adapted to the storage of wheat, hereinafter referred to as "non-licensed storage". Commingling and substitution shall be permissible in the case of licensed storage. In the case of non-licensed storage, excess wheat may, with the prior written approval of the county committee, be commingled with stored excess wheat from any other year and any or all stored excess wheat may be replaced by wheat from any other year produced by the same producer on the same or any other farm if (1) the county committee gives prior written approval of such replacements; (2) the county committee determines that the wheat to be used for substitution is of a quality equal to or better than the wheat in storage and for which substitution is to be made; (3) the stored excess wheat which is removed from storage is replaced by an equivalent amount of the wheat within 30 days after such removal; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess wheat from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Wheat in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess wheat in which the same producer has an interest, provided the wheat so stored is determined by the county committee to be of a quality equal to or better than the wheat produced on the farm with the excess. The storage of wheat in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored wheat by quarter section or other comparable descriptive location in areas where description is not by quarter sections. Excess wheat for any year which was properly stored in non-licensed storage in order to postpone the payment of a



penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the wheat, a written request to do so is filed with the county committee and approval of such committee is granted in writing and if the wheat is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored wheat removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Wheat produced on a farm by any producer may be placed in non-licensed storage and substituted for excess wheat for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty, if a written request to do so is filed with the county committee and approval of such committee is granted in writing upon the determination of the county committee that the wheat to be stored in non-licensed storage is of a quality equal to or better than the wheat in licensed storage, and the wheat in an amount equal to the amount in licensed storage for which substitution is desired is stored in non-licensed storage in accordance with this paragraph and paragraph (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in said paragraph (d). When all requirements for non-licensed storage have been met in accordance with this section, the warehouse receipt covering the wheat in licensed storage shall be returned to the person who deposited it. Wheat stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess wheat in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator has been notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county com-

mittee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to wheat covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipt(s) shall be returned to the person who deposited it.

(d) *Non-licensed storage bonds.* The storage of excess wheat in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed by the producer storing the wheat as principal and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced for any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of wheat in storage, a new bond covering all excess wheat of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling wheat or permitting substitution of any wheat for stored excess wheat of any other year. In such case upon approval and acceptance of the new bond the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee, if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided*, That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess wheat in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance

with the regulations contained in this subpart, shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. The treasurer of the county committee shall receive all checks, drafts, and money orders subject to collection and payment as par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle wheat or to substitute wheat of any crop for excess wheat in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess wheat for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to wheat covered by funds in escrow is paid or otherwise satisfied in accordance with law the amount of funds covering such wheat shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d) or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.874 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.859 or § 728.862, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any wheat delivered to the Secretary under the provisions of § 728.880. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate ap-



pliable to the marketing year in which the stored excess wheat was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by wheat of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each such crop is satisfied.

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

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever, in any subsequent year on any farm the actual production of wheat is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from

storage without penalty, any wheat so stored by them whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section exceeds the amount of wheat produced on the farm in that year. The actual production of wheat on the farm shall include in addition to the wheat actually produced on the farm the production of wheat attributed to the soil bank acreage reserve for the farm on the basis of the yield that would be indicated from the productivity index used for determining the rate of payment per acre for the acreage reserve program. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat, to the extent of their need therefor, in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop on the farm.

§ 728.880 *Delivery of the farm marketing excess to the Secretary—(a) Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.859 or § 728.862, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose, and (1) deliver the wheat to an elevator or warehouse and tender to the treasurer of the county committee, the elevator or warehouse receipts for the amount of the wheat, or (2) if the producer shows to the satisfaction of the county committee that it is imprac-

ticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State, county, or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for the shipment for relief overseas.

(c) *Time of delivery.* Excess wheat may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county as determined in accordance with § 728.862 (a), or pursuant to § 728.861. Excess wheat may be delivered to the Secretary after such period only if the excess wheat was stored in accordance with the provisions of § 728.879 (a) through (f) and the wheat has not gone out of condition through any fault of the producer.

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

§ 728.882 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 728.874 through 728.876. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the Department, which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the



United States, to collect the penalties, as provided in section 376 of the act.

#### RECORDS AND REPORTS

§ 728.883 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, processors or transferees, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, elevator operator, feeder, processor, or transferee, and each buyer other than an intermediate buyer, who buys, acquires or receives wheat from the producer or intermediate buyer thereof shall in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act: *Provided*, That a warehouseman, elevator operator, feeder, processor, or transferee, or buyer other than an intermediate buyer, whose place of business is outside the commercial wheat-producing area need not keep records of the identification of wheat produced outside the commercial wheat-producing area.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, processor, or transferee, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat or the name and address of the person who acquired the wheat through redemption of a soil bank certificate, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ-76—Wheat), marketing certificate (MQ-94—Wheat), intermediate buyer's record and report (MQ-95—Wheat), or soil bank delivery order (CCC-382 or CCC-103) by which the wheat was identified, or the report and penalty receipt (MQ-81—Wheat), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such person required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be

furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ-97—Wheat which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty.* Each warehouseman, elevator operator, feeder, processor, or transferee, and each buyer other than an intermediate buyer, who purchases any wheat from the producer or intermediate buyer which is not identified at the time the wheat is purchased in the manner provided in § 728.871 (a), (b), (c) and (d) shall, with respect to each such transaction, execute the report and penalty receipt on MQ-81—Wheat and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the names of the county and State and the address of the ASC county office of the county in which the wheat was produced, (3) the date of the transaction, (4) the amount of the wheat, (5) the year harvested, (6) the amount of the penalty incurred in connection with the transaction, and (7) whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ-81—Wheat shall be executed in triplicate. The person who executes MQ-81—Wheat shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ-76—Wheat as provided in § 728.871 (a) or MQ-94—Wheat as provided in § 728.871 (b), or MQ-95—Wheat as provided in § 728.871 (c), or CCC-382 or CCC-103 as provided in § 728.871 (d), if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports and soil bank delivery orders.* Whenever wheat is identified by the intermediate buyer's record and report (MQ-95—Wheat) executed in accordance with § 728.884, the warehouseman, elevator operator, feeder, processor, or transferee, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder, processor, or transferee, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate

buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat. The provisions of this paragraph for endorsing the intermediate buyer's record and report when only a portion of the wheat covered by the report is purchased shall also be followed when only a portion of the wheat covered by a soil bank delivery order is purchased.

(e) *Records in connection with wheat identified by marketing certificates.* Whenever wheat is identified by a marketing certificate (MQ-94—Wheat), the warehouseman, elevator operator, feeder, processor, or transferee, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the original of the marketing certificate as a record of the transaction, completed as provided in § 728.868 (b).

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

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

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ-95—Wheat) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired, (2) the names of the county and State and the address of the ASC county office of the county in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, (5) the serial number of the marketing card, marketing certificate or soil bank delivery order by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat, and (6) the year in which the wheat was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made,



the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ-95—Wheat. One copy of MQ-95—Wheat so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of MQ-95—Wheat so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever wheat is identified by a marketing certificate (MQ-94—Wheat), the intermediate buyer and the producer shall complete the original and copy of the marketing certificate in accordance with the provisions of § 728.868 (b). The copy shall be retained by the producer and the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ-95—Wheat to be delivered to the warehouseman, elevator operator, feeder, processor, or transferee, or buyer other than an intermediate buyer, who finally acquires the wheat covered by MQ-95—Wheat and marketing certificate MQ-94—Wheat. Whenever the intermediate buyer markets or delivers a portion of the wheat covered by a single MQ-95—Wheat to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ-95—Wheat showing the name and signature of the person, the number of bushels of wheat marketed or delivered to him, and the date of the transaction.

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

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

95—Wheat which were retained by him. Books of Form MQ-95—Wheat shall be reissued to any intermediate buyer upon request. In the event that the county committee or State committee has reason to do so, any or all intermediate buyers to whom books of Form MQ-95—Wheat were issued or reissued after the end of the calendar year may be requested to mail or deliver on or before the end of the marketing year to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ-95—Wheat. In the event that the county or State committee has reason to believe that any intermediate buyer has failed or refused to comply with the regulations in this subpart, the county office manager or State administrative officer shall notify the intermediate buyer in writing that he is considered to be an intermediate buyer under the provisions of the wheat marketing quota regulations and that he is requested to furnish a report within 15 days to the treasurer of the county committee on Form(s) MQ-95—Wheat of all wheat purchased or acquired by him during the period of time as specified in the request. The notice shall advise the intermediate buyer that the information required to be reported on Form MQ-95—Wheat is in accordance with the wheat marketing quota regulations and he shall be advised of the penalty for failure or refusal to keep the records and make the reports as provided in § 728.886. The intermediate buyer shall make the report for the period specified as requested by the county office manager or State administrative officer.

§ 728.885 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with the regulations in this subpart, the buyer shall within 15 days after a written request therefor made by the county office manager or State administrative officer and deposited in the United States mails, registered and addressed to him at his last-known address, make a report verified as true and correct by affidavit on MQ-97—Wheat to such person with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of wheat, (d) the serial number of the marketing card (MQ-76—Wheat), marketing certificate (MQ-94—Wheat), soil bank delivery order (CCC-382 or CCC-103), intermediate buyer's record and report (MQ-95—Wheat), or the report and penalty receipt (MQ-81—Wheat), and (e) the amount of lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired.

§ 728.886 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 728.883,

§ 728.884, or § 728.885 and who fails to keep any such records or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each such offense.

§ 728.887 *Records to be kept and reports to be made by producers.* Each producer with respect to any wheat crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. Upon written request of the county committee or county office manager any producer shall, within 15 days from the date the request was mailed to him, file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ-98—Wheat showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in the applicable crop year, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of unmarketed wheat of the applicable crop on hand, (f) the disposition of any wheat not otherwise accounted for, and (g) the wheat acreage for the applicable crop year.

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

§ 728.889 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 728.885 through 728.87, and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in quintuplicate, to the Office of the General Counsel of the Department, which shall have authority to refer such cases for the institution of proceedings by the United States Attor-



ney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

#### SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.890 *Farms on which the wheat acreage is not in excess of 15 acres or on which the normal production of the wheat acreage is less than 200 bushels—*

(a) *Conditions of exemption.* A farm marketing quota for wheat for any crop shall not be applicable to any farm on which the wheat acreage for such crop is not in excess of 15 acres, or on which the normal production of the wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee or a member of the county committee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.867 to 728.870, inclusive.

§ 728.891 *Experimental wheat farms—*

(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of any crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or to wheat produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm with respect to the 1958 crop and prior to the planting of the wheat crop on the farm with respect to the 1959 and subsequent crops. The production of foundation, registered or certified seed wheat will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager or his designee or a member of the county committee shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.867 to 728.870, inclusive.

§ 728.892 *Wheat produced on wildlife refuge farms.* The penalty shall not apply to the wheat produced on any farm operated by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 728.867 and 728.868, 728.890 and 728.891, but the exemption from penalty shall

be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the wheat produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 728.893 *Feed wheat farms.* The penalty shall not apply to the wheat produced on any farm for any crop year which is exempted under the provisions of Public Law 85-203 relating to the use of such entire crop of wheat on the farm for seed, human food or feed for livestock, subject to the following conditions:

(a) *Application for exemption.* All the producers who are entitled to share in the wheat crop, or the proceeds thereof, on any farm for which an exemption from marketing quota obligations is sought under the regulations in this section must sign a Form MQ-32—Wheat, Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85-203 (hereinafter referred to as "application for exemption"), and file such form at the office of the county committee. The application for exemption relating to the 1959 and subsequent crops must be signed by at least one wheat producer on the farm and filed in the county office not later than August 1 of the calendar year in which the crop is seeded in any area where winter wheat is produced, and February 15 of the calendar year in which the crop is seeded where only spring wheat is produced. The application for exemption relating to the 1958 crop must be signed by at least one wheat producer on the farm and filed in the county office not later than October 25, 1957, or the date on which the seeding of the 1958 crop of wheat is started on the farm, whichever is later, as provided in § 728.842 of the 1958 Feed Wheat Marketing Quota Exemption Regulations (22 F. R. 8213, 8349). Where there are two or more producers on the farm, all other wheat producers on the farm must sign a duplicate of the application for exemption and it must be filed in the county office, signed by all wheat producers on the farm, not later than sixty days after the date the original application for exemption was filed in the office by the first producer. If the county committee finds that the application for exemption has been signed by all persons determined by it to be entitled to share in the wheat crop, or the proceeds thereof, to be produced on the farm, and filed in the county office prior to the closing date for filing the application, it shall approve the application, which approval shall be evidenced by the signature on the form of one member of the county committee, acting for the committee. No exemption shall be applicable to any farm under the regulations in this section until the application for exemption for such farm has been so signed and filed within the prescribed time limit and approved by the county committee. An applica-

tion for exemption made by the first producer after the final date prescribed above shall not be accepted by the county committee.

(b) *Conditions of exemption.* If the application for exemption applicable to the current crop year has been signed by all producers on the farm, filed in the county office, and approved by the county committee in accordance with the provisions of paragraph (a) of this section, producers on the farm will be exempt from any obligation under the act to pay the marketing penalty on, deliver to the Secretary, or store the farm marketing excess with respect to the crop of wheat on the farm covered by the application for exemption, subject to compliance with the following conditions relating specifically to such wheat crop:

(1) The total wheat acreage on the farm shall not exceed 30 acres: *Provided*, That this condition shall not apply to farms operated by or as part of State and county institutions or religious or eleemosynary institutions.

(2) All the crop of wheat removed from the farm for processing for use as human food or for livestock or poultry feed on such farm, including the by-products from such wheat, shall be returned to the farm and consumed on the farm.

(3) None of the crop of wheat shall be sold or exchanged for goods or services except to a subsequent owner or operator of the farm. A sale or exchange to another producer on the farm shall constitute a violation of this condition.

(4) The entire crop of wheat shall be used on the farm for seed, human food, or feed for livestock, including poultry, owned by any producer on the farm or a subsequent owner or operator of the farm.

(5) None of the crop of wheat shall be removed to any other farm for use as feed, seed, food, or for any other use.

(6) None of the crop of wheat produced on the farm shall be commingled with any other wheat, except wheat which is to be fed or used for food or seed on the farm. If any of the crop of wheat produced on the farm covered by the application for exemption is otherwise commingled, any sale, barter, or exchange of such commingled wheat, except to a subsequent owner or operator of the farm, shall constitute a violation of subparagraph (2) of this paragraph.

(7) Each producer on the farm shall maintain records of the disposition of the crop of wheat produced on the farm and any other farm in which he has an interest in the wheat crop for two years after complete disposal of such crop, and shall permit inspection of such records and of any wheat on such farms at any time by any member of the county committee or county officer manager or any employee of the county committee, any authorized representative of the State administrative officer, and investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Serv-



lee, United States Department of Agriculture.

(8) Each producer on the farm shall furnish to the county committee, when requested by the county committee, or to a representative of the Secretary, when requested by such representative, within one year after the crop of wheat covered by the application for exemption is completely disposed of, a report indicating the disposition of such crop of wheat produced on the farm and on all other farms in which he has an interest in the crop of wheat for such year.

(c) *Cancellation of application.* An application for exemption may be cancelled at any time at the request of all producers on the farm who signed the application, or their successors-in-interest. Request for cancellation shall be made by signing a Form MQ-34—Wheat, Request for Cancellation of Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85-203 (hereinafter referred to as "request for cancellation") and filing such form in the county office. Cancellation shall be made by the county committee if it determines that all producers who signed the application for exemption, or their successors-in-interest, have signed the request for cancellation, and shall be evidenced by the word "cancelled" written across the face of the application for exemption, followed by the signature of a member of the county committee acting for the county committee. If cancellation is made prior to the date for utilizing as wheat cover crop, the acreage in excess of the farm acreage allotment of 15 acres, whichever is larger, as provided in this subpart, the producers on the farm shall have the same rights and obligations with respect to adjusting the farm wheat acreage and in all other respects under the wheat marketing quota program as any producer who did not file an application for exemption under paragraph (a) of this section. If the cancellation is made after the final date for utilizing wheat acreage as wheat cover crop as described in the preceding sentence, the producers on the farm shall have no right to adjust their wheat acreage, but shall have the same rights and obligations with respect to the marketing of their crop of wheat as other producers who did not file an application for exemption under paragraph (a) of this section.

(d) *Violations.* In the event any condition outlined in paragraph (b) of this section is violated, the exemption of all producers on the farm from wheat marketing quota obligations shall become null and void, and each producer on the farm shall have the same rights and obligations as any other wheat producer who did not sign an approved application for exemption: *Provided*, That if the failure to comply with such conditions was beyond the control of the producers, as determined by the State committee upon recommendation of the county committee, the exemption shall continue in effect with respect to wheat remaining on the farm of the crop covered by the application for exemption.

(e) *Miscellaneous—(1) Acreage reserve program.* Any producer on a farm for which there is in effect an acreage reserve agreement with respect to the crop of wheat shall not be eligible to apply for or receive an exemption under the provisions of paragraphs (a) to (e), inclusive, of this section, with respect to such farm unless the acreage reserve agreement is cancelled on or before the closing date for cancelling such agreements.

(2) *Effect on future allotments and quotas.* No wheat acreage in excess of the acreage allotment for a farm covered by an exemption under the provisions of paragraphs (a) to (e), inclusive, of this section, shall be considered in determining future State and county wheat acreage allotments and wheat acreage allotments and marketing quotas for the farm.

(3) *Referendum voting eligibility.* No producer who signs an approved application for exemption under the provisions of paragraphs (a) to (e), inclusive, of this section, shall be eligible to vote in the referendum held to determine if farmers favor or oppose marketing quotas with respect to the next subsequent crop of wheat: *Provided*, That the producer shall not be ineligible to vote in the referendum because of signing an approved application for exemption if prior to the date of the referendum such application is cancelled or the exemption becomes null and void because of a violation of any condition thereof.

(4) *Marketing cards and certificates.* No marketing card or marketing certificate shall be issued with respect to wheat of any crop produced on any farm covered by an exemption under the provisions of paragraphs (a) to (e), inclusive of this section.

(5) *Successor-in-interest.* Any person who succeeds to the interests of a producer in the farm who signed an approved application for exemption shall obtain the same rights and obligations with respect to the exemption as his predecessor, if he signs the application for exemption and files it in the county office within 60 days after becoming such successor-in-interest, and the application for exemption is approved by the county committee. If the application for exemption is not signed and filed within the 60-day period by the successor-in-interest, the exemption for the farm shall become null and void.

§ 728.894 *Erroneous notices—(a) Erroneous notice of acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a wheat acreage allotment for a crop year which was larger than the finally-approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to wheat in excess of the finally-approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm

marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in § 728.855, the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of wheat acreage allotment for the farm, such determination shall be subject to review and approval by the State committee or on behalf of the State committee by the State administrative officer before the erroneous allotment is used by the county committee to determine the marketing quota and farm marketing excess for the farm.

(b) *Erroneous notice of measured acreage.* If it is determined that any farm is out of compliance for marketing quota purposes, the farm nevertheless shall be deemed in compliance for marketing quota purposes if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 728.895 *Approval of reporting and record-keeping requirements.* The reporting and record-keeping requirements contained in the regulations in this subpart have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of April 1958.

[SEAL]

TRUE D. MORSE,  
Acting Secretary.

[F. R. Doc. 58-2859; Filed, Apr. 17, 1958; 8:46 a. m.]



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

### PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

#### ADMINISTRATIVE RULES AND PROCEDURES; OFFERS OF SURPLUS TONNAGE RAISINS TO HANDLERS FOR SALE IN EXPORT

##### Correction

In Federal Register Document 58-2809, published at page 2444 in the issue for Wednesday, April 16, 1958, the last two words of the first sentence of § 989.158 (b), now reading "as issued", should read "was issued."

## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### Subchapter A—Board of Governors of the Federal Reserve System

##### [Reg. F]

#### PART 206—TRUST POWERS OF NATIONAL BANKS

##### EXERCISE OF SPECIFIC TRUST POWER UNDER GRANT OF "GENERAL POWER"

Section 206.116 is added as follows:

§ 206.116 *Exercise of specific trust power under grant of "general power".*  
(a) The Board of Governors is authorized by section 11 (k) of the Federal Reserve Act "to grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located".

(b) The opinion of the Board has been requested as to the scope of trust authority in the case of a national bank which has been granted the right to act in two specific fiduciary capacities (trustee and registrar of stocks and bonds) and in any other fiduciary capacity in which competing State banks and trust companies are permitted to act under the law of the State in which the national bank is located. The direct question is whether under this authority the bank may act as executor, which is one of the eight powers enumerated in section 11 (k), but which was not specifically granted by the Board.

(c) It is the Board's opinion that the so-called ninth or "general power" covers all fiduciary powers which competing State institutions are authorized to exercise, including any of the eight specific powers enumerated in section 11 (k). Thus, a national bank that receives a permit which includes the "general power" may, in practical effect, have full trust powers even though its permit does not list some of the eight specific powers,

although its right to exercise the specific powers not listed in its permit is dependent upon the authority of competing State institutions to do so.

(d) In the case now before the Board for consideration, competing State banks are permitted to act as executor. Accordingly, the Board has concluded that the national bank may also act in this capacity although the right to act as executor was not specifically mentioned in the permit issued by the Board.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interpret or apply secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
[SEAL] S. R. CARPENTER,  
Secretary.

[F. R. Doc. 58-2875; Filed, Apr. 17, 1958;  
8:49 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.310 is amended and paragraph (f) (3) is added as set out below.

##### § 6.130 *Department of the Interior.*

- (f) *Bureau of Reclamation.* \* \* \*  
(2) One Assistant Commissioner.  
(3) One Associate Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended;  
5 U. S. C. 631, 633)

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

[F. R. Doc. 58-2868; Filed, Apr. 17, 1958;  
8:47 a. m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (10) of § 6.312 is revoked and paragraph (d) (15) is added as set out below.

##### § 6.312 *Department of Commerce.* \* \* \*

- (d) *Business and Defense Services Administration.* \* \* \*  
(15) One Assistant Administrator for Business Services.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended;  
5 U. S. C. 631, 633)

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

[F. R. Doc. 58-2867; Filed, Apr. 17, 1958;  
8:47 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during March 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedures Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 58-4-2 Hartzell HC-93Z20-2C and 2B propellers as it appeared in 23 F. R. 1719 is amended by changing the compliance of 1. and 2. to "Prior to Next Flight."

2. 56-26-2 Piper PA-18, PA-18A and PA-22 as it appeared in 22 F. R. 2421 is cancelled.

The following new airworthiness directives are added:

58-5-1 DOUGLAS. Applies to Goodyear outboard wheel halves P/N 9531419 installed on Douglas DC-7C 17.00-20 main wheel assembly P/N 9840934. Affects wheel assemblies manufactured prior to serial number 157-1569 and also wheel halves serial numbers 1573, 1574, 1575, 1595, 1596, 1597, 1771, 1833 and 1834.

Compliance required at the first wheel or tire change after May 10, 1958, and at each 100 landings thereafter. If wheel inspection is performed during any portion of the 100 landing interval, no inspection will be required until the next 100 landings thereafter.

As the result of failures of Goodyear wheel half P/N 9531419 and in order to reduce the possibility or recurrence of these failures, the following inspection is required:

Inspect the outboard half P/N 9531419 in accordance with Goodyear Service Letter DC7C-3, dated January 15, 1957, or equivalent (Goodyear Service Letter DC7C-6, dated November 15, 1957, covers this same subject). The inspections may be adjusted to tire change periods where the individual operators service experience justifies.

58-5-2 VICKERS. Applies to all Viscount 700 series aircraft.

Compliance required as indicated: In accordance with British Air Registration Board's list of "Essential Modifications and Inspections" compliance with the following Vickers-Armstrongs corrective measures are considered mandatory. The CAA concurs and considers compliance therewith mandatory. Compliance provisions are detailed in the Vickers publications referenced in each item.

A. *Inspection and modification of engine nacelle attachment fittings at wing station 257.75.* Inspections for cracks in ribs and fittings as detailed in PTL #34, issue 2 are required every 300 hours until the incorporation of modified nacelle attachment fittings, per Part (b) of Mod. D 1208, issue 3.

B. *Inspection and modification of top rear inboard nacelle struts.* Inspections for cracks of top rear inboard and outboard nacelle struts and inboard and outboard accessory gearbox stay tubes on Nos. 2 and



3 engine nacelles as detailed in PTL #87, issue 2 are required until the incorporation of Mod. D 1742.

C. *Inspection and modification of catenary flooring attachment.* Inspections and modifications of the catenary floor (forward of station 132) are required in accordance with PTL #120, issue 3 and Part (b) of Mod D 1844. Compliance with Part B, Mod. 1884 required at or before completion of 4,750 flights, with aircraft operating at 5.5 psi cabin differential pressure since entering service may be allowed up to 10,000 pressurized flights.

D. *Life limitation of flap gear universal joint trunnion in 6093-1655.* Flap gear trunnion P/N 6093-1655 is limited to a life of 1500 flights due to the possibility of fatigue cracks developing. Trunnions exceeding this life should be replaced within the next 50 flights with replacement parts to Modification D 2188 standard, or removed and inspected for cracks. In accordance with PTL 153, issue 2 and if found serviceable may be replaced provided they are inspected at intervals not exceeding 200 flights.

E. *Modification of rear pressure bulkhead.* The rear pressure bulkhead must have Mod. 1925 incorporated not later than 7,500 pressurized flights, with aircraft operating at 5.5 psi since entering service allowed up to 10,000 pressurized flights. (PTL #166 and Mod. D1925, Parts (b) and (c) cover the subject).

58-5-3 VICKERS. Applies to all Viscount 700 series aircraft.

Compliance required as indicated: In accordance with the British Air Registration Board's list of "Essential Modifications and Inspection," compliance with the following Vickers-Armstrongs corrective measures are considered mandatory. The CAA concurs and considers compliance therewith mandatory. Compliance provisions are detailed in the Vickers publications referenced in each item.

A. *Modification elevator and rudder control locks.* To insure freedom of movement over the complete range of travel of the gust lock lever, install special shoulder greaser bolts in accordance with Mod. D. 1421 to prevent overtightening of the nut securing the lock lever. Also, on elevator gust lock unit P/N A 1949-1 chamfer the sides of the slotted recess in accordance with TNS No. 64, issue 2. Compliance required by April 15, 1958.

B. *Connection of A. C. phase transformer.* Mod. D 1677 revises the electrical circuit, placing transformers on the input side of the circuit breakers to prevent feed back through the primary of A. C. phase transformers. (This is further to Mod. D 1513.) Compliance required by April 15, 1958.

C. *Redistribution of bus-bar supplies to pitot head heaters.* By supplying the heaters from different bus-bars, complete loss of pitot-head deicing due to failure of one bus-bar is prevented. Mod. D 2019 covers this subject. Compliance required by September 15, 1958.

D. *Inspection and modification of elevator anti-balance tab mechanism.* To prevent over-center jamming of the elevator anti-balance tab mechanism, PTL #160 prescribes precautionary checks of the tab mechanism maximum travel as well as modifying the link. (PTL #160 and Mod. D 2239 cover the subject.) Compliance required by April 15, 1958.

E. *Improve the locking of the forward elevator and aileron lever group at cockpit seat. 53 and aileron lever group at fuselage station 462.68.* To prevent lost movement in the aileron control system and possible loosening of the aileron bellcrank level, Mod. D 2091 introduces new fittings and attach-

ment means. Compliance with PTL #141 or Mod. D 2091 required by April 15, 1958.

F. *Increase cut-out in pilots floor for elevator control clearance.* Mod. D 2120 increases size of cutaway in pilots floor area to eliminate fouling of elevator rod attachment bolt when incorrectly assembled. Compliance with PTL #140 or Mod. D 2120 required by July 15, 1958.

G. *Fairleads for elevator trim tab chain at frame station 783.* In order to preclude jamming of the elevator trim tab chain where it passes through the frame station 783, a fairlead Vickers drawing No. 70152, parts Nos. 1205, 1207, and 1209, should be installed at the cutaway in the frame in accordance with Vickers Mod. D 1602. Compliance required by July 15, 1958.

H. *Inspection of type S.1, S.2 and S.4 relays.* To prevent shorting of relays due to loosening of the securing screws on the armature springs PTL #147 specifies inspection for security and locking of the shakeproof lock washers and to further lock by the application of either Glyptal Varnish CS.184 or Bakelite Varnish V.130. Compliance required by April 15, 1959.

58-6-1 CONVAIR. Applies to all Convair Model 240 series aircraft.

Compliance required: Not later than May 15, 1958, and at each 300 hours of operation or next regular inspection nearest thereto, on all aircraft equipped with Bendix Main Landing Gear Assemblies Nos. 155150-1, 155370-1, 159695-6 and 159589-90, with 15,000 hours or more of service time.

A considerable number of reports have been received pertaining to cracking and of failures of the main landing gear axle at the 2.9998"-2.9990" diameter adjacent to the brake flange. A number of cases resulted in complete failure of the axle and subsequent loss of main landing gear wheel.

As a result of these reported failures, the subject parts must be inspected for cracks in the area described above by means of a dye penetrant or equivalent inspection procedure.

Parts in which cracks are found must be considered unairworthy and be replaced or satisfactorily reworked.

One acceptable rework is described in Bendix Projects Division, Aircraft Service Department Service Bulletin No. L. G. 595. The same information is also contained in Convair Newsletter No. 58-1, dated January 1958.

58-6-2 HARTZELL. Applies to Hartzell HC-82XF/8833-O (88-inch diameter) propellers, serial numbers between T-913 and T-2391 except T-2564, T-2569, T-2594, T-2595, T-2609, T-2648, T-2703 and T-2716.

Compliance required within the next 10 hours of operation but not later than June 1, 1958.

Two recent failures of A-159 split rings have occurred in HC-82XF/8833 propellers. In order to minimize the possibility of the occurrence of this type of serious failure, replace the present split rings with new split rings. The present rings are unmarked, but the new A-159 rings will be marked with the letter "N".

(Hartzell Service Bulletin No. 57 covers this same subject.)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended; 1009, as amended; 49 U. S. C. 551, 553)

[SEAL]

WILLIAM B. DAVIS,  
Acting Administrator  
of Civil Aeronautics.

APRIL 11, 1958.

[F. R. Doc. 58-2861; Filed, Apr. 17, 1958; 8:46 a. m.]

[Amdt. 30]

PART 610—MINIMUM EN ROUTE IFR  
ALTITUDES

MISCELLANEOUS AMENDMENTS

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

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From Billings, Mont., LFR; to Miles City, Mont., LFR; MEA 5,300.

From Nibbe, Mont., FM; to Miles City, Mont., LFR, eastbound only; MEA 5,000.

Section 610.15 *Green civil airway 5* is amended to read in part:

From Abingdon INT, Va.; to \*Ford INT, Va.; MEA 6,000. \*7,000—MCA Ford INT, northeastbound.

From Ford INT, Va.; to Pulaski, Va., LFR; MEA 7,000.

Section 610.107 *Amber civil airway 7* is amended to read in part:

From Relay INT, Md.; to Boothwyn INT, Pa.; MEA 2,000.

Section 610.219 *Red civil airway 19* is amended to read in part:

From Int. N crs Richmond LFR and NW crs Tappahannock LFR; to Tappahannock, Va., LFR; MEA 1,500.

From Tappahannock, Va., LFR; to Gwynn INT, Va.; MEA 1,500.

Section 610.249 *Red civil airway 49* is amended to read in part:

From \*Salt Lake City, Utah, LFR; to Fort Bridger, Wyo., LFR; MEA 12,000. \*12,000—MCA Salt Lake City LFR, northeastbound.

Section 610.255 *Red civil airway 55* is amended to read in part:

From South Bend, Ind., LFR; to Goshen, Ind., LFR; MEA 2,500.

Section 610.276 *Red civil airway 76* is amended to read:

From Williams, Calif., LFR; to Wheatland INT, Calif.; MEA 4,000.

From Wheatland INT, Calif.; to Auburn INT, Calif.; westbound, MEA 4,000; eastbound, MEA 7,000.

Section 610.649 *Blue civil airway 49* is amended to read in part:

From INT SE crs Philadelphia LFR, 116-296 M brg., Dover, Del. LF/RBN; to Millville, N. J., LFR; MEA 1,500.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Lanai, T. H., VOR; to \*Southgate INT, T. H.; MEA 5,000. \*5,000—MCA Southgate INT, eastbound.



Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Coyle, N. J., VOR; to Red Bank INT, N. J.; MEA 1,500.

From Red Bank INT, N. J.; to Idlewild, N. Y.; VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LP/RBN.

Section 610.6002 *VOR civil airway 2* is amended by adding:

From Seattle, Wash., VOR via N alter.; to Ephrata, Wash., VOR via N alter.; MEA 12,000.

From Spokane, Wash., VOR via N alter.; to Mullen Pass, Idaho, VOR via N alter.; MEA 9,000.

From Helena, Mont., VOR via N alter.; to \*Delphine INT, Mont.; via N alter.; MEA \*12,500. \*12,500—MRA. \*\*11,000—MOCA.

From Delphine INT, Mont. via N alter.; to Billings, Mont., VOR via N alter.; MEA 11,000.

Section 610.6003 *VOR civil airway 2* is amended to read in part:

From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 5,300.

From Nibbe, Mont., FM; to Miles City, Mont., VOR; eastbound only; MEA 5,000.

From Caledonia INT, Mich., via S alter.; to Lansing, Mich., VOR; via S alter.; MEA 2,000.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Florence, N. C., VOR; to \*Murray INT, N. C.; MEA 2,100. \*3,300—MRA.

From Fiat Rock, Va., VOR; to Rockville INT, Va.; MEA 3,000.

From Rockville INT, Va.; to Brooke, Va., VOR; MEA 1,700.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Evansville, Ind., VOR; to \*Decker INT, Ind.; MEA 2,000. \*6,500—MRA.

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA \*1,500. \*1,300—MOCA.

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR; MEA 1,500.

From Cross City, Fla., VOR via W alter.; to Bristol INT, Fla., via W alter.; MEA \*2,000. \*1,500—MOCA.

From Bristol INT, Fla., via W alter.; to Blountstown INT, Fla., via W alter.; MEA \*2,000. \*1,300—MOCA.

From Blountstown INT, Fla., via W alter.; to Marianna, Fla., VOR via W alter.; MEA 1,500.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Chicago Heights, Ill., VOR; to \*Westville INT, Ind.; MEA 2,000. \*3,800—MRA.

Section 610.6011 *VOR civil airway 11* is amended to read in part:

From Scotland, Ind., VOR via E alter.; to Paragon INT, Ind., via E alter.; MEA \*3,000. \*2,200—MOCA. (Deletes MRA at Paragon INT.)

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Ardmore, Okla., VOR; to Pharoah INT, Okla.; MEA \*5,000. \*2,700—MOCA.

From Pharoah INT, Okla.; to Okmulgee, Okla., VOR; MEA \*2,500. \*2,100—MOCA.

From Shawnee INT, Okla., via W alter.; to Morse INT, Okla., via W alter.; MEA \*3,000. \*2,400—MOCA.

From Morse INT, Okla., via W alter.; to Okmulgee, Okla., VOR via W alter.; MEA 2,200.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Princeton INT, Tex., via N alter.; to Tidwell INT, Tex., via N alter.; MEA \*2,400. \*1,700—MOCA.

From Tidwell INT, Tex., via N alter.; to Sulphur Springs, Tex., VOR via N alter.; MEA 1,800.

From Sulphur Springs, Tex., VOR via N alter.; to Avery INT, Tex., via N alter.; MEA 1,600.

From Avery INT, Tex., via N alter.; to Texarkana, Ark., VOR via N alter.; MEA \*1,800. \*1,700—MOCA.

From Tri-City, Tenn., VOR; to \*Konnarock INT, Va.; MEA 6,000. \*7,000—MCA Konnarock INT, northeastbound.

From Konnarock INT, Va.; to Pulaski, Va., VOR; MEA 7,700.

From Woolf INT, N. J.; to \*Patchogue INT, N. Y.; MEA \*\*2,000. \*4,000—MRA. \*\*1,500—MOCA.

From Patchogue INT, N. Y.; to Riverhead, N. Y., VOR; MEA \*2,000. \*1,500—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From San Antonio, Tex., VOR via W alter.; to Spring Branch INT, Tex., via W alter.; MEA \*2,700. \*2,600—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Roopville INT, Ga., via S alter.; to Atlanta, Ga., VOR via S alter.; MEA 2,300.

Section 610.6019 *VOR civil airway 19* is amended by adding:

From Billings, Mont., VOR via W alter.; to Lewistown, Mont., VOR via W alter.; MEA 11,000.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Lake Charles, La., VOR via N alter.; to Hathaway INT, La., via N alter.; MEA \*4,600. \*1,400—MOCA.

From Hathaway INT, La., via N alter.; to Lafayette, La., VOR via N alter.; MEA 1,500.

From Mooresville INT, N. C.; to Barber INT, N. C.; MEA 2,400.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Marianna, Fla., VOR; to Tallahassee, Fla., VOR; MEA 1,500.

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.

From Greenville INT, Fla.; to Lee INT, Fla.; MEA \*2,500. \*1,500—MOCA.

From Lee INT, Fla.; to \*Taylor INT, Fla.; MEA \*3,000. \*4,000—MRA. \*\*1,200—MOCA.

From Taylor INT, Fla.; to Bryceville INT, Fla.; MEA \*2,500. \*1,200—MOCA.

From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA \*1,500. \*1,300—MOCA.

From Marianna, Fla., VOR via N alter.; to \*Calvary INT, Ga., via N alter.; MEA 2,500. \*2,500—MRA.

From Calvary INT, Ga., via N alter.; to \*Reno INT, Ga., via N alter.; MEA \*\*5,000. \*5,000—MRA. \*\*1,500—MOCA.

From Reno INT, Ga., via N alter.; to \*Quitman INT, Ga., via N alter.; MEA \*\*5,000. \*5,000—MRA. \*\*1,500—MOCA.

From Quitman INT, Ga., via N alter.; to Greenville INT, Fla., via N alter.; MEA \*5,000. \*1,200—MOCA.

From Greenville INT, Fla., via N alter.; to Lee INT, Fla., via N alter.; MEA \*2,500. \*1,500—MOCA.

From Lee INT, Fla., via N alter.; to \*Taylor INT, Fla., via N alter.; MEA \*3,000. \*4,000—MRA. \*\*1,200—MOCA.

From Taylor INT, Fla., via N alter.; to Bryceville INT, Fla., via N alter.; MEA \*2,500. \*1,200—MOCA.

From Bryceville INT, Fla., via N alter.; to Jacksonville, Fla., VOR, via N alter.; MEA \*1,500. \*1,300—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From \*Cadott INT, Wis.; to \*\*Wausau, Wis., VOR; MEA 3,500. \*2,400—MRA. \*\*3,500—MCA Wausau VOR, westbound.

From Eau Claire, Wis., VOR via S alter.; to Wausau, Wis., VOR via S alter.; MEA 3,500.

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From Idlewild, N. Y., VOR; to \*Patchogue INT, N. Y.; MEA \*\*4,000. \*4,000—MRA. \*\*1,500—MOCA.

From Patchogue INT, N. Y.; to \*Mastic INT, N. Y.; MEA \*\*6,000. \*6,000—MRA. \*\*1,500—MOCA.

From Mastic INT, N. Y.; to \*White Cap INT, N. Y.; MEA \*\*11,000. \*10,000—MRA. \*1,500—MOCA.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From \*Salt Lake City, Utah, VOR; to \*\*Henefer INT, Utah; MEA 12,000. \*12,000—MCA Salt Lake City VOR, eastbound. \*\*14,000—MRA.

From Henefer INT, Utah; to Ft. Bridger, Wyo., VOR; MEA 12,000.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA \*1,500. \*1,300—MOCA.

From Tallahassee, Fla., VOR; to \*Calvary INT, Ga.; MEA 2,000. \*2,500—MRA.

From Calvary INT, Ga.; to Albany, Ga., VOR; MEA 2,000.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Tallahassee, Fla., VOR via E alter.; to \*Reno INT, Ga., via E alter.; MEA \*\*2,000. \*5,000—MRA. \*\*1,500—MOCA.

From Reno INT, Ga., via E alter.; to \*Hartsfield INT, Ga., via E alter.; MEA \*\*2,000. \*2,000—MRA. \*\*1,500—MOCA.

From Hartsfield INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,700.

Section 610.6044 *VOR civil airway 44* is amended to read in part:

From Centralia, Ill., VOR; to Fairfield INT, Ill.; MEA 2,100.

From Fairfield INT, Ind.; to \*Decker INT, Ind.; MEA \*\*6,500. \*6,500—MRA. \*\*2,300—MOCA.

From Decker INT, Ind.; to \*Baden INT, Ind.; MEA \*\*6,500. \*4,000—MRA. \*\*2,300—MOCA.

From Baden INT, Ind.; to Livonia INT, Ind.; MEA \*4,000. \*2,300—MOCA.

From Livonia INT, Ind.; to Nabb, Ind., VOR; MEA 2,100.

Section 610.6045 *VOR civil airway 45* is amended to read in part:

From Pulaski, Va., VOR; to Bluefield INT, W. Va.; MEA 6,000.

From Bluefield INT, W. Va.; to Charleston, W. Va., VOR; MEA 5,500.

Section 610.6046 *VOR civil airway 46* is amended to read in part:

From Riverhead, N. Y., VOR via S alter.; to \*White Cap INT, N. Y., via S alter.; MEA 1,500. \*10,000—MRA.

Section 610.6050 *VOR civil airway 50* is amended to read in part:

From Springfield, Ill., VOR; to \*Mount Zion INT, Ill.; MEA 2,600. \*4,000—MRA.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 2,500.



Section 610.6059 *VOR civil airway 59* is amended by adding:

From Pulaski, Va., VOR; to Beckley, W. Va., VOR; MEA 5,000.

From Beckley, W. Va., VOR; to Parkersburg, W. Va., VOR; MEA 6,000.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA \*8,000. \*4,000—MOCA.

From Princeton INT, Tex.; to Tidwell INT, Tex.; MEA \*2,400. \*1,700—MOCA.

From Tidwell INT, Tex.; to Sulphur Springs, Tex., VOR; MEA 1,800.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Rockdale, N. Y., VOR; to Albany, N. Y., VOR; MEA 4,500.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Fort Smith, Ark., VOR; to \*Subiaco INT, Ark.; MEA \*\*4,000. \*6,000—MRA. \*\*3,200—MOCA.

From Subiaco INT, Ark.; to \*Roland INT, Ark.; MEA \*\*4,000. \*8,000—MRA. \*\*3,200—MOCA.

From Roland INT, Ark.; to City INT, Ark.; MEA \*4,000. \*3,200—MOCA.

From City INT, Ark.; to Little Rock, Ark., VOR; MEA 1,900.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From \*Rowena INT, Tex., via N alter.; to San Angelo, Tex., VOR via N alter.; MEA 3,400. \*6,000—MRA.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Chicago Heights, Ill., VOR; to \*Westville INT, Ind.; MEA 2,000. \*3,800—MRA.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From Mount Syian INT, Tex.; to Gregg County, Tex., VOR; MEA 1,800.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Tampa, Fla., VOR; to \*Crystal INT, Fla.; MEA \*\*1,500. \*2,000—MRA. \*\*1,200—MOCA.

From Crystal INT, Fla.; to \*Shrimp INT, Fla.; MEA \*\*1,500. \*6,000—MRA. \*\*1,000—MOCA.

From Shrimp INT, Fla.; to Scallop INT, Fla.; MEA \*4,000. \*1,000—MOCA.

From Scallop INT, Fla.; to Lobster INT, Fla.; MEA \*6,000. \*1,000—MOCA.

From Lobster INT, Fla.; to St. Marks INT, Fla.; MEA \*2,000. \*1,000—MOCA.

From St. Marks INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.

From Tallahassee, Fla., VOR; to \*Calvary INT, Fla.; MEA 2,000. \*2,500—MRA.

From Calvary INT, Fla.; to Albany, Ga., VOR; MEA 2,000.

Section 610.6105 *VOR civil airway 105* is amended by adding:

From Prescott, Ariz., VOR via W alter.; to Las Vegas, Nev., VOR via W alter.; MEA \*15,000. \*10,500—MOCA.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Alexandria, La., VOR; to \*Bunkie INT, La.; MEA 1,300. \*3,000—MRA.

From Bunkie INT, La.; to \*Woodside INT, La.; MEA 1,300. \*4,600—MRA.

From Gregg County, Tex., VOR; to \*Converse INT, La.; MEA \*\*2,500. \*3,000—MRA. \*\*1,600—MOCA.

Section 610.6115 *VOR civil airway 115* is amended to read in part:

From Elwood City, Pa., VOR; to Jamestown INT, N. Y.; MEA 6,000.

From Jamestown INT, N. Y.; to Buffalo, N. Y., VOR; MEA 4,000.

Section 610.6126 *VOR civil airway 126* is amended to read in part:

From Chicago Heights, Ill., VOR; to Westville INT, Ind.; MEA 2,000. \*3,800—MRA.

Section 610.6133 *VOR civil airway 133* is amended to delete:

From Walnut Grove INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

Section 610.6133 *VOR civil airway 133* is amended by adding:

From Charleston, W. Va., VOR; to Zanesville, Ohio, VOR; MEA 3,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Nashville, Tenn., VOR; to \*Lebanon INT, Tenn.; MEA 2,000. \*2,300—MRA.

From Lebanon INT, Tenn.; to Hartsfield INT, Tenn.; \*3,400. \*2,000—MOCA.

From Coyle, N. J., VOR; to Red Bank INT, N. J.; MEA 1,500.

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LP/RBN.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Gainesville, Fla., VOR; to Greenville INT, Fla.; MEA \*5,500. \*1,500—MOCA.

From Greenville INT, Fla.; to \*Quitman INT, Ga.; MEA \*\*5,000. \*5,000—MRA. \*\*1,200—MOCA.

From Quitman INT, Ga.; to \*Hartsfield INT, Ga.; MEA \*\*3,000. \*2,000—MRA. \*\*1,500—MOCA.

From Hartsfield INT, Ga.; to Albany, Ga., VOR; MEA 1,700.

From Cross City, Fla., VOR via W alter.; to Perry INT, Fla., via W alter.; MEA \*2,000. \*1,200—MOCA.

From Perry INT, Fla., via W alter.; to Greenville INT, Fla., via W alter.; MEA \*3,500. \*1,200—MOCA.

From Greenville INT, Fla., via W alter.; to \*Quitman INT, Ga., via W alter.; MEA \*\*5,000. \*5,000—MRA. \*\*1,200—MOCA.

From Quitman INT, Ga., via W alter.; to \*Hartsfield INT, Ga., via W alter.; MEA \*\*3,000. \*2,000—MRA. \*\*1,500—MOCA.

From Hartsfield INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,700.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Ardmore, Okla., VOR; to Pharoah INT, Okla.; MEA \*5,000. \*2,700—MOCA.

From Pharoah INT, Okla.; to Okmulgee, Okla., VOR; MEA \*2,500. \*2,100—MOCA.

Section 610.6167 *VOR civil airway 167* is amended to read in part:

From \*Pt. Pleasant INT, N. Y.; to Idlewild, N. Y., VOR; MEA \*\*3,000. \*3,000—MRA. \*\*1,500—MOCA.

Section 610.6171 *VOR civil airway 171* is amended to read in part:

From Louisville, Ky., VOR; to Livonia INT, Ind.; MEA 2,600.

From Livonia INT, Ind.; to \*Mitchell INT, Ind.; MEA \*\*3,000. \*3,000—MRA. \*\*2,200—MOCA.

Section 610.6174 *VOR civil airway 174* is amended to read in part:

From \*Mitchell INT, Ind.; to Livonia INT, Ind.; MEA \*\*3,000. \*3,000—MRA. \*\*2,200—MOCA.

From Livonia INT, Ind.; to Louisville, Ky., VOR; MEA \*3,000. \*2,600—MOCA.

Section 610.6187 *VOR civil airway 187* is amended by adding:

From Albuquerque, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA 10,000.

Section 610.6195 *VOR civil airway 195* is amended to read in part:

From \*Red Bluff, Calif., VOR; to Tomhead INT, Calif.; eastbound, MEA, 3,500; westbound, MEA 9,000. \*5,000—MCA Red Bluff VOR, westbound.

Section 610.6198 *VOR civil airway 198* is amended by adding:

From San Simon, Ariz., VOR; to Animas INT, N. Mex.; MEA 9,000.

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; eastbound, MEA 8,900; westbound, MEA 10,000.

From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.

From Columbus, N. Mex., VOR; to \*Harrington Ranch INT, N. Mex.; MEA 8,500. \*13,000—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6208 *VOR civil airway 208* is amended to read in part:

From Avalon INT, Calif.; to Oceanside, Calif., VOR; MEA 3,000.

From Oceanside, Calif., VOR; to Valley Center INT, Calif.; MEA 4,000.

From Valley Center INT, Calif.; to \*Mesa Grande INT, Calif.; eastbound, MEA 9,000; westbound, MEA 7,000. \*9,000—MCA Mesa Grande INT, northeastbound.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From Culberson, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 6,300.

Section 610.6227 *VOR civil airway 227* is amended to read in part:

From Louisville, Ky., VOR; to Livonia INT, Ind.; MEA 2,600.

From Livonia INT, Ind.; to \*Mitchell INT, Ind.; \*\*3,000. \*3,000—MRA. \*\*2,200—MOCA.

From Mitchell INT, Ind.; to Sanders INT, Ind.; MEA \*3,000. \*2,200—MOCA.

From Sanders INT, Ind.; to Paragon INT, Ind.; MEA \*2,500. \*2,200—MOCA.

Section 610.6243 *VOR civil airway 243* is amended by adding:

From Bowling Green, Ky., VOR; to \*Baden INT, Ind.; MEA \*\*3,000. \*4,000—MRA. \*\*2,500—MOCA.

From Baden INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.

Section 610.6255 *VOR civil airway 255* is amended to read in part:

From Burlington, Iowa, VOR; to Colona INT, Ill., MEA 2,800.

From Colona INT, Ill.; to Moline, Ill., VOR; MEA 2,300.

Section 610.6258 *VOR civil airway 258* is amended by adding:

From Charleston, W. Va., VOR; to Beckley, W. Va., VOR; MEA 5,500.

From Beckley, W. Va., VOR; to Roanoke, Va., TVOR; MEA 6,000.

Section 610.6260 *VOR civil airway 260* is amended to read:

From Charleston, W. Va., VOR; to Rainelle, W. Va., VOR; MEA 5,500.

From Rainelle, W. Va., VOR; to Roanoke, Va., TVOR; MEA 6,000.



Section 610.6261 *VOR civil airway 261* is amended to read:

From Pulaski, Va., VOR; to Beckley, W. Va., VOR; MEA 5,000.

Section 610.6290 *VOR civil airway 290* is added to read:

From Charleston, W. Va., VOR; to Rainelle, W. Va., VOR; MEA 5,500.

From Rainelle, W. Va., VOR; to Montebello, Va., VOR; MEA 6,000.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to delete:

From Swordfish INT, T. H., via N alter.; to Orchid INT, T. H., via N alter.; MEA 7,000.

From Orchid INT, T. H., via N alter.; to Coconut INT, T. H., via N alter.; MEA 4,000.

From Coconut INT, T. H., via N alter.; to Honolulu, T. H., VOR via N alter.; MEA 3,500.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read in part:

From \*Swordfish INT, T. H., via N alter.; to Orchid INT, T. H., via N alter.; eastbound, MEA 4,000; westbound, MEA 7,000. \*7,000—MRA.

From Banana INT, T. H.; to Sugar Cane INT, T. H.; MEA 8,000.

From Sugar Cane INT, T. H.; to \*North Maul INT, T. H.; northeastbound, MEA 20,000; southwestbound, MEA 8,000, \*20,000—MRA.

Section 610.6409 *Hawaii VOR civil airway 9* is amended to read:

From \*South Honolulu INT, T. H.; to Coral INT, T. H.; northbound, MEA 2,000; southbound, MEA 6,000. \*6,000—MRA.

From Coral INT, T. H., to Southgate INT, T. H.; MEA 2,000.

From Southgate INT, T. H.; to Honolulu, T. H., VOR; southbound, MEA 2,000; northbound, MEA 4,000.

Section 610.6412 *Hawaii VOR civil airway 12* is added to read:

From Swordfish INT, T. H.; to Orchid INT, T. H.; MEA 7,000.

From Orchid INT, T. H.; to Coconut INT, T. H.; MEA 4,000.

From Coconut INT, T. H.; to Honolulu, T. H., VOR; MEA 3,500.

Section 610.6600 *VOR civil airway 1500* is amended to read in part:

From \*Cadott INT, Wis.; to \*\*Wausau, Wis., VOR; MEA 3,500. \*2,400—MRA. \*3,500—MCA Wausau VOR, westbound.

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6602 *VOR civil airway 1502* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From Red Bank INT, N. J., to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From Chicago Hgts, Ill., VOR via S alter.; to \*Westville INT, Ind., via S alter.; MEA 2,000. \*3,800—MRA.

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Nashville, Tenn., VOR; to Lebanon INT, Tenn.; MEA 2,000.

From Lebanon INT, Tenn.; to Hartsville INT, Tenn.; MEA \*3,400. \*2,000—MOCA.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA \*3,000. \*1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Nashville, Tenn., VOR; to Lebanon INT, Tenn.; MEA 2,000.

From Lebanon INT, Tenn.; to Hartsville INT, Tenn.; MEA \*3,400. \*2,000—MOCA.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Tri-City, Tenn., VOR; to \*Konnarock INT, Va., MEA 6,000. \*7,000—MCA Konnarock INT, northeastbound.

From Konnarock INT, Va.; to Pulaski, Va., VOR; MEA 7,700.

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

These rules shall become effective May 8, 1958.

[SEAL] WILLIAM B. DAVIS,  
Acting Administrator  
of Civil Aeronautics.

APRIL 9, 1958.

[F. R. Doc. 58-2819; Filed, Apr. 17, 1958; 8:45 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter I—Bureau of the Census, Department of Commerce

#### PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

##### FEE STRUCTURE FOR CENSUS OF HOUSING BY BLOCK STATISTICS FOR CITIES UNDER 50,000 POPULATION

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing of this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of the act authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of these acts which would disclose data on individual dwelling units or violate existing or future acts requiring that information furnished be held confidential.

§ 50.25 *Fee structure for housing statistics by blocks.* (a) It has been standard practice in the past for the Bureau of the Census to conduct decennial cen-

suses so as to publish housing statistics by blocks only for cities of 50,000 or more population. As a part of the 18th Decennial Censuses to be taken in 1960, however, the Bureau is willing upon request to conduct housing censuses by blocks for cities of less than 50,000 population, if the city will pay the estimated additional costs involved, based on a fee structure, as follows:

Size group <sup>1</sup>	For cities under 10,000 population....	\$550
For cities from:		
10,000 through 14,999.....	825	
15,000 through 19,999.....	1,100	
20,000 through 24,999.....	1,375	
25,000 through 29,999.....	1,650	
30,000 through 34,999.....	1,925	
35,000 through 39,999.....	2,200	
40,000 through 44,999.....	2,475	
45,000 through 49,999.....	2,750	

Effective April 1, 1958.

<sup>1</sup>Based on the 1950 Census of Population, or on a Special Population Census conducted by the Bureau of the Census after 1950, or on the best estimate for 1960, if higher.

(b) To obtain housing statistics by blocks for a city under 50,000, an authorized official of the city must write a letter to the Director, Bureau of the Census, Washington 25, D. C., requesting that the city be included in the 1960 block statistics program and agreeing to pay the fee specified. The Bureau will make available to the requesting city a set of specifications to follow in preparing maps, including numbering of blocks, which are required for use in conducting the census. The letter of request and agreement from the city must be received by the Bureau before September 30, 1958, and satisfactory maps of the city must be furnished the Bureau before January 1, 1959. Payment in the form of a check or money order based on the foregoing table and payable to Census, Department of Commerce, is required before January 1, 1960. Should the population count for a requesting city exceed 50,000 in the official 1960 Census, no charge will be made and the deposited fee will be refunded. Additional charges, based on the foregoing table, will be made if the official 1960 Census figures show the city to be in a higher size group than that upon which the original deposit was made. Conversely, a refund will be made if the 1960 Census count shows the city to be in a lower size group than that upon which the payment was based. It is expected that the data will be available early in 1961.

(Sec. 3, 49 Stat. 293, as amended; 15 U. S. C. 192a. Interpret or applies sec. 1, 40 Stat. 1256, as amended, sec. 1, 49 Stat. 292, sec. 8, 68 Stat. 1013, as amended; 15 U. S. C. 192, 189a, 13 U. S. C. 8)

[SEAL] ROBERT W. BURGESS,  
Director,  
Bureau of the Census.

Approved: April 14, 1958.

SINCLAIR WEEKS,  
Secretary of Commerce.

[F. R. Doc. 58-2860; Filed, Apr. 17, 1958; 8:48 a. m.]



**TITLE 21—FOOD AND DRUGS****Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****Subchapter C—Drugs****PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS****ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS**

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26) are amended by adding to § 146.26 (b) the following new subparagraph (39):

(39) It is intended for use solely as an aid in the prevention or treatment of fowl typhoid, paratyphoid, and pullorum disease and as an aid in stimulating growth in poultry flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; and it contains 3,5-dinitrobenzamide in a quantity, by weight of feed, of not less than 0.075 percent and not more than 0.15 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry,

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since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 352)

Dated: April 11, 1958.

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

[F. R. Doc. 58-2859; Filed, Apr. 17, 1958;  
8:47 a. m.]

**TITLE 41—PUBLIC CONTRACTS****Chapter II—Division of Public Contracts, Department of Labor****PART 201—GENERAL REGULATIONS****RECORD RETENTION**

Notice was published in the FEDERAL REGISTER on January 3, 1958 (23 F. R. 56), that the Secretary of Labor proposed to amend §§ 201.501 and 201.502 of Title 41 of the Code of Federal Regulations by changing the provisions regarding record retention under the Walsh-Healey Public Contracts Act (49 Stat. 2038, as amended; 41 U. S. C. 38) in the manner set forth in the notice. Interested persons were given 15 days in which to submit data, views, or arguments pertaining to the proposal. Two comments were received during the fifteen day period. Both approved the proposal. The purpose and effect of the proposed amendment is to conform the record retention requirements of regulations issued under the Walsh-Healey Act to those issued under the Fair Labor Standards Act of 1938.

Accordingly, pursuant to authority under section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, as amended; 41 U. S. C. 38), §§ 201.501 and 201.502 of Title 41 of the Code of Federal Regulations are amended as follows:

A. Amend § 201.501 as follows:

1. Delete from paragraph (c) the last sentence thereof which reads: "Such records shall be kept on file for at least 4 years from their last date of entry;"
2. Add new paragraphs (d), (e), (f), (g) and (h) to read:

(d) The records required by paragraphs (a), (b), and (c) of this section shall be kept on file for at least 3 years from their last date of entry;

(e) Basic employment and earnings records; All basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees or of sep-

arate work forces, or the individual employees' daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees;

(f) Wage rate tables: All tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess compensation;

(g) Work time schedules: All schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate workforces;

(h) The records required by paragraphs (e), (f), and (g) of this section shall be kept on file at least 2 years from their last date of entry or their last effective date whichever is later;

B. Amend § 201.502 as follows:

1. Delete from paragraph (c) the last sentence thereof which reads: "Such records shall be kept on file for at least 4 years after the date of entry thereof;"
2. Add a new paragraph (d) to read:

(d) The records required by paragraphs (a), (b), and (c) of this section shall be kept on file at least 3 years from their date of entry.

(Sec. 4, 49 Stat. 2038, as amended; 41 U. S. C. 38)

This amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of April 1958.

JAMES P. MITCHELL,  
Secretary of Labor.

[F. R. Doc. 58-2865; Filed, Apr. 17, 1958;  
8:47 a. m.]

**TITLE 42—PUBLIC HEALTH****Chapter I—Public Health Service, Department of Health, Education, and Welfare****Subchapter F—Quarantine, Inspection, Licensing****PART 73—BIOLOGIC PRODUCTS****ADDITIONAL STANDARDS; POLIOMYELITIS VACCINE**

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted as unnecessary and not in the public interest with respect to the issuance of the amendment set forth below. This amendment to the additional standards for poliomyelitis vaccine (§§ 73.100 through 73.105) eliminates the requirement that inactivated monovalent virus pools, types 1, 2, and 3, are to be combined in approximately equal proportions. Experience has shown great variance in the comparative antigenicity of such monovalent pools. Thus by removing the requirement that the components be of approximate equal volume, a combination in proportions



more closely related to the antigenicity of each component will increase the probability of improved potency of the vaccine. It is hereby found to be in the interest of the public health that any such improvement be permitted as soon as possible.

1. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 73.100 is hereby amended by inserting a period after the word "method", and deleting the remainder of the paragraph following the word "method", thereby revising paragraph (a) to read as follows:

§ 73.100 *The product*—(a) *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be "Poliomyelitis Vaccine", which shall consist of an aqueous preparation of poliomyelitis viruses types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interprets or applies sec. 351, 58 Stat. 702; 42 U. S. C. 262)

Issued jointly by:

[SEAL] L. E. BURNEY,  
Surgeon General,  
Public Health Service.  
S. B. HAYS,  
Surgeon General of the Army.  
B. W. HOGAN,  
Surgeon General of the Navy.

Approved: April 11, 1958.

E. L. RICHARDSON,  
Acting Secretary of Health,  
Education, and Welfare.

[P. R. Doc. 58-2871; Filed, Apr. 17, 1958;  
8:48 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Reclamation, Department of the Interior

#### PART 404—DELIVERY OF WATER, COLUMBIA BASIN PROJECT, WASHINGTON

##### REVISION OF REGULATIONS

##### Correction

In Federal Register Document 58-2113, published at page 1894 in the issue for Friday, March 21, 1958, the following changes should be made:

1. In § 404.3, the last sentence should read: "As used in this part '160 irrigable acres' shall include a nominal quarter section comprising more than 160 irrigable acres, and 320 irrigable acres shall include two nominal quarter sections comprising more than 320 irrigable acres."

2. In § 404.4, the second sentence should read: "Amended recordable contracts are required when water is to be delivered to an owner holding more than one farm unit, except land held in accordance with §§ 404.6 (c) and 404.10."

3. In § 404.13, the next to last line should read: "Inclusion of irrigable lands shown on the revised".

## DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 120 ]

##### TOLERANCES AND EXEMPTIONS FROM TOL- ERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### NOTICE OF PROPOSAL TO ESTABLISH TOL- ERANCE FOR RESIDUES OF DDT IN OR ON SWEET CORN AND TO ESTABLISH TOL- ERANCE OF ZERO FOR RESIDUES OF DDT ON SWEET CORN FORAGE

State agricultural agencies in New York, Illinois, and Florida and the Entomology Research Division, Agricultural Research Service, U. S. Department of Agriculture, have advised that the tolerance of 7 parts per million for DDT on the fresh vegetable corn was not sufficient to cover residues on the corn, including husk, when marketed. Inasmuch as the residues on the corn husk are not consumed with the food, the agencies of the above-mentioned States have asked that the Commissioner of Food and Drugs take action to revise the tolerance for DDT on the fresh vegetable corn to permit residues of 3½ parts per million on the kernels and cob of sweet corn but not on the forage thereof.

While there is evidence that such a tolerance will be met as regards residues of DDT on the kernels plus cob of sweet corn, there is evidence to show that husks and forage from sweet corn treated with DDT to combat corn earworm would bear excessive residues that would render them unsuitable for feed for dairy cows or meat animals. It is recognized that such husks and forage could not be used as feed for meat animals or dairy cows if DDT is to be permitted to combat corn earworm in the production of sweet corn.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs, on his own initiative,

that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.101; 21 CFR, 1956 Supp., 120.147 (22 F. R. 1001)) be amended as set forth below:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, it is proposed to amend paragraph (e) (43) by deleting therefrom the line "DDT ----- 7 p. p. m."

2. It is proposed to revise § 120.147 to read as follows:

§ 120.147 *Tolerances for residues of DDT.* Tolerances for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and 1,1,1-trichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

(a) 7 parts per million in the fat of meat from cattle, hogs, and sheep; in or on sweetpotatoes (from postharvest use).

(b) 3½ parts per million in or on sweet corn (kernels plus cob with husk removed).

(c) Zero part per million in or on husks and forage from sweet corn.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing DDT may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: April 11, 1958.

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

[P. R. Doc. 58-2870; Filed, Apr. 17, 1958;  
8:48 a. m.]

## NOTICES

### DEPARTMENT OF AGRICULTURE Office of the Secretary

#### DESIGNATION OF COUNTIES WITHIN THE GREAT PLAINS AREA OF THE TEN GREAT PLAINS STATES WHERE GREAT PLAINS CONSERVATION PROGRAM IS SPECIFI- CALLY APPLICABLE

For the purpose of making contracts based upon an approval plan of farming operations pursuant to the act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind

erosion by reason of their soil types, terrain, and climatic and other factors.

	COLORADO	
	Fremont.	
	KANSAS	
Comanche.	Rush.	
	MONTANA	
Big Horn.	Richland.	
Fergus.	Sheridan.	
Golden Valley.	Toole.	
Liberty.	Treasure.	
Musselshell.	Valley.	
Pondera.		



## NEBRASKA

Antelope. Kearney.  
Boone. Nance.  
Clay. Phelps.  
Dawes. Thayer.  
Hamilton.

## NORTH DAKOTA

Billings. McKenzie.  
Bottineau. McLean.  
Burke. Mercer.  
Divide. Oliver.  
Kidder. Renville.  
Logan. Sheridan.  
McIntosh. Ward.

## SOUTH DAKOTA

Campbell. Mellette.  
Gregory. Stanley.  
Hughes. Sully.  
Lyman.

## WYOMING

Crook.

Done at Washington, D. C., this 15th day of April 1958.

[SEAL] E. L. PETERSON,  
Assistant Secretary.

[F. R. Doc. 58-2879; Filed, Apr. 17, 1958;  
8:50 a. m.]

## DEPARTMENT OF COMMERCE

## Federal Maritime Board

[Docket No. S-67]

T. J. MCCARTHY STEAMSHIP CO.

NOTICE OF HEARING; AMENDMENT;  
CORRECTION

The date set forth in line 2 of notice in the above matter appearing in the FEDERAL REGISTER issue of April 9, 1958 (23 F. R. 2302) should read "August 14, 1956 (21 F. R. 6075)" instead of "April 25, 1956".

Dated: April 15, 1958.

JAMES L. PIMPER,  
Secretary.

[F. R. Doc. 58-2877; Filed, Apr. 17, 1958;  
8:49 a. m.]

STATES MARINE CORP. ET AL.

NOTICE OF ANNUAL REVIEW OF  
BAREBOAT CHARTERS

Notice is hereby given of annual review of the charters covering the following government-owned, war-built, dry-cargo vessels to be made on the dates set forth below:

Vessel; Charterer; and Annual Review Date

"Simmons Victory"; States Marine Corp.; May 9, 1958.

"Omar E. Chapman"; Boston Shipping Corp.; May 10, 1958.

"Alma Victory"; States Marine Corp.; May 15, 1958.

"Albion Victory"; Prudential Steamship Corp.; May 17, 1958.

"Binghamton Victory"; States Marine Corp.; May 26, 1958.

"Oberlin Victory"; Atlantic Ocean Transport Corp.; May 28, 1958.

Any interested party may state, in writing (in triplicate), his position regarding the continuance or discontinu-

ance of the charters on said vessels, with the grounds and data relied upon in support of his position, and a written request (in triplicate) for a hearing in the premises may be filed with the Secretary, Federal Maritime Board, by the close of business on April 25, 1958.

Dated: April 15, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,  
Secretary.

[F. R. Doc. 58-2028; Filed, Apr. 17, 1958;  
8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9264]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

APRIL 14, 1958.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on September 28, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the transportation of natural gas, 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 to public inspection.

Applicant seeks authority to transport up to 3,000 Mcf per day of natural gas in interstate commerce from a point in the Church Point Field, Acadia Parish, Louisiana, to a point of interconnection with Transcontinental Gas Pipe Line Corporation's (Transco) main lines facilities for the account of Sunray Mid-Continent Oil Company<sup>1</sup> (Sunray).

The application states that Transco has entered into a gas purchase contract with Sunray for its gas production in the Church Point Field.

The application further states that Transco has no facilities interconnecting the Church Point Field and its main transmission facilities and that Applicant does have an existing lateral into said field whereby the subject gas may be taken and redelivered into the transmission facilities of Transco. The transportation agreement provides that Applicant may deliver equivalent volumes of gas to Transco at the Tail Gate of Acadia Corporation gasoline plant in the Egan Field, Acadia Parish, Louisiana, if such is necessary for operational flexibility. The term of the agreement is for one year, and thereafter on a day-to-day basis until terminated by either party. The application indicates that Applicant will continue

<sup>1</sup> Sunray seeks authority for the sale of the subject gas in its application in Docket No. G-9265 which is the subject of the consolidated proceeding in Docket Nos. G-2975, et al. Temporary authority was granted in Docket No. G-9265 on September 28, 1955 and in G-9264 on November 4, 1955.

the proposed delivery pending final arrangements for the permanent delivery of gas pursuant to the contract between Sunray and Transco. Sunray will pay Applicant 2¢ per Mcf for volumes transported and delivered to Transco.

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 May 22, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N.W., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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 May 12, 1958. 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] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-2872; Filed, Apr. 17, 1958;  
8:48 a. m.]

[Docket Nos. G-13952, G-13957]

BASS & VESSELS, ET AL.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

APRIL 14, 1958.

Take notice that on December 12, 1957, Bass & Vessels, a partnership composed of Howard L. Bass, T. E. Vessels and Tom Vessels, Jr., et al.<sup>1</sup> (Applicants), independent producers with a place of business in McAllen, Texas, filed applications pursuant to Section 7 of the Natural Gas Act for authorization to abandon service to Tennessee Gas Transmission Company (Tennessee) as follows:

(1) In Docket No. G-13952 to Tennessee from the Chamberlain Gas Unit, Chamberlain Field, Brooks County,

<sup>1</sup> "Et al." parties in Docket No. G-13952 are E. H. Reeder Construction Company, Inc., George E. Wrather Oil Company, Dalpert Oil Corporation, George H. Coates, E. W. Mudge, Jr., A. B. Brown, G. W. Pirtle, V. F. Neuhaus and Hugh Kirkpatrick.

"Et al." parties in Docket No. G-13957 are Sam Land, E. W. Mudge, Jr., Dalport Oil Corporation and A. B. Brown.



Texas, covered by a gas sales contract dated April 22, 1955, as amended.

(2) In Docket No. G-13957 to Tennessee from the Matias Pena Unit in the North Sun Field, Starr County, Texas, which service is covered by a gas sales contract dated February 5, 1954.

Each of the foregoing sales is subject to the jurisdiction of the Commission, as more fully stated in the applications on file with the Commission and open for public inspection.

The applications recite that the Chamberlain and Matias Pena Units have ceased to produce due to depletion, and that the Matias Pena Lease has been released and the contract terminated. The service sought to be abandoned in Docket No. G-13952 was authorized by the Commission in Docket No. G-8803 on February 20, 1956, and the service sought to be abandoned in Docket No. G-13957 authorized in Docket No. G-6429 on May 28, 1956.

These related matters should be heard on a consolidated record and 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 and practice and procedure, a hearing will be held on June 4, 1958, at 9:30 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 applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

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 June 2, 1958. 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] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-2873; Filed, Apr. 17, 1958;  
8:49 a. m.]

pendent producer, filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon service to South Penn Natural Gas Company (South Penn) from the W. F. Coleman Lease in West Union District, Doddridge County, West Virginia, which service is covered by a gas sales contract dated October 31, 1932, and was authorized by the Commission in its order of November 20, 1956, in Docket No. G-6689, subject to the jurisdiction of the Commission, all as more fully stated in the application on file with the Commission and open for public inspection.

Applicant proposes to abandon service for the reason that the last sale of gas from the Coleman No. 2 Well, the only remaining well on the lease, occurred in April 1954, and from then until May 1956, the well was dormant due to water encroachment which choked the little remaining gas. South Penn disconnected the gathering facilities and meter on March 19, 1956.

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 June 5, 1958, at 9:30 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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 June 2, 1958. 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] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-2874; Filed, Apr. 17, 1958;  
8:49 a. m.]

and further provides that each Secretary "may designate an officer of his Department to act in his stead as a Member of the Board \* \* \*". Mr. Elwood R. Quesada was named Chairman on August 16, 1957.

2. Section 2 (d) of the act authorizes the Board to appoint such officers as shall be necessary to carry out the provisions of the act. The heads of the major administrative units shall be subject to the approval of the Board. The major administrative units are:

- a. The Technical Director.
- b. The Executive Officer.
- c. Secretary of the Board.
- d. General Counsel.

3. The approved organization of the Board consists of the following:

Office of the Chairman.  
Secretary of the Board.  
General Counsel.

Technical Director:

Directorate of Operations Analysis;  
Directorate of Systems Analysis;  
Directorate of Systems Experimentation;  
Directorate of Component Development.

Executive Officer:

Budget and Fiscal Division;  
Personnel and Security Division;  
Contracting Division;  
General Services Division.

4. The Airways Modernization Board conducts its business through direct contact with private industry, research or educational institutions, other government agencies, or its own facilities. Research projects and studies are monitored in the Directorate assigned responsibility for that task. Upon conclusion of projects or studies, final reports, with recommendations, are reviewed by the responsible Directorate. Recommendations are then presented to the Board for adoption as specified in section 2 (b) of the act. As provided in section 2 (c) of the act, coordination is effected with the Civil Aeronautics Board and the Federal Communications Commission before any system, procedure, facility or device is selected to assure that full consideration is given to all of the statutory responsibilities of each.

5. Government agencies are kept informed of progress on the Board's activities through the publication of pertinent notices. Press releases are issued on all major decisions to keep the general public informed.

6. Three types of policy making are required of the Board in accordance with the act:

a. The Board is required to "select such systems, procedures, facilities and devices as will best serve (the needs of safe and efficient navigation and traffic control), and will promote maximum coordination of air traffic control and air defense systems". The procedure for notifying interested parties of these selections will be promulgated at a later date.

b. The Board is directed to determine whether it or appropriate military agencies have responsibility when there is a substantial question of whether an air navigation or air traffic control system, procedure, or device is of primary concern to the Board or the military agency.

[Docket No. G-13778]

MURPHY OIL COMPANY OF PENNSYLVANIA  
NOTICE OF APPLICATION AND DATE OF  
HEARING

APRIL 14, 1958.

Take notice that on November 15, 1957, Murphy Oil Company of Pennsylvania (Applicant), a Delaware corporation with its principal place of business in Philadelphia, Pennsylvania, an inde-

## AIRWAYS MODERNIZATION BOARD

### ORGANIZATION

1. The Airways Modernization Board was established by Public Law 85-133, Airways Modernization Act of 1957 (71 Stat. 349) on August 14, 1957. Section 2 (a) of the act establishes a Board consisting of a Chairman, the Secretary of Defense and the Secretary of Commerce,



This determination is made after investigation by the appropriate office of the Board. Both the investigating office and the concerned military department have an opportunity to present the system, procedure, or device under dispute to the Board for decision. The decision is made by the issuance of a policy statement which is binding on the agencies concerned.

c. Upon unanimous decision and with the approval of the President, the Board is authorized to "transfer to itself any functions (including powers, duties, activities, facilities, and parts of functions) of the Departments of Defense or Commerce or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, or evaluating systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control". This is accomplished by the adoption of a Transfer Order by the Board, and the subsequent issuance of a Determination Order by the Bureau of the Budget, transferring records, property, personnel and funds, as appropriate to the Board.

7. Section 3 (a) of the act assigns to the Chairman responsibility for carrying out the activities of the Board. Section 3 (c) authorizes him to delegate his authority to officers, employees, or administrative units under his jurisdiction. The Chairman has delegated to the Executive Officer the responsibilities for taking final action in the areas of personnel, funding, and the administration of oaths required by section 1757, revised statutes as amended (5 U. S. C. 16).

8. Requests for information on the Board's activities should be made to the Executive Officer, Airways Modernization Board, Washington 25, D. C.

DONALD G. SCHULER,  
Executive Officer.

[F. R. Doc. 58-2857; Filed, Apr. 17, 1958; 8:45 a. m.]

#### DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER

1. Pursuant to section 3 (c) of the Airways Modernization Act of 1957, the Executive Officer, Airways Modernization Board, is authorized, subject to the provisions of this order and all applicable laws and regulations, to approve, execute and make findings and decisions relating to, contracts which the Airways Modernization Board is empowered to make under:

- (1) The Airways Modernization Act of 1957;
  - (2) Authority arising out of functions which have been or may be transferred to the Airways Modernization Board from the Departments of Defense and Commerce pursuant to section 4 of the Airways Modernization Act of 1957;
  - (3) Authority which has been or may be delegated to the Chairman, Airways Modernization Board by the General Services Administration and which, under the terms of any such delegation, may be redelegated.
2. The Executive Officer shall not execute any contract unless the Board shall

have given prior general approval for the acquisition of the property, rights, or services to be acquired thereunder, the proposed cost, and, in the case of negotiated contracts, prior approval of the contractor selected.

Dated: November 16, 1957.

E. R. QUESADA,  
Chairman.

[F. R. Doc. 58-2858; Filed, Apr. 17, 1958; 8:45 a. m.]

#### TRANSFERS OF CERTAIN FUNCTIONS

APRIL 11, 1958.

The following transfer orders No. 1 through No. 4 have been authorized by the Airways Modernization Board and approved by the President.

DONALD G. SCHULER,  
Executive Officer.

##### Transfer Order No. 1

In accordance with the provisions of the Airways Modernization Act of 1957 (Public Law 85-133; 71 Stat. 349), the members of the Airways Modernization Board (hereinafter referred to as the "Board") hereby unanimously decide to, and do transfer to the Board, subject to the approval of the President:

All functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Defense which on the date of approval of this Order fall within the authority of the Board under the provisions of section 2 (b) of Public Law 85-133; 71 Stat. 349, insofar as such functions relate to and are necessary for carrying out any existing or future programs and projects which are or would have been within the charter of the Air Navigation Development Board in its then existing terms, but excluding all other such functions which will be subject to transfer by subsequent transfer orders under conditions provided by section 4 of Public Law 85-133; 71 Stat. 349.

E. R. QUESADA,  
The Chairman of the  
Airways Modernization Board.  
MALCOLM A. MACINTYRE,  
Department of Defense Member.  
L. S. ROTHSCHILD,  
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER,  
The President.

Dated: 29th day of October 1957.

##### Transfer Order No. 2

In accordance with the provisions of the Airways Modernization Act of 1957 (Public Law 85-133; 71 Stat. 349) the members of the Airways Modernization Board (hereinafter referred to as the "Board") hereby unanimously decide to, and do transfer to the Board, subject to the approval of the President:

All functions of the Secretary of Commerce which on the date of approval of this Order are being performed under guidance of the Air Navigation Development Board in accordance with its revised charter dated January 6, 1954; except those functions the Secretary of Commerce, through the Civil Aeronautics Administration, performs and is expected to accelerate in connection with its Phase I short-range program having to do with testing, evaluation, simulation, and modification leading to the in-service improvement of air navigation systems, facilities, and devices which have been selected

for operational use in the Federal Airways System.

E. R. QUESADA,  
The Chairman of the  
Airways Modernization Board.  
MALCOLM A. MACINTYRE,  
Department of Defense Member.  
L. S. ROTHSCHILD,  
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER,  
The President.

Dated: 29th day of October 1957.

##### Transfer Order No. 3

#### TRANSFERRING CERTAIN FUNCTIONS OF THE DEPARTMENT OF DEFENSE TO THE AIRWAYS MODERNIZATION BOARD

By virtue of the authority vested in it by Section 4 of the Airways Modernization Act of 1957 (Public Law 85-133; 85th Congress; 71 Stat. 349), the Airways Modernization Board, by unanimous decision, hereby transfers to itself the following-described functions:

The functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Defense which on the effective date of this Order come within the description of the functions of the Airways Modernization Board contained in section 2 (b) of the said Airways Modernization Act of 1957 in so far as they pertain to, and are necessary for the development, experimentation, modification, and evaluation of, the terminal area traffic control facilities, collectively known as RAPCON II and its associated equipments (presently being developed by the United States Air Force to meet military terminal area traffic control requirements), for the purpose of satisfying, on a compatible basis, both military and civil terminal air traffic needs.

E. R. QUESADA,  
Chairman.  
MALCOLM A. MACINTYRE,  
Department of Defense Member.  
L. S. ROTHSCHILD,  
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER

NOVEMBER 29, 1957.

##### Transfer Order No. 4

#### TRANSFERRING CERTAIN FUNCTIONS OF THE DEPARTMENT OF DEFENSE TO THE AIRWAYS MODERNIZATION BOARD

By virtue of the authority vested in it by section 4 of the Airways Modernization Act of 1957 (Public Law 85-133, 85th Congress, 71 Stat. 349), the Airways Modernization Board, by unanimous decision, hereby transfers to itself the following-described functions:

The functions (including powers, duties, activities, and parts of functions, but not including any facilities or personnel) of the Department of Defense which on the effective date of this order come within the description of the functions of the Airways Modernization Board contained in section 2 (b) of the said Airways Modernization Act of 1957 and which pertain to and are associated with the development, experimentation, modification, and evaluation tests of airport, en route, and terminal area traffic control and navigation equipment and facilities being developed for use within the continental limits of the United States for the purpose of satisfying, on a compatible basis, both military and civil air traffic control needs, insofar as such functions relate to and are necessary for the accomplishment of the projects or service test programs set forth in the schedule below: *Provided*, That this transfer shall not be construed to impair in



any way those functions of the Air Force which are, in accordance with section 2 (b) of the Airways Modernization Act, deemed to be concerned with meeting needs peculiar to air warfare and primarily of military concern.

## SCHEDULE

*Project or Service Test Number and Title*  
 431L—ATCSS Design Study (Air Traffic Control Signaling System)  
 431L—Operation Analysis (Data Transmission requirements for ATSS)  
 4514—Airfield Control Tower and Guidance Equipment  
 6061—Airfield Design Package  
 4651—High Performance Control Center (System Development Air Nav Lab Cambridge)  
 431L—Study 431L System  
 4527—Approach and Landing and Surface Guidance  
 4653—Air Traffic Control and Scheduling Techniques  
 4654—En route Air Traffic Control Techniques  
 ST No. 860398—Auto Data GP OA-1/G  
 ST No. 874007—IP-410 Color PPI  
 ST No. 884027—Correlator, Target

E. R. QUESADA,

Chairman.

MALCOM A. MACINTYRE,

Department of Defense Member.

L. S. ROTHSCHILD,

Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER

FEBRUARY 4, 1958.

[F. R. Doc. 58-2856; Filed, Apr. 17, 1958;  
8:45 a. m.]

## INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 15, 1958.

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. 34605: *Volume L. C. L. class rates between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2430), for interested rail carriers. Rates on various commodities moving on volume L. C. L. class rates between points in official (including Illinois) territory, on the one hand, and points in Illinois territory on the Chicago, Burlington &

Quincy Railroad Company, and other carriers named in the application, on the other.

Grounds for relief: Short-line distance formula and carrier competition. Tariff: Supplement 26 to Traffic Executive Association-Eastern Railroads, Agent, tariff I. C. C. A-1051.

FSA No. 34606: *Newsprint paper to western trunk line and Illinois territories.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7256), for interested rail carriers. Rates on newsprint paper, carloads from Pine Bluff and Paperton, Ark., and Herty, Tex., to specified points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

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

Tariff: Supplement 15 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4271.

FSA No. 34607: *Newsprint paper from International Falls, Minn., and Sault Ste. Marie, Mich., to the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7257), for interested rail carriers. Rates on newsprint paper, carloads, from International Falls, Minn., and Sault Ste. Marie, Mich., to points in southwestern territory, including Mississippi River Crossings, Flinton, Ill., and south.

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

Tariffs: Supplement 76 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4198 and other schedules named in the application.

FSA No. 34608: *Fire fighting apparatus—Elmira, N. Y., to the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7266) for interested rail carriers. Rates on fire fighting apparatus, noibn, self-propelled, carloads, from Elmira, N. Y., to points in Arkansas, Louisiana (west of the Mississippi River), Missouri (southern region), New Mexico (eastern portion), Oklahoma, and Texas.

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

Tariff: Supplement 29 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4253.

By the Commission.

[SEAL]

HAROLD D. MCCOY,

Secretary.

[F. R. Doc. 58-2866; Filed, Apr. 17, 1958;  
8:47 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF  
M. ELZEVIER DOM ET AL.NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

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

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

M. Elzevier Dom; L. S. Claim No. 999; \$290.00 in the Treasury of the United States, and Norfolk & Western Railway Company 4/96, Bond No. 4097, in the principal amount of \$500, presently in the custody of the Safe-keeping Department, Federal Reserve Bank, at New York City.

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

Miss A. A. Berkhout; L. S. Claim No. 944; \$1,405.00. Cities Service Company 5/68, Debentures Nos. 16526, 16948 and 17416, in the principal amount of \$1,000 each.

H. J. v. Rijssen; L. S. Claim No. 963; \$1,020.00. Cities Service Company 5/69, Debentures Nos. 17663, 19325 and 19825, in the principal amount of \$1,000 each.

H. Horjus; L. S. Claim No. 968, L. S. Claim No. 1010; \$1,365.00. Cities Service Company 5/69, Debenture No. 41924, and The Kansas City Southern Railway Co. 5/50, Bond No. 3298, all in the principal amount of \$1,000 each.

J. A. G. Baron van Ittersum; L. S. Claim No. 1014; Central Pacific Railway Company 4/49, Bond No. 10503, in the principal amount of \$1,000.

Vesting Order No. 18521.  
Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., on April 14, 1958.

For the Attorney General.

[SEAL]

PAUL V. MYRON,

Deputy Director,

Office of Alien Property.

[F. R. Doc. 58-2876; Filed, Apr. 17, 1958;  
8:49 a. m.]







