

FEDERAL REGISTER



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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10535

AUTHORIZING THE CIVIL SERVICE COMMISSION TO CONFER A COMPETITIVE STATUS UPON PERSONS WHO FAILED TO ACQUIRE SUCH STATUS UNDER CERTAIN EXECUTIVE ORDERS BECAUSE OF ADMINISTRATIVE ERROR

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

1. The Civil Service Commission may confer a competitive status upon any employee or former employee of the Government who met the requirements for acquisition of such status under Executive Order No. 10080 of September 30, 1949, or under Executive Order No. 10157 of August 28, 1950, as amended, but was not recommended by an agency because of administrative error: *Provided*, that such employee is recommended by the agency in which he is employed, and such former employee is recommended either by an agency desiring to reemploy him or by the agency which could have recommended him under Executive Order No. 10080 or Executive Order No. 10157, as amended.

2. Acquisition of competitive status under this order shall not entitle any person to appeal a reduction in force or other personnel action made effective prior to the date on which the Civil Service Commission notifies the agency concerned that such person has been granted a competitive status under this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 9, 1954.

[P. R. Doc. 54-4477; Filed, June 9, 1954;
4:15 p. m.]

EXECUTIVE ORDER 10536

AUTHORIZING CERTAIN FUNCTIONS OF HEADS OF DEPARTMENTS AND AGENCIES UNDER SECTION 16 OF THE FEDERAL AIRPORT ACT TO BE PERFORMED WITHOUT THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, it is hereby ordered as follows:

The authority vested in the heads of departments and agencies by subsection (b) of section 16 of the Federal Airport Act, approved May 13, 1946 (60 Stat. 179), with the approval of the President and the Attorney General of the United States, to perform any acts and to execute any instruments necessary to make conveyances requested by the Administrator of Civil Aeronautics under subsection (a) of the said section 16 may be exercised by such heads of departments and agencies without the approval of the President.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 9, 1954.

[P. R. Doc. 54-4478; Filed, June 9, 1954;
4:15 p. m.]

TITLE 7—AGRICULTURE

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

[Orange Reg. 260]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.687 *Orange Regulation 260—*
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the

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(For use during 1954)

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Title 14: Part 400 to end (\$0.50)

Title 32: Parts 1-699 (\$1.75)

Title 39 (\$2.00)

Previously announced: Title 3, 1953 Supp. (\$1.50); Titles 4-5 (\$0.60); Title 7: Part 900 to end (\$1.25); Title 8 (\$0.35); Title 9 (\$0.50); Titles 10-13 (\$0.50); Title 16 (\$1.00); Title 17 (\$0.50); Title 18 (\$0.45); Title 20 (\$0.70); Titles 22-23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.45); Title 26: Parts 80-169 (\$0.50); Parts 170-182 (\$0.75); Parts 183-299, Revised 1953 (\$5.50); Part 300 to end, and Title 27 (\$1.00); Titles 28-29 (\$1.25); Titles 30-31 (\$1.00); Title 33 (\$1.25); Titles 35-37 (\$0.70); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.35); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.65); Parts 91-164 (\$0.45); Part 165 to end (\$0.60)

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date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 14, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until June 14, 1954; the recommendation and supporting information for continued regulation subsequent to June 13, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 7; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein-

after set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 14, 1954, and ending at 12:01 a. m., e. s. t., June 21, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

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

Dated: June 8, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 54-4460; Filed, June 10, 1954;
8:49 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

SUBPART—ORDER REGULATING HANDLING

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AUTHORITY: §§ 969.0 to 969.71 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 969.0 Findings and determinations.—(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modella), Florida, from March 8 to March 11, 1954, both dates inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

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

(2) The said order regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the proposed marketing agreement upon which a hearing has been held;

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

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of avocados covered thereby; and

(5) All handling of avocados grown in the production area, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found and determined on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practical after such effective time, it will be necessary to establish the Avocado Administrative Committee, the agency charged with the administration of this program, and for the Avocado Administrative Committee and the Secretary to initiate various actions of both organizational and regulatory nature, including the formulation and promulgation of rules and regulations under the program, which should be completed by the beginning of the harvesting and marketing season. Such season normally starts shortly after the middle of June. The time during which such actions will be concluded should be such that handlers will receive such notice thereof as will enable them reasonably and adequately to prepare for operations under the program. The provisions of the order are well known to the handlers of avocados, since the public hearing in connection with the entire order was concluded March 11, 1953, and the recommended decision and final decision were published in the FEDERAL REGISTER on April 24, 1954 (19 F. R. 2418) and May 21, 1954 (19 F. R. 2784), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement regulating the handling of avocados grown in South Florida, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping avocados covered by this order) who, during the period April 1, 1953, through March 31, 1954, handled not less than 50 percent of the volume of avocados covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1953, through March 31, 1954), were engaged, within the production area specified in this order, in the production of avocados for market; such producers having also produced for market at least two-thirds of the volume of avocados represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of avocados grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order; and

the terms and conditions of said order are as follows:

DEFINITIONS

§ 969.1 *Secretary*. "Secretary" means the Secretary of Agriculture of the United States or any Officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 969.2 *Act*. "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

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

§ 969.4 *Production area*. "Production area" means the counties of Brevard, Osceola, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

§ 969.5 *Avocados*. "Avocados" means all varieties of avocados grown in the production area.

§ 969.6 *Fiscal year*. "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 969.7 *Committee*. "Committee" means the Avocado Administrative Committee established pursuant to § 969.20.

§ 969.8 *Grower*. "Grower" is synonymous with producer and means any person who produces avocados for market and who has a proprietary interest therein.

§ 969.9 *Handler*. "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting avocados owned by another person) who handles avocados or causes avocados to be handled.

§ 969.10 *Handle*. "Handle" means to sell, consign, deliver, or transport avocados within the production area or between the production area and any point outside thereof in the continental United States or Canada: *Provided*, That such term shall not include: (a) The sale or delivery of avocados to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing avocados for market; (b) the delivery of avocados to such a handler solely for the purpose of having such avocados prepared for market; or (c) the transportation of avocados by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such avocados prepared for market. In the event a grower sells his avocados to a handler who is not so registered with the committee, such grower shall be the first handler of such avocados.

§ 969.11 *District*. "District" means the applicable one of the following de-

scribed subdivisions of the production area:

(a) "District 1" shall include Dade County.

(b) "District 2" shall include all of the production area except Dade County.

ADMINISTRATIVE BODY

§ 969.20 *Establishment and membership*. There is hereby established an Avocado Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of avocados in District 1, and one grower member shall be a producer of avocados in District 2. Three of the four handler members shall be handlers, or employees of handlers, of avocados in District 1, and one handler member shall be a handler, or an employee of a handler, of avocados in District 2.

§ 969.21 *Term of office*. The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 969.22 *Nomination*—(a) *Initial members*. Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than ten calendar days prior to the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 969.20.

(b) *Successor members*. (1) Nominations for successor members of the committee, and their respective alternates, shall be made at meetings of growers and handlers in each district. Such meetings shall be held at such times (on or before February 15 of each year) and

places as the committee shall designate. Such nominations shall be submitted promptly to the Secretary by the committee. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of such meetings.

(2) Only growers who are present at such nomination meetings, or represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 969.23 *Selection*. From the nominations made pursuant to § 969.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 969.24 *Failure to nominate*. If nominations are not made within the time and in the manner prescribed in § 969.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 969.20.

§ 969.25 *Acceptance*. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 969.26 *Vacancies*. To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 969.22 and 969.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 969.20.

§ 969.27 *Alternate members*. An alternate member of the committee, dur-

ing the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 969.28 Powers. The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 969.29 Duties. The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;
- (e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;
- (f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;
- (g) To act as intermediary between the Secretary and any grower or handler;
- (h) To investigate growing and maturity conditions of avocados, and to assemble data in connection therewith;
- (i) To engage in such research relating to the determination of maturity and grade standards for avocados as may be approved by the Secretary;
- (j) To submit to the Secretary such available information as he may request;
- (k) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;
- (l) To give the Secretary the same notice of meetings of the committee as is given to its members;
- (m) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than

three such representatives in connection with any one meeting of the committee; and

(n) To investigate compliance with the provisions of this part.

§ 969.30 Procedure. (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided*, That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 969.31 Expenses and compensation. The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed \$10 per day or portion thereof spent in performing such duties.

§ 969.32 Annual report. The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary, and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review, by districts, of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the avocado industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 969.40 Expenses. The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 969.41.

§ 969.41 Assessments. (a) Each person who first handles avocados shall, with respect to the avocados so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of avocados handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of avocados so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase

the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided*, That, in no case, shall the rate of assessment exceed 10 cents per 55-pound box, or an equivalent quantity, of avocados. Such increase shall be applied to all avocados handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 969.42 Accounting. (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATIONS

§ 969.50 Recommendations for regulation. (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of avocados grown in District 1 or District 2 in the manner provided in § 969.51, it shall so recommend to the Secretary.

(b) In arriving at its recommendations pursuant to paragraph (a) of this section, the committee shall give consideration to such of the following factors as may be applicable: (1) The estimated total production and shipments of each variety of avocados, including avocados grown in other areas; (2) the time of bloom and growing conditions during the development of the crop; (3) the quality of the avocado crop; (4) the anticipated demand for avocados; and (5) other available information having a bearing on the market for avocados. With each recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 969.51 Issuance of regulations. (a) The Secretary shall regulate, in the manner specified in this section, the handling of avocados whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, prior to such time as shall be specified, the handling of any size or sizes of any variety or varieties of avocados grown in District 1 or District 2; and

(2) Prohibit the handling of any variety or varieties of avocados grown in District 1 or District 2 which do not meet such quality and maturity standards as shall be prescribed.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 969.52 Modification, suspension, or termination of regulations. (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 969.51 should be modified, suspended or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of avocados in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 969.53 Exemption certificate. Whenever a regulation is in effect pursuant to paragraph (a) (1) of § 969.51, the committee shall issue one or more exemption certificates to any person who furnishes proof, satisfactory to the committee, that his avocados of a particular variety are mature prior to the time such variety may be handled under such regulation. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, only that portion of his avocados of the particular variety which the committee has determined to be mature. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the avocados covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the avocados covered by such certificates at the time the avocados are delivered to such handler.

§ 969.54 Inspection and certification. Whenever the handling of any variety of avocados is regulated pursuant to § 969.51, each handler who handles avocados shall, prior thereto, cause each lot of avocados handled to be inspected by

the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required whenever the avocados previously have been so inspected and certified. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 969.55 Avocados not subject to regulations. Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 969.41, 969.51, and 969.54, and the regulations issued thereunder, handle avocados (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for export other than to Canada; (d) for commercial processing into products; or (e) in such minimum quantities or types of shipments as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent avocados handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle avocados pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the avocados will not be used for any purpose not authorized by this section.

§ 969.60 Reports. (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of avocados he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 969.55; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 969.61 Compliance. Except as provided in this part, no person shall handle avocados, the shipment of which have been prohibited by the Secretary in accordance with the provisions of this

part; and no person shall handle avocados except in conformity with the provisions of this part and the regulations issued under this part.

§ 969.62 Right of the Secretary. The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 969.63 Effective time. The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 969.64.

§ 969.64 Termination. (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of avocados for market: *Provided*, That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1956, conduct a referendum of producers and a poll of handlers to determine whether the continuance of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1956, were engaged in producing avocados for market and the poll shall be confined to handlers who handled avocados in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of avocados handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 969.65 Proceedings after termination. (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the

affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 989.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 989.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 989.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 989.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 989.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alter-

nate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 989.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Dated: June 8, 1954.

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

[F. R. Doc. 54-4448; Filed, June 10, 1954;
8:46 a. m.]

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

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

Notice was published in the May 18, 1954 issue of the FEDERAL REGISTER (19 F. R. 2882) that the Secretary of Agriculture was considering the approval of a proposed amendment submitted by the Raisin Administrative Committee, of the administrative rules and regulations, as amended, issued pursuant to the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1952 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto. No such data, views, or arguments were filed within the period provided therefore.

After consideration of all relevant matters pertaining thereto, it is concluded that the amendment hereinafter set forth of the administrative rules and regulations, as amended, should be approved.

It is therefore ordered, That the aforesaid administrative rules and regulations, as amended (as set forth in 7 CFR, 1952 Rev., Part 989; 18 F. R. 4850), be further amended to read as follows:

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS, AS AMENDED

DEFINITIONS

Sec.	
989.100	Order.
989.101	Damaged raisins.
989.109	Other terms.

VOLUME REGULATION

989.166	Reserve and surplus tonnage generally.
989.169	Substitution for Layer Muscats.
989.170	Damaged raisins.

REPORTS AND RECORDS

989.173	Other reports.
989.175	Records.
989.176	Storage requirements to facilitate inspection of raisins and verification of reports.

AUTHORITY: §§ 989.100 to 989.176 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 989.100 *Order.* "Order" means Marketing Agreement No. 109 and Order No. 89 (§§ 989.1 to 989.97) regulating the handling of raisins produced from raisin variety grapes grown in California, or as the same may be amended hereafter.

§ 989.101 *Damaged raisins.* "Damaged raisins" are raisins which fail to meet the minimum grade requirements for natural condition raisins prescribed in § 989.201, or as the same may be amended hereafter.

§ 989.109 *Other terms.* "Other terms" used in this subpart shall have the same meaning as defined in this part.

VOLUME REGULATION

§ 989.166 *Reserve and surplus tonnage generally.*—(a) *Shrinkage allowance.* Each handler shall be entitled to an allowance of one percent, on the basis of original acquisition weight, for normal and natural shrinkage in weight, while in storage, of reserve or surplus tonnage raisins acquired by him during any crop year prior to or on the nearest Saturday to May 1 and held by him on such Saturday, for the account of the committee, but to no allowance for such shrinkage as to reserve or surplus tonnage raisins acquired by him during any crop year after such Saturday.

(b) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve and surplus tonnage obligations pursuant to § 989.66 (c) shall file with the committee on a form furnished by it a certified application for deferment of reserve and surplus obligation, containing the following information:

(i) The date of the application and the name and address of the handler;

(ii) The period for which deferment is requested;

(iii) The total reserve and the total surplus tonnage on which deferment is requested, by varietal type;

(iv) The name and address of each person with whom he has free tonnage under contract, undelivered, together with the amount of free tonnage thus under contract with each such person; on request, the committee, in its discretion, may waive submission of this information;

(v) A full description of the surety bond offered; and

(vi) The reasons why deferment is desired.

(2) The committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required by the terms of the order if his application is approved. No handler shall use such reserve or surplus tonnage raisins as free tonnage raisins until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

(c) *Remedy in the event of failure to deliver reserve or surplus tonnage raisins.* In the event a handler fails to deliver to the committee, upon request, any reserve tonnage raisins or any surplus tonnage raisins for which he has

become obligated, after any shrinkage allowances which may then be in effect are applied, he shall compensate the committee for the amount of the reduction of the reserve pool revenue or the surplus pool revenue, as the case may be, that is occasioned by his failure to deliver. Such amount shall be calculated by multiplying the quantity of raisins not delivered by the weighted average price per ton received by the committee from sales of reserve tonnage or surplus tonnage raisins, as the case may be, of the particular varietal type or types from the particular pool or pools which are involved, and adding any cost to the committee which is caused by the handler's failure to deliver. Such sales on which such weighted average price is computed shall include those during the particular crop year up to the time such cash payment is requested by the committee or up to the end of the particular crop year, whichever date may be earlier. Any amounts paid to the committee in satisfaction of such deficiencies shall be considered as being part of the particular reserve tonnage pool or the particular surplus tonnage pool involved. The remedies provided in this paragraph shall be in addition to, and not exclusive of, any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or this part.

§ 989.169 Substitution for Layer Muscats. A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins, as provided in § 989.69, shall file with the committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for a period of at least two years from its date.

§ 989.170 Damaged raisins—(a) Specific findings and determinations. It is hereby found and determined that: (1) At least a small portion of the raisin production of each crop year is damaged substantially by rain or other natural causes, and an insignificant portion is damaged by other than natural causes; (2) those raisins which are damaged by rain or other natural causes and the insignificant quantity which is damaged by other than natural causes may be, and often are, commingled by dealers who buy damaged raisins and sell them to handlers; (3) such dealers usually do not qualify as handlers and may not be required under the order to keep raisins damaged by rain or other natural causes separate from those damaged by other than natural causes; (4) it is impracticable to differentiate one category of damaged raisins from the other type of damaged raisins for regulation purposes; (5) such damaged raisins comprise those raisins which fail to meet the minimum grade requirements for natural

condition raisins which are prescribed in § 989.201, are not usually suitable for disposition by handlers for human consumption as raisins, and may not be set aside in satisfaction of handlers' reserve and surplus tonnage obligations; and (6) in these circumstances, the provisions of this section, which provisions are prescribed pursuant to the authority contained in § 989.70, may, at the option of the particular handler, apply to the handling and disposition of such handler's damaged raisins for each crop year.

(b) *Alternate way of handling.* In lieu of handling damaged raisins as a part of his free tonnage and subject to the general provisions of the order, any handler may, at the time of acquisition, elect to handle (including the disposition of) damaged raisins free from the restrictions which are set forth in §§ 989.63 to 989.69, both inclusive, § 989.81, and the first two sentences of § 989.73, subject to the meeting of the following terms and conditions:

(1) *Inspection, certification and reports of acquisition.* Such handler shall obtain, at his own expense, within three days (exclusive of Saturdays, Sundays and legal holidays) following acquisition, from a designated inspection agency of the United States Department of Agriculture, an inspection certificate showing that the damaged raisins do not meet the minimum grade requirements for natural condition raisins prescribed in § 989.201, or as the same may be amended hereafter. Such handler shall file with the committee promptly after the inspection, on a form furnished by it, a certified report with respect to the acquisition of the damaged raisins, and he shall attach to and submit with the report a signed copy of the applicable inspection certificate.

(2) *Separate storage.* Such handler shall store the damaged raisins separate and apart from other raisins (regardless of whether free tonnage, reserve tonnage, or surplus tonnage) which he may have in his possession or under his control, and damaged raisins so stored shall be identified promptly by appropriate markings on the stacks.

(3) *Restrictions as to disposition.* No handler shall ship or make other disposition of such damaged raisins for human consumption as raisins but may ship or dispose of such raisins for purposes other than human consumption as raisins, including but not limited to the manufacture of wine or distilled spirits. In the event a handler ships or otherwise disposes of any lot of damaged raisins to another person, he shall obtain from such other person a certificate executed by him or his authorized representative that such raisins will be used for specified purposes other than human consumption as raisins. Such certificate shall be attached to the report of disposition which the handler is required to file pursuant to subparagraph (4) of this paragraph.

(4) *Reports of disposition.* Each handler shall file with the committee, within 10 days following the disposition of each lot of damaged raisins, and on a form furnished by the committee, a

certified report containing the following information:

(i) The name and address of each person (including that of the reporting handler when appropriate) to whom the disposition of damaged raisins was made;

(ii) The quantities involved in each such disposition, segregated according to the different purposes for which the damaged raisins were to be used; and

(iii) The name and address of the reporting handler together with the date of the report and the date of, or period covered by, the disposition.

(5) *Verification of reports.* The committee shall have the right to exercise any or all of the authority vested in it by the provisions of § 989.76 for the purpose of verifying the accuracy and completeness of reports required to be filed with it by handlers under this section.

(6) *Application of assessment provisions.* For the purpose of computing each handler's pro rata share of administrative expenses pursuant to the provisions of § 989.79, damaged raisins acquired by him shall be considered as free tonnage, and subject to assessment as such.

REPORTS AND RECORDS

§ 989.173 Other reports—(a) Acquisitions. (1) The certified weekly report of acquisitions prescribed by the first two sentences of § 989.73 shall, except during any period when the provisions of said sentences are suspended, be submitted on forms furnished by the committee, and shall show, in addition to the information required by those sentences, the following information and supporting documents:

(i) The handler's name and address, the date of the report, and an identification by the report of the week to which it relates;

(ii) Copies of all weight certificates, door tags, or receipts, or other evidences of weight pertaining to the raisins acquired during the reporting week. Such copies shall account for all of such acquired raisins and shall show the date of receipt of each delivery and be segregated by each varietal type of raisins covered thereby and shall show the name and address of each person from whom the raisins were acquired, and the quantity of each varietal type acquired from each such person. The certification of the report shall also apply to these documents. Adding machine tapes, showing total acquisitions of each varietal type of raisins should be submitted with these documents if they are available. If any of such documents are subsequently corrected, a notice of correction, identified as such, shall accompany the report for the week in which the correction was made. The information and supporting documents specified in this subdivision need not be submitted by non-profit cooperative agricultural marketing associations but shall be retained by each such association for a period of two years, and shall be made available to any authorized representative of the committee upon his request.

(2) Each handler shall, except during any period when the provisions in

the first two sentences of § 989.73 are suspended, file with the committee, on forms furnished by it, a certified report for each week with respect to raisins received for memorandum receipt or warehousing, showing the quantities of raisins, separately stated as to each varietal type, which at the end of the reporting week were in the handler's possession or control other than by acquisition. These shall include all raisins received for storage, ballment, warehousing or otherwise. Each such report shall be filed not later than Wednesday of the week following the week which is covered by such report.

(3) During any period when the provisions of the first two sentences of § 989.73 are suspended, each handler shall file with the committee, on forms furnished by it, upon its request, a certified report showing, for such period or periods as shall be specified by the committee, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report:

(i) The total quantity acquired during the period for which the report is made;

(ii) The cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made;

(iii) The handler's name and address, the date of the report, and an identification of the period covered by the report to which it relates.

Each report shall be filed not later than the end of the 10th day (exclusive of Saturdays, Sundays and legal holidays) following either the date of the request or the ending date of the period for which the report is made, whichever is later.

(4) During any period when the provisions of the first two sentences of § 989.73 are suspended, each handler shall file with the committee, on forms furnished by it, on its request, a certified report showing, for such period or periods as shall be specified by the committee, with respect to raisins received for memorandum receipt or warehousing the quantities of such raisins not previously acquired by any handler, separately stated as to each varietal type, which at the end of the reporting period were in the handler's possession or control other than by acquisition. These shall include all raisins received for storage, ballment, warehousing or otherwise. Each such report shall be filed not later than the end of the 10th day (exclusive of Saturdays, Sundays and legal holidays) following either the date of the request or the ending date of the period for which the report is made, whichever is later.

(5) In the event a handler anticipates a period of inactivity during which he would have no raisins to report pursuant to the provisions of this paragraph, he shall not be required to file such reports during the period if he advises the committee in writing that he will have no raisins to report during the period which he shall specify, but in no event shall he be excused from filing any such reports

if he engages in any activity which would change his position with respect to raisins on which he is required to report pursuant to this paragraph.

(b) *Monthly shipments.* Each handler shall file periodically with the committee, on a form furnished by it, a certified report containing the following information: (1) The date, name and address of the handler and the period covered by the report; and (2) the aggregate quantity of each varietal type of free tonnage raisins shipped and otherwise disposed of by such handler during said period, segregated as to:

(i) Commercial domestic outlets according to consumer and bulk packs;

(ii) Commercial export outlets according to such packs;

(iii) United States Department of Agriculture purchases;

(iv) Other Government purchases; and

(v) Each of any other outlets in which the handler has made disposition.

The first such report for a crop year shall cover the period from August 15 to 31, both inclusive, and shall be filed with the committee not later than September 5. The last such report for a crop year shall cover the period from August 1 to 14, both inclusive, and shall be filed with the committee not later than August 19. Other such reports in a crop year shall cover the respective calendar months, and each shall be filed with the committee not later than the fifth day of the calendar month following the calendar month covered by such report. For the purposes of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(c) *Interhandler transfers of free tonnage raisins.* Each handler shall file periodically with the committee, on forms furnished by it, a certified report containing the following information: (1) The date of the report, the name and address of the reporting handler, and the period covered by the report; (2) the name and address of each handler from whom free tonnage raisins were received during the reporting period together with the quantity of each varietal type of such raisins received from each such handler; and (3) the name and address of each handler to whom free tonnage raisins were shipped or otherwise transferred in the area during the reporting period, together with the quantity of each varietal type of such raisins transferred to each such handler. The first such report for a crop year shall cover the period from August 15 to 31, both inclusive, and shall be filed with the committee not later than September 5. The last such report for a crop year shall cover the period from August 1 to 14, both inclusive, and shall be filed with the committee not later than August 19. Other such reports in a crop year shall cover the respective calendar months, and each shall be filed with the committee not later than the fifth day of the calendar month following the calendar month covered by such report.

(d) *Release of reserve tonnage, marketing policy and carryover information.*

(1) Upon request of the committee, each handler shall file with the committee, on forms furnished by it, a certified report

containing such of the following information for each specified varietal type of raisins as the committee may request: (i) Date of the report and name of the handler; (ii) the quantity of free tonnage held by him in and outside of the area as of the date specified in the committee's request; (iii) the weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the period specified by the committee, and the quantity of raisins for which such average was computed; (iv) the quantity of free tonnage raisins held by him in the area, segregated by the portion sold and the portion not sold; (v) the total quantity held by him for the account of producers or dehydrators for storage or on memorandum receipt or other form of storage arrangement; and (vi) the total quantity of raisins expected to be acquired by him subsequent to the date specified by the committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the committee.

(2) Each such report shall be filed not later than the end of the fifth day (exclusive of Saturdays, Sundays and legal holidays) following either the date of the request by the committee or the ending date of the period covered by the report, whichever is later.

(e) *Tonnage packed.* Upon request of the committee, each handler shall file with the committee within 10 days (exclusive of Saturdays, Sundays and legal holidays) a certified report on forms furnished by the committee, showing the total tonnage of natural condition raisins packed during the 12-month period preceding the then current crop year.

(f) *Certification of reports.* All certified reports required pursuant to this part to be submitted to the Raisin Administrative Committee shall be certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness of the information contained therein.

§ 989.175 *Records.* Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to file reports with the committee, and shall retain each such record for a period of at least two years from the date of the particular transaction which is involved.

§ 989.176 *Storage requirements to facilitate inspection of raisins and verification of reports.* Each handler shall store, separate and apart from other raisins and from each other, each varietal type of: (a) Reserve tonnage raisins held by him for the account of the committee pursuant to the provisions of § 989.66; (b) surplus tonnage raisins held by him for the account of the committee pursuant to the provisions of § 989.66; and (c) any raisins (other than reserve or surplus tonnage) held by him for the account of producers or dehydrators for storage on memorandum receipt or other form of storage arrangement. Handlers shall be allowed three calendar days (exclusive of Saturdays, Sundays and legal holidays) after acquisition of any reserve tonnage or surplus tonnage raisins or after the receipt of any raisins

for storage for the account of producers or dehydrators, to segregate and properly stack each varietal type.

It is hereby found and determined that good cause exists for not postponing the effective date of said amendment of the administrative rules and regulations, as amended, later than the fifteenth day after its publication in the FEDERAL REGISTER (see sec. 4 (c) of the Administrative Procedure; 5 U. S. C. 1001 et seq.) in that: (1) The amendment is designed to facilitate compliance by handlers with the provisions of this part, as well as to permit more effective administration generally, and should become effective as soon as practicable; and (2) any preparation necessary for compliance with this amendment should not require more time than that required for the committee to make revised reporting forms available to handlers, and 14 days will be ample time for such preparation.

Issued this 8th day of June 1954, to become effective on the 15th day after publication in the FEDERAL REGISTER.

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

[F. R. Doc. 54-4461; Filed, June 10, 1954;
8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY AND FARM CREDIT ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, § 6.338 (g) is revoked, § 6.163 (a) is added and § 6.365 (a) is amended as set out below.

§ 6.163 *United States Information Agency.* (a) Chief, Office of Security.

§ 6.365 *Farm Credit Administration.* (a) Three Directors of Credit Services. (R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 3 CFR, 1953 Supp., 18 F. R. 1823)

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

[F. R. Doc. 54-4446; Filed, June 10, 1954;
8:46 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 146—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Correction

In Federal Register Document 54-4314, appearing on page 3323 of the issue for Saturday, June 5, 1954, the words "shall submit" in the tenth line of § 146e.415 (e) should read "shall also submit".

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 50—RELEASE OF INFORMATION FROM MEDICAL RECORDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

This part supersedes Part 50 appearing at 17 F. R. 696, 32 CFR 50.1 to 50.3.

Sec.
50.1 General.
50.2 Individuals and agencies to whom medical records may be released.

Authority: §§ 50.1 and 50.2 issued under sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a.

§ 50.1 *General.* This policy governs the release of information from the medical records of members and former members of the Armed Forces by those bureaus and offices designated by the Secretaries of the Army, Navy and Air Force, to the individuals and agencies hereinafter named. Those bureaus and offices will determine the extent of and the form in which medical information will be furnished. The information will be treated as confidential. Only that information will be furnished which is necessary to the accomplishment of the legitimate purpose for which the information is required.

§ 50.2 *Individuals and agencies to whom medical records may be released.*

- (a) Department of the Treasury.
- (b) Department of the Army.
- (c) Department of Justice.
- (d) The Post Office Department.
- (e) Department of the Navy.
- (f) Department of Commerce (Coast and Geodetic Survey).
- (g) Department of Labor (Bureau of Employees' Compensation).
- (h) Department of the Air Force.
- (i) Department of State and Central Intelligence Agency (for use in considering prospective employees).
- (j) Civil Service Commission (to consider claims under section 2, act of June 27, 1944 (5 U. S. C. 851; 58 Stat. 387), as amended by sections 205 (a) and 305 (a), act of July 26, 1947 (61 Stat. 501, 508), section 1, act of January 19, 1948 (62 Stat. 3), act of July 2, 1948 (62 Stat. 1233), act of August 26, 1949 (63 Stat. 666), section 1, act of December 27, 1950 (64 Stat. 1117), and section 1, act of July 14, 1952 (66 Stat. 626), and for personal security investigations conducted under act of April 5, 1952 (66 Stat. 43)).
- (k) Department of Health, Education and Welfare (Public Health Service).
- (l) Selective Service.
- (m) Veterans' Administration.
- (n) Duly accredited representatives of the National Academy of Sciences-National Research Council, when engaged in cooperative studies undertaken at the specific request or with the consent of The Surgeon General, U. S. Army; The Surgeon General, U. S. Navy; or The Surgeon General, U. S. Air Force.
- (o) Federal or State mental hospitals or penal institutions when the member or former member is a patient or inmate therein.
- (p) Registered civilian physicians, upon request of the individual or his

legal representative, when required in connection with the treatment of the member or former member of the above services.

(q) The member or former member upon request, except information contained in the medical record which would prove injurious to his physical or mental health. In the latter case the medical information may be furnished to the next of kin, upon request of the individual, or to his legal representative upon his furnishing a certified copy of the court order of appointment (see section 3, act of August 27, 1940 (54 Stat. 859), as amended (50 U. S. C. App. 403 (a)) and subsection 9 (a), Universal Military Training and Service Act (62 Stat. 614; 50 U. S. C. App. 459 (a))).

(r) Directly to the next of kin or legal representative (upon submission by the latter of a certified copy of the court order of appointment), when the member or former member has been adjudged insane or is dead. Next of kin or legal representative will be required to furnish the releasing office with a copy of the court order adjudging the member or former member to be insane, or to furnish adequate proof of death of the member or former member in cases where proof of death is not on file in the office concerned.

(s) A representative, other than a physician or legal representative, specifically authorized in writing by the individual whose records are involved, who is to perform a service for such individual. The next of kin may likewise authorize a representative, where the member or former member is insane or dead. The purpose for which the information is to be used and the nature of the service to be performed must be furnished.

Nothing in this statement of policy is intended to preclude the release of appropriate information concerning the current health and welfare of the individuals in the armed services, or vital statistical data, including proof of death, concerning such personnel, nor to preclude compliance with court orders calling for the production of medical records in connection with litigation or criminal prosecutions, nor to preclude release of information from medical records when required by law.

JOHN A. HANNAH,
Assistant Secretary of Defense
(Manpower and Personnel).

[F. R. Doc. 54-4441; Filed, June 10, 1954;
8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In § 8.0, a new paragraph (e) (3) is added as follows:

§ 8.0 *Eligibility.* * * *
(e) *Applications for insurance under section 620 of the National Service Life Insurance Act, as amended April 25, 1951.* * * *

(3) The words "dishonorable conditions" as used in this paragraph are defined in § 3.64 of this chapter.

2. In § 8.77, paragraph (a) (5) is amended to read as follows:

§ 8.77 Election of optional settlement by beneficiary—(a) Insurance maturing on or after August 1, 1946.

(5) If the option selected by the insured or the designated beneficiary requires payment to any one beneficiary of monthly installments of less than \$10, the amount payable to such beneficiary shall be paid under option 2 in such maximum number of monthly installments as are a multiple of 12 and will provide a monthly installment of not less than \$10. (See §§ 8.80a and 8.80b.)

3. A new centerhead immediately following § 8.80 is added as follows: "Tables of Installments When Option Selected Provides Monthly Payments of Less Than \$10.00".

4. New §§ 8.80a and 8.80b are added as follows:

§ 8.80a Payment to a beneficiary where the monthly installment of insurance, issued under the National Service Life Insurance Act, as amended prior to the enactment of Public Law 23, 82d Congress, is less than \$10.00 under the option selected. Where payment is to be made in 12 or 24 monthly installments (see § 8.77 (a) (5)), the amount of each monthly installment will be paid in accordance with the following table:

Number of monthly installments:	Amount of each monthly installment per \$1,000 insurance payable
12	\$84.47
24	42.86

§ 8.80b Payment to a beneficiary where the monthly installment of insurance, issued under the provisions of section 620 or 621 of the National Service Life Insurance Act, as amended, is less than \$10.00 under the option selected. Where payment is to be made in 12 or 24 monthly installments (see § 8.77 (a) (5)), the amount of each monthly installment will be paid in accordance with the following table:

Number of monthly installments:	Amount of each monthly installment per \$1,000 insurance payable
12	\$84.19
24	42.50

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective June 11, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-4450; Filed, June 10, 1954; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 401—PLANS AND PROGRAMS OF VOCATIONAL REHABILITATION

SUBMISSION OF PLAN MATERIALS AND REPORTS BY AGENCIES FOR THE BLIND

Pursuant to the authority conferred by Public Law 113, 78th Congress, 45 CFR Part 401 is amended by deleting paragraph (b) of § 401.3 and revising paragraph (a) to read as follows:

(a) Except as hereinafter provided with respect to the transmission of that part of the plan administered by an agency for the blind, the plan, and all amendments thereto, shall be transmitted to the Office of Vocational Rehabilitation with a statement over the signature of the duly authorized officer of the State board, indicating the date of its adoption, the effective date, and the fulfillment of any conditions necessary to its operation. If a part of the plan is administered by an agency for the blind, the plan may provide that that part of the plan, or amendments thereto, and related reports required by §§ 401.4 (b) and 401.27 may be transmitted to the Office of Vocational Rehabilitation over the signature of the duly authorized officer of the agency for the blind; *Provided*, That the State Board remains, nevertheless, the State body to which the Federal Government looks for the continuing conformity of the state plan and the proper and efficient administration of the total program in the State.

and by deleting the phrase "including the transmission of such reports from the agency for the blind" in paragraph (b) of § 401.4 and substituting in lieu thereof the following: "Provided, That nothing herein shall be construed as prohibiting transmission of reports directly by the agency for the blind as provided in § 401.3."

(Sec. 9, 58 Stat. 769, as amended; 50 U. S. C. App. 1618)

Dated: June 4, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-4447; Filed, June 10, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 179]

TRANSFERS OF OPERATING RIGHTS

WRITE-OFF OR AMORTIZATION OF AMOUNTS ASSIGNED TO INTANGIBLE PROPERTY

MAY 27, 1954.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the proposed revision of the transfer rules and regulations (49 CFR 179.1-179.5, inclusive, 1952 Supp.) to provide for the write-off or amortization from earnings of any amount assignable to the "Other Intangible Property" account of

the purchaser, if the Commission considers and determines that such write-off or amortization is necessary in the public interest. It is proposed to revise § 179.2 by the addition of a new paragraph (c) (3) thereunder to read as follows:

(3) As a condition to approval of an application for transfer under this part, the purchaser shall be required to write-off or amortize monthly from earnings any amount assignable to its Other Intangible Property account as a result of the proposed transaction, if the Commission considers and determines that such write-off or amortization is necessary in the public interest.

No oral hearing is contemplated, but anyone wishing to make representations

in favor of or against the proposed rule may do so through the submission of written data, views, or arguments. The original and five copies of any such data, views, or arguments shall be filed with the Commission on or before July 23, 1954.

Notice of this proposal shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4459; Filed, June 10, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2760]

COMMISSIONER OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO LEASE OF CERTAIN NECESSARY SPACE AND FACILITIES IN CONNECTION WITH SCHOOLING OF NAVAJO CHILDREN

SECTION 1. *Delegation.* The Commissioner of Indian Affairs is authorized to exercise the authority delegated on June 3, 1954 to the Secretary of the Interior by the Administrator of General Services to procure by lease for terms not in excess of five years, in accordance with section 3 of the act of August 27, 1935, as amended (40 U. S. C. 304c), and subject to the conditions imposed by the Administrator, the necessary space and facilities in the towns and cities of Arizona, Colorado, New Mexico, and Utah surrounding the Navajo reservation, in connection with the schooling of Navajo children.

SEC. 2. *Redelegation.* The Commissioner of Indian Affairs may redelegate, in writing, the authority delegated in section 1 of this order and he may authorize written redelegation of such authority.

RALPH A. TUDOR,
Acting Secretary of the Interior.

JUNE 7, 1954.

[F. R. Doc. 54-4442; Filed, June 10, 1954;
8:45 a. m.]

OFFICE OF DEFENSE
MOBILIZATION

[ODM (DPA) Request No. 26-DPAV-34 (c)]

ALTORFER BROS. CO. ET AL.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CONVENTIONAL ARTILLERY AND MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the following additions to the list of companies which have accepted the request to participate in the activities of an Army Ordnance Integration Committee on Conventional Artillery and Mortar Shell in accordance with the voluntary plan entitled, "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Conventional Artillery and Mortar Shell," dated September 28, 1951, as amended. The request to participate in the amended voluntary plan and the list of companies accepting such request were published in 19 F. R. 962, on February 18, 1954.

ADDITIONS

Altorfer Bros. Company, Peoria, Ill.
Aluminum Specialty Company, Manitowoc, Wis.
The Budd Company, Philadelphia 32, Pa.

Harvey Machine Co., Inc., 19200 South Western Avenue, Torrance, Calif.
Haynes-Stellite Company, Union Carbide and Carbon Corporation, Kokomo, Ind.
Kennedy-Van Saun Mfg. & Eng. Corp., Danville, Pa.

The Murray Ohio Manufacturing Co., 1115 East 152d Street, Cleveland 10, Ohio.
Nesco, Inc., 947 West St. Paul Avenue, Milwaukee 1, Wis.
Geo. D. Roper Corporation, Rockford, Ill.
Temco, Inc., Nashville 9, Tenn.
Tokheim Corporation, Fort Wayne 1, Ind.
Universal Match Corporation, Ferguson 21, Mo.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: June 9, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-4508; Filed, June 10, 1954;
10:48 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-3161]

ALGONQUIN GAS TRANSMISSION CO. AND
NEW ENGLAND GAS AND ELECTRIC
ASSN.

SUPPLEMENTAL ORDER RELEASING JURISDICTION IN RESPECT OF FEES AND EXPENSES

JUNE 7, 1954.

The Commission on December 28, 1953, issued its order granting and permitting to become effective a joint application-declaration filed by New England Gas and Electric Association ("Negas"), a registered holding company, and one of its subsidiaries, Algonquin Gas Transmission Company ("Algonquin"), pursuant to sections 6 (a) (2), 6 (b), 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") regarding, among other things, the issuance and sale of securities by Negas and Algonquin and the acquisition by Negas of certain securities of Algonquin, subject to a reservation of jurisdiction in respect of the fees and expenses to be paid in connection with the several transactions.

Applicants-declarants have filed an amendment supplying additional data including detailed memoranda in support of the fees and expenses paid or proposed to be paid which are summarized as follows:

	Fees	Expenses
Legal fees of counsel for Algonquin: Burns, Blake & Rich.....	\$3,500	\$750
Legal fees of special counsel for Algonquin's bondholders: Wilkie, Owen, Farr, Gallagher & Walton.....	5,000	440
Financial advisor to Algonquin: First Boston Corp.....	5,000	
Legal fees of counsel for Negas: Burns, Blake & Rich.....	500	
Total fees.....	14,000	1,190

The Commission having considered the record made in respect of the above fees and expenses and finding that they are

not unreasonable and deeming it appropriate in the public interest to release jurisdiction in respect thereof:

It is ordered, That the jurisdiction heretofore reserved herein in respect of the fees and expenses, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 54-4444; Filed, June 10, 1954;
8:45 a. m.]

[File No. 70-3210]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION IN RESPECT OF FEES AND EXPENSES

JUNE 7, 1954.

The Commission by orders dated April 13, 1954 and April 20, 1954 permitted to become effective an amended declaration filed by The Columbia Gas System Inc. ("Columbia"), pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding, among other things, the issuance and underwritten sale by a rights offering of \$50,000,000 principal amount of Subordinated Debentures, subject to a reservation of jurisdiction with respect to the fees and expenses incurred in connection with the proposed financing.

Columbia has filed a further amendment supplying additional data including detailed memoranda in support of the fees and expenses paid or proposed to be paid which are summarized as follows:

Filing fee, Securities and Exchange Commission.....	\$5,500
Printing of registration statement, prospectus, indenture and other documents and papers.....	51,000
Expenses of printing temporary debentures and charges of trustee in connection with authentication and issuance thereof.....	19,500
Printing and engraving definitive debentures and cost of exchanging temporary debentures.....	25,000
Charges and disbursements of subscription agent, Guaranty Trust Co.....	95,000
Legal fees of company counsel, Cravath, Swaine & Moore.....	25,000
Engineer's fees, Ralph Davis.....	15,000
Accountants' fees, Arthur Andersen & Co.....	9,900
Charges of the Columbia System subsidiary service company.....	5,000
Original issue tax.....	55,000
Printing 130,000 warrants.....	4,000
Listing fee, New York Stock Exchange: Debentures.....	\$6,000
Stock (part payment).....	3,334
Total.....	9,334
Listing fee, stock, Pittsburgh Stock Exchange.....	11,075
Miscellaneous other expenses.....	5,000
Total.....	335,309

In addition to the foregoing, Shearman & Sterling & Wright, counsel to the underwriters, are to be paid a fee of \$15,000 by the underwriters who are to be reim-

bursed by Columbia for the Blue Sky expenses of counsel in an amount not to exceed \$1,500.

The Commission having considered the record made in respect of the above fees and expenses and finding that they are not unreasonable provided they do not exceed the estimates and deeming it appropriate in the public interest to release jurisdiction in respect thereof:

It is ordered, That the jurisdiction heretofore reserved herein in respect of fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-4443; Filed, June 10, 1954;
8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 10]

ALDEN ELSTROM ASSOCIATES AND
BABCOCK CO.

ADDITIONAL COMPANIES ACCEPTING REQUEST
TO PARTICIPATE IN OPERATIONS OF FEDER-
ATED FACILITIES, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies, which have accepted the request to participate in the operations of Federated Facilities, Inc., are herewith published. The original list of companies accepting such request was published on September 24, 1953, in 18 F. R. 5697.

Alden Elstrom Associates, 607 Merchandise Building, Minneapolis 2, Minn.
The Babcock Company, Kasota, Minn.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 54-4445; Filed, June 10, 1954;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29327]

MIXED FEED FROM FLORIDA, SAVANNAH AND
PORT WENTWORTH, GA., TO CHARLOTTE,
AND GASTONIA, N. C., AND GROUP POINTS

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Feed, animal or poultry, carloads and less-than-carloads.

From: Points in Florida and Savannah and Port Wentworth, Ga.

To: Charlotte and Gastonia, N. C., and points grouped therewith.

Grounds for relief: Rail competition, circuitry, and additional routes.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1308, supp. 15.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4451; Filed, June 10, 1954;
8:47 a. m.]

[4th Sec. Application 29328]

PLASTER, PLASTERBOARD AND RELATED
ARTICLES FROM DETROIT, MICH., TO
POINTS IN WESTERN TRUNK-LINE TER-
RITORY

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster and plasterboard, and related articles, carloads.

From: Detroit, Mich.
To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4311, supp. 14.

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

ing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4452; Filed, June 10, 1954;
8:47 a. m.]

[4th Sec. Application 29329]

ANHYDROUS AMMONIA FROM VICKSBURG,
MISS., TO TEXAS CITY, TEX.

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

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

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Vicksburg, Miss.
To: Texas City, Texas.

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

Schedules filed containing proposed rates: F. C. Kratzmeier, Agent, I. C. C. No. 4040, supp. 81.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4453; Filed, June 10, 1954;
8:47 a. m.]

[4th Sec. Application 29330]

VARIOUS COMMODITIES BETWEEN POINTS IN
TEXAS

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Feed, stock or poultry, also mineral mixtures, silica gel catalyst, in bulk, and soda products.

Between: Points in Texas.

Grounds for relief: Rail competition, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 807, supp. 49.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4454; Filed, June 10, 1954;
8:48 a. m.]

[4th Sec. Application 29331]

MIXED POULTRY FEED FROM FLORIDA, SAVANNAH AND PORT WENTWORTH, GA., TO MARYVILLE, TENN.

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

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

Commodities involved: Feed, animal or poultry, carloads and less-than-carloads.

From: Points in Florida, Savannah and Port Wentworth, Ga.

To: Maryville, Tenn.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1308, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they in-

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4455; Filed, June 10, 1954;
8:48 a. m.]

[4th Sec. Application 29332]

SCRAP PAPER FROM CALHOUN, TENN., TO CERTAIN STATES

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

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

Commodities involved: Scrap or waste paper, carloads.

From: Calhoun, Tenn.

To: Specified points in Maryland, Michigan, New Jersey, New York, Ohio and Pennsylvania.

Grounds for relief: Rail competition, circuitry, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1377, supp. 7.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4456; Filed, June 10, 1954;
8:48 a. m.]

[4th Sec. Application 29333]

COAL FROM NEW RIVER DISTRICT IN WEST VIRGINIA TO WASHINGTON, D. C.

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

Filed by: The Virginian Railway Company, for itself and on behalf of the New York Central Railroad and Southern Railway Company.

Commodities involved: Coal and coal briquettes, carloads.

From: Mines in New River district in West Virginia.

To: Washington, D. C.

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

Schedules filed containing proposed rates: Virginian Railway Company, I. C. C. No. 2419.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4457; Filed, June 10, 1954;
8:48 a. m.]

[4th Sec. Application 29334]

SULPHURIC ACID FROM RIDGEWOOD, FLA., TO WEST LAKE CHARLES, LA.

APPLICATION FOR RELIEF

JUNE 8, 1954.

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

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

Commodities involved: Sulphuric acid, in tank-car loads.

From: Ridgewood, Fla.

To: West Lake Charles, La.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4049, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days

from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of

an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4458; Filed, June 10, 1954;
8:48 a. m.]

