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(For use during 1955)

The following Supplements are now available:

Title 6 (\$2.00)

Title 26: Parts 183-299 (\$0.30)

Title 46: Parts 1-145 (\$0.40)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32A, Revised December 31, 1954 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

RULES AND REGULATIONS

CONTENTS—Continued

Commodity Stabilization Service—Continued	Page
Rules and regulations:	
Farm-storage facilities; 1955:	
Farm-storage facility loan program.....	5115
Mobile drying equipment for farm commodities program to finance purchase.....	5113
Defense Department	
See Engineers Corps.	
Engineers Corps	
Rules and regulations:	
Garza-Little Elm Reservoir area, Tex., public use of.....	5131
Farm Credit Administration	
Notices:	
Deputy Directors of Short-Term Credit Service and other officials; authority to act when Director not available.....	5151
Federal Communications Commission	
Notices:	
Hearings, etc..	
Bartlett and Reed Management and Blackhills Video Co.....	5151
Beloit Broadcasters, Inc. (WBEL).....	5151
Umatilla Broadcasting Enterprises and Othello Broadcasting Co.....	5151
Federal Power Commission	
Notices:	
Hearings, etc..	
Algonquim Gas Transmission Co. and Tennessee Gas Transmission Co.....	5152
Busch, W. H.....	5152
Cities Service Gas Co.....	5153
Perman Oil and Gas Co. et al.....	5153
Tacoma, Wash.....	5153
Texas Gas Transmission Corp.....	5152
Fish and Wildlife Service	
Rules and regulations:	
Alaska commercial fisheries; Cook Inlet area, weekly closed period.....	5133
Interior Department	
See Fish and Wildlife Service; Land Management Bureau.	
Internal Revenue Service	
Rules and regulations:	
Tobacco, manufactured; manufacturers, importers, and dealers.....	5120
Interstate Commerce Commission	
Rules and regulations:	
Free time at ports:	
Box and refrigerator cars; unloading.....	5131
Freight cars; loading.....	5132
Lumber: restrictions on cars to be stopped to partially unload.....	5132
Justice Department	
See Alien Property Office.	

CONTENTS—Continued

Labor Department	Page
See Wage and Hour Division.	
Land Management Bureau	
Notices:	
Arizona, small tract classification.....	5148
Utah; filing of plats of survey.....	5149
Tariff Commission	
Notices:	
Bicycles; supplemental report.....	5154
Treasury Department	
See Coast Guard, Internal Revenue Service.	
Veterans Administration	
Rules and regulations:	
Vocational rehabilitation and education; examination of records.....	5131
Wage and Hour Division	
Notices:	
Learner employment certificates; issuance to various industries.....	5150

CODIFICATION GUIDE

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

Title 6	Page
Chapter IV	
Part 474 (2 documents).....	5113, 5115
Title 7	
Chapter III.	
Part 301 (proposed) (2 documents).....	5146, 5147
Chapter IX.	
Part 910.....	5117
Proposed rules.....	5133
Part 922.....	5118
Part 936 (3 documents).....	5118, 5119
Part 945 (proposed).....	5133
Part 953.....	5120
Part 959 (proposed).....	5139
Part 992.....	5120
Title 26 (1939)	
Chapter I.	
Part 140 (see T. 26 (1954) Part 275)	
Part 457 (see T. 26 (1954) Part 275)	
Title 26 (1954)	
Chapter I.	
Part 275.....	5120
Title 36	
Chapter III.	
Part 311.....	5131
Title 38	
Chapter I:	
Part 21.....	5131
Title 46	
Chapter I.	
Part 52.....	5131
Title 49	
Chapter I:	
Part 95 (3 documents).....	5131, 5132
Title 50	
Chapter I.	
Part 109.....	5133

others, or (4) where it appears that the equipment may be attached to, or become a part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, drying or processing plants.

§ 474.431 *Terms and conditions of loans*—(a) *Term of loan.* The maximum term of the loan will be for a period of approximately three years, except that the term of an individual loan may be extended for one year or less if the county committee determines in writing that the borrower is unable to meet the current payment when due because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages on the mobile drier and/or equipment, or by other security instrument approved by CCC. The cost of recording or filing of all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed the loan commitment shall become null and void in four months after its date unless extended in writing by the county committee on or before its expiration date.

(b) *Amount of loan.* (1) The maximum amount loaned on any single mobile drier, or any mobile equipment shall not exceed the maximum amount authorized by the State committee and in no event shall exceed seventy-five percent of the delivered and assembled out-of-pocket cost paid by the borrower for such drier or equipment. The borrower shall be required to furnish receipts showing the cost of the drier or any mobile equipment, and amount of downpayment, before the loan is disbursed.

(2) County committees may approve loan applications, issue loan commitments and make disbursement of loans, without prior approval of the State committee, except as specifically provided herein, of any amount not in excess of \$3,000. Applications for mobile drying equipment loans in the amount of \$3,000 or over, shall be submitted through the State committee to the Deputy Administrator for Operations CSS, for review and approval prior to the issuance of a commitment.

(c) *Repayment of loan.* Payment will be due annually in equal payments beginning on the first anniversary date of the disbursement of the loan, and a like payment plus interest shall be due on each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. Unless an extension is granted, in writing, failure to pay any installment by the twelfth month after such date or extension shall mature all installments then unpaid, and the entire unpaid amount of the note, without demand, notice, or other action shall become immediately due and payable and the borrower shall be personally liable for the entire amount remaining

unpaid on the loan. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under this subpart, or under the chattel mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the drier or eligible equipment is used in connection with any commercial operation including but not limited to elevator, warehouse, drying, or processing plants during the life of the loan, the holder, at its option, may declare the entire indebtedness immediately due and payable. Any unpaid amount on a delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds when the loan is held by a lending agency. In addition, all farm storage payments due the borrower by CCC for storage of commodities in farm storage structures shall be applied to the loan until fully repaid. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage.

(d) *Insurance.* The borrower shall be required to provide insurance for the life of the loan and for the face value of the loan with coverage for fire and other hazards common to the area for such equipment as determined necessary by the county committee. The insurance policy shall contain a loss payable clause in favor of the holder of the note and CCC, as their interests may appear, and the cost shall be borne by the borrower. If any insurance is not in effect at any time during the life of the loan, or extension thereof, the loan shall become immediately due and payable, without demand, notice, or other action.

§ 474.432 *Disbursement of loans.* Loans will be disbursed to borrowers by lending agencies under agreement with CCC or directly by CCC. Direct loans to borrowers may be disbursed by means of sight drafts issued by county ASC offices.

§ 474.433 *Service charges.* A service charge of \$5.00 or one percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of \$5.00 shall be retained by the county committee and the balance returned to the applicant.

§ 474.434 *Sale or conveyance of security.* When a borrower desires to sell or convey the mobile drying equipment without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC.

If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mobile drying equipment located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 13th day of July 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[P. R. Dec. 55-5351; Filed, July 18, 1955;
8:53 a. m.]

[1955 C. C. C. Farm-Storage Facility Loan
Bulletin 1]

PART 474—FARM-STORAGE FACILITIES
SUBPART—1955 FARM-STORAGE FACILITY
LOAN PROGRAM

This bulletin states the requirements with respect to the Farm-Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.
474.501 Administration.
474.502 Availability of loans.
474.503 Approved lending agencies.
474.504 Eligible borrowers.
474.505 Eligible structures.
474.506 Terms and conditions of loans.
474.507 Disbursement of loan.
474.508 Service charge.
474.509 Sale or conveyance of security.

AUTHORITY: §§ 474.501 to 474.509 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1072, 15 U. S. C. 714c.

§ 474.501 *Administration.* The program will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart.

§ 474.502 *Availability of loans*—(a) *Area.* Loans will be available in any State of the continental United States.

(b) *Time.* Loan applications may be submitted from July 1, 1955, through June 30, 1956.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Approved forms and documents will be made available through the offices of county committees. Application for loans shall, in either case, be made to the county committee. Disbursements of loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the county office.

§ 474.503 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans, on the form prescribed by CCC.

§ 474.504 *Eligible borrowers.* Loans will be made only to eligible borrowers. An eligible borrower shall be any person, who as tenant, share-landlord, or land-owner-operator produces one or more of the eligible commodities listed in § 474.505 (a). The term "person" means an individual, partnership, corporation or other legal entity. If two or more individuals join together in the purchase and erection or construction of an eligible storage facility they must join as partners and each such individual shall sign all documents, and shall be liable jointly and severally with respect to the loan.

§ 474.505 *Eligible structures.* (a) Loans will be made only for the purchase of eligible structures. Eligible structures shall be new farm storage facilities of movable or immovable type, and additions to existing immovable facilities, which meet the requirements for eligible storage under the CCC price support loan programs and which have not been purchased or partially constructed prior to the date the application is approved, and used farm storage facilities which CCC previously acquired by foreclosure or other means under this program, provided such facilities are to be used for the storage of cottonseed, corn, wheat, rye, oats, barley, grain sorghums, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds or winter cover crop seeds produced by the eligible borrower on that farm with respect to which application is made. Loans for the construction of immovable facilities for cottonseed, soybeans, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds or winter cover crop seeds, will be approved only in areas for which the State committee determines that existing privately owned storage facilities for such commodity or commodities in the area concerned are not adequate. The term "storage facility" includes that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) Loans will not be available (1) for the refinancing, repair, remodeling, or maintenance of existing facilities, (2) for the purchase of secondhand facilities (except as specifically provided in this subpart) (3) to provide storage facilities for commodities which the borrower in-

tends to purchase or store for others, (4) to provide storage facilities which the borrower intends to lease to others, (5) for purchase and erection or construction of facilities for storage of commodities produced by anyone on land other than that with respect to which application is made, or (6) to provide a facility where it appears, because of the type of construction, design, size, equipment, location, or otherwise, that the structure may be attached to, or become part of or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, driers and processing plants. Any facility which is located in working proximity to any commercial operation shall be deemed to be a part of such operation for the purposes of this program.

(c) No structure shall be deemed eligible unless the county committee has determined that the storage facility is needed and that the bushel capacity proposed is in keeping with the additional farm storage requirements of the producer for the storage of eligible commodities taking into consideration existing permanent storage facilities of the producer. Storage capacity to store one year's crop shall be considered sufficient for cottonseed and storage capacity to store one year's crop plus one crop year's carryover shall be considered sufficient for all other eligible commodities.

§ 474.506 *Terms and conditions of loans—(a) Term of loan.* The maximum term of the loan will be approximately four years from the first anniversary date of the first disbursement of the loan, except that the term of an individual loan may be extended for one year or less if the county committee determines in writing that the borrower is unable to meet the current payment when due, because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located; or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitutes a salable unit. In case of chattel mortgage loans only, a severance agreement must be executed and acknowledged by all persons having an interest in the land on which the structure will be placed, except that a severance agreement will not be required if the storage structure is movable, is not attached to a permanent foundation, and is not in excess of 2500 bushels capacity, and in the case of a structure for storage of cottonseed, 60 ton capacity. The cost of recording or filing all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed, the loan commitment shall become null and void in four months after its date unless extended in

writing by the county committee on or before its expiration date. Every application for a farm storage facility loan secured by a chattel mortgage shall be accompanied by an instrument, duly acknowledged for recording purposes, under which the owner of the premises on which the facility is to be located consents that if the farm storage facility is acquired by CCC through foreclosure or other means, such facility shall, at the option of CCC, remain on the property for a period not to exceed six months at no expense to CCC.

(b) *Amount of loan.* (1) The maximum amount loaned on any new storage facility shall not exceed the maximum amount authorized by the State committee and in no event shall exceed eighty percent of the actual out-of-pocket cost paid by the borrower, whichever is less. The borrower shall be required to furnish receipted bills, furnishing information including but not limited to showing the cost of the structure, equipment if any, and amount of down-payment, before the loan is disbursed. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the eligible commodity to be stored and without which the facility cannot be operated. In computing the cost incurred, the labor performed by the applicant and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of permanent foundations for movable facilities shall be excluded.

(2) The county committee may approve loan applications, issue loan commitments, and make disbursement of loans, without prior approval of the State committee, except as specifically provided herein, on any amount not in excess of \$2,500. All loans in excess of \$2,500 must be approved by the State committee or designated employee of the State committee prior to the issuance of loan commitment. Each application for a loan on a movable storage facility in the amount of \$15,000 or over, and each application for a loan on an immovable storage facility in the amount of \$25,000 or over, shall be forwarded by the county committee, together with its recommendations, to the State committee and the State committee shall forward such applications with its recommendations to the Deputy Administrator for Operations. A loan on a movable storage facility in an amount ranging from \$15,000 to \$25,000 shall not be made unless it is approved by the Deputy Administrator for Operations, and no loan commitment shall be issued in connection with such a loan prior to such approval. If the application is for a loan in excess of \$25,000, the application shall be submitted by the Deputy Administrator for Operations to the Board of Directors of CCC. A loan in excess of \$25,000 shall not be made unless approved by the Board of Directors, and no loan commitment shall be issued in connection with an application for a loan in excess

of \$25,000 unless the loan has been approved by the Board of Directors.

(3) The maximum amount loaned on any farm storage facility which CCC has previously acquired by foreclosure or other means under the program shall not exceed the maximum amount authorized by the State Committee and in no event shall exceed eighty percent of the price of purchase from Commodity Credit Corporation.

(4) In computing the capacity of the storage facility two and one-half cubic feet shall be considered equivalent to one bushel of ear corn, ninety cubic feet equivalent to one ton of cottonseed, and one and one-fourth cubic feet equivalent to one bushel of all other commodities.

(c) *Repayment of loan.* The principal of the loan shall be repayable in equal annual installments with interest at four percent per annum on the unpaid balance. The first installment including interest shall be payable during the twelve months period beginning on the first anniversary date of the first disbursement of the loan, out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture, and a like installment shall be similarly payable during the twelve months following each anniversary date thereafter until the principal together with the interest thereon has been paid in full. Payment out of such amounts shall be obtained by deduction therefrom, except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. Unless an extension is granted by Commodity Credit Corporation in writing, each installment must be paid out of price support proceeds, in cash, or otherwise not later than the end of the applicable twelve months pay period, and failure to pay any installment by the thirtieth day after the end of such period, or extension thereof, shall mature all installments then unpaid and the entire unpaid amount of the note, without demand, notice, or other action, shall become immediately due and payable and the borrower shall be personally liable for the entire amount remaining unpaid on the loan. Any delinquent loan may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds, i. e. funds other than CCC funds, when the loan is held by a lending agency. In addition, all farm storage payments due the borrower by CCC for storage of commodity in farm storage structure shall be applied to the loan until fully repaid. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under this subpart, or under the mortgage or other security instrument securing the note, or under any other instruments executed in connection with the loan, or if the facility is used in connection with any commercial operation including but not limited to elevators, warehouses, driers or processing plants, during the life of the loan, the holder, at its option, may

declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of farm storage facility loans secured by mortgages or deeds to secure debt which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested to release or obtain the release of such instrument or instruments.

(d) *Insurance.* Insurance shall be required on all immovable storage facility loans, regardless of the amount of the loan and with coverage for fire and other hazards existent in the area. Insurance shall also be required on all movable facility loans on which the amount loaned was \$1,000 or more, and on loans under \$1,000, when required by the State committee of any State. All insurance shall be maintained during the life of the loan and for the face value of the loan, and the cost shall be borne by the borrower, and the policy shall contain a clause making any loss thereunder payable to CCC, and to any other holder of the note secured by the storage facility as their interests may appear. If any insurance is not in effect at any time during the life of the loan or extension thereof, the loan shall become immediately due and payable, without demand, notice or other action.

(e) *Maintaining storage facility.* The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid in full. The borrower shall not use the facility for any purpose other than the storage of the commodities listed in § 474.505 (a) in the production of which he has an interest without the written consent of the county committee, except that landlords may rent the facility, for the storage of any such commodities, together with the land on which the commodity to be stored in such facility is produced.

§ 474.507 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee or designated employee. In the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility by the county committee or designated employee or on a partial advance plan as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths

completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 474.508 *Service charge.* There shall be collected from the applicant at the time the application is made, a service charge of \$5.00 or one (1) percent of the loan, whichever is greater, but in no case shall the charge be less than \$5.00. If the loan is rejected or is not completed, the minimum charge of \$5.00 shall be retained by the county committee and the balance returned to the applicant.

§ 474.509 *Sale or conveyance of security.* When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 13th day of July 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President.
Commodity Credit Corporation.

[F. R. Doc. 55-5828; Filed, July 18, 1955;
8:48 a. m.]

TITLE 7—AGRICULTURE

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

[Cauliflower Order 1—1955]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.323 *Cauliflower Order 1—1955—*
(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910; 19 F. R. 3019), regulating the handling of vegetables grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as

amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Cauliflower Marketing Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby 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 in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the 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, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cauliflower, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order* (1) During the period July 20, 1955, to October 15, 1955, both dates inclusive, no handler shall ship cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral and Saguache Counties in the State of Colorado that does not meet the requirements of the U. S. No. 1, or better grade, 4 inches or larger diameter.

(2) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended, and the grades and sizes used in this section shall have the same meaning assigned to these terms in the United States Standards for Cauliflower (§§ 51.541—51.549 of this title) including the tolerances set forth therein.

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

Done at Washington, D. C., this 14th day of July 1955 to become effective July 20, 1955.

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

[F. R. Doc. 55-5844; Filed, July 18, 1955;
8:51 a. m.]

[Valencia Orange Reg. 44, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to Order No. 22 (19 F. R. 1741) regulating the han-

dling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 922.344 (Valencia Orange Regulation 44, 20 F. R. 4896) are hereby amended to read as follows:

(ii) District 2: 485,100 boxes.

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

Dated: July 14, 1955.

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

[F. R. Doc. 55-5822; Filed, July 18, 1955;
8:47 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.517 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein 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.) in that, as hereinafter set forth, the time intervening between the 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 July 20, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 12, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 12, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 20, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation thereof which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. S. T., July 20, 1955, and ending at 12:01 a. m., P. S. T., November 1, 1955, no shipper shall ship any package or container of Sharkey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425) sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title), "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as

when used in the amended marketing agreement and order.

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

Dated: July 14, 1955.

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

[F. R. Doc. 55-5824; Filed, July 18, 1955;
8:47 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.518 Plum Order 19—(a) *Find-
ings.* (1) Pursuant to the marketing
agreement, as amended, and Order No.
36, as amended (7 CFR Part 936) regu-
lating the handling of fresh Bartlett
pears, plums, and Elberta peaches grown
in the State of California, effective under
the applicable provisions of the Agricul-
tural Marketing Agreement Act of 1937,
as amended, and upon the basis of the
recommendations of the Plum Commodity
Committee, established under the
aforesaid amended marketing agreement
and order, and upon other available in-
formation, it is hereby found that the
limitation of shipments of plums of the
variety hereinafter set forth, and in the
manner herein provided, will tend to ef-
fectuate the declared policy of the act.

(2) It is hereby further found that it
is impracticable and contrary to the pub-
lic 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.) in that, as
hereinafter set forth, the time inter-
vening between the date when informa-
tion upon which this section is based be-
came 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 provi-
sions of this section effective not later
than July 20, 1955. A reasonable deter-
mination as to the supply of, and the
demand for, such plums must await the
development of the crop thereof, and
adequate information thereon was not
available to the Plum Commodity Com-
mittee until July 12, 1955; recommenda-
tion as to the need for, and the extent
of, regulation of shipments of such
plums was made at the meeting of said
committee on July 12, 1955, after con-
sideration of all available information
relative to the supply and demand con-
ditions for such plums, at which time
the recommendation and supporting in-
formation was submitted to the Depart-
ment; shipments of the current crop of
such plums are expected to begin on or
about July 20, 1955, and this section
should be applicable to all such ship-
ments of such plums in order to effectu-

ate the declared policy of the act; and
compliance with the provisions of this
section will not require of handlers any
preparation therefor which cannot be
completed by the effective time of this
section.

(b) *Order* (1) During the period be-
ginning at 12:01 a. m., P. s. t., July 20,
1955, and ending at 12:01 a. m., P. s. t.,
November 1, 1955, no shipper shall ship
from any shipping point during any day
any package or container of Kelsey
plums unless:

(i) Such plums grade at least U. S.
No. 1 with a total tolerance of ten (10)
percent for defects not considered seri-
ous damage in addition to the tolerances
permitted for such grade; and

(ii) The plums are, except to the ex-
tent otherwise specified in this para-
graph, of a size not smaller than a size
that will pack a 4 x 4 standard pack.

(2) During each day of the aforesaid
period, however, any shipper may ship
from any shipping point a quantity of
such plums, by number of packages or
containers, which are of a size smaller
than a size that will pack a 4 x 4 standard
pack, as aforesaid, but are not of a size
smaller than a size that will pack a 4 x 5
standard pack if said quantity does not
exceed thirty-three and one-third (33 $\frac{1}{3}$)
percent of the number of the same type
of packages or containers of plums which
are of a size not smaller than a size that
will pack a 4 x 4 standard pack, as afore-
said.

(3) If any shipper, during any day of
the aforesaid period, ships from any
shipping point less than the maximum
allowable quantity of such plums that
may be of a size smaller than a size that
will pack a 4 x 4 standard pack, as afore-
said, the quantity of the undershipment
of such plums may be shipped by such
shipper only from such shipping point
during the next two succeeding calendar
days in addition to the quantities of such
plums of a size smaller than a size that
will pack a 4 x 4 standard pack, as afore-
said, that such shipper could have
shipped from such shipping point on
such two succeeding calendar days if
there had been no undershipment.

(4) Section 936.143, as amended
(§ 936.100 et seq., 18 F. R. 712, 2839;
19 F. R. 425), sets forth the require-
ments with respect to the inspection
and certification of shipments of fruit
covered by this section. Such section
also prescribes the conditions which
must be met if any shipment is to
be made without prior inspection and
certification. Notwithstanding that
shipments may be made without inspec-
tion and certification, each shipper shall
comply with all grade and size regula-
tions applicable to the respective ship-
ment.

(5) As used in this section, "U. S. No.
1" and "serious damage" shall have the
same meaning as set forth in the revised
United States Standards for plums and
prunes (fresh) (§§ 51.1520 to 51.1530 of
this title), "standard pack" shall have
the applicable meanings of the terms
"standard pack" and "equivalent size"
as when used in § 936.142; and all other
terms shall have the same meaning as
when used in the amended marketing
agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C.
603c)

Dated: July 14, 1955.

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

[F. R. Doc. 55-5825; Filed, July 18, 1955;
8:47 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.519 Plum Order 20—(a) *Find-
ings.* (1) Pursuant to the marketing
agreement, as amended, and Order No.
36, as amended (7 CFR Part 936) regu-
lating the handling of fresh Bartlett
pears, plums, and Elberta peaches grown
in the State of California, effective under
the applicable provisions of the Agri-
cultural Marketing Agreement Act of
1937, as amended, and upon the basis
of the recommendations of the Plum
Commodity Committee, established un-
der the aforesaid amended marketing
agreement and order, and upon other
available information, it is hereby found
that the limitation of shipments of plums
of the variety hereinafter set forth, and
in the manner herein 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.) in that,
as hereinafter set forth, the time inter-
vening between the date when informa-
tion 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 circum-
stances, for preparation for such effec-
tive time; and good cause exists for
making the provisions of this section
effective not later than July 20, 1955.
A reasonable determination as to the
supply of, and the demand for, such
plums must await the development of the
crop thereof, and adequate information
thereon was not available to the Plum
Commodity Committee until July 12,
1955; recommendation as to the need for,
and the extent of, regulation of ship-
ments of such plums was made at the
meeting of said committee on July 12,
1955, after consideration of all available
information relative to the supply and
demand conditions for such plums, at
which time the recommendation and
supporting information was submitted to
the Department; shipments of the cur-
rent crop of such plums are expected to
begin on or about August 1, 1955, and this
section should be applicable to all such
shipments of such plums in order to ef-
fectuate the declared policy of the act;

and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack.

(2) Section 936.143, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title), "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: July 14, 1955.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.*

[F. R. Doc. 55-5826; Filed, July 18, 1955;
8:47 a. m.]

[Lemon Reg. 597, Amdt. 1]

**PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA**

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175, 20 F. R. 2913) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available informa-

tion, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.704 (Lemon Regulation 597· 20 F. R. 4897) are hereby amended to read as follows:

(ii) District 2: 700 carloads.

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

Dated: July 14, 1955.

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

[F. R. Doc. 55-5842; Filed, July 18, 1955;
8:51 a. m.]

**PART 992—IRISH POTATOES GROWN IN
WASHINGTON**

**APPROVAL OF EXPENSES AND RATE OF
ASSESSMENT**

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER June 22, 1955 (20 F. R. 4366) This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 992.207 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal year ending May 31, 1956, will amount to \$20,775.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be one-half of one cent (\$.0005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

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

Done at Washington, D. C., this 14th day of July 1955, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator

[F. R. Doc. 55-5845; Filed, July 18, 1955;
8:51 a. m.]

**TITLE 26—INTERNAL REVENUE,
1954**

**Chapter I—Internal Revenue Service,
Department of the Treasury**

**Subchapter E—Alcohol, Tobacco, and Other
Excise Taxes**

**PART 275—MANUFACTURED TOBACCO;
MANUFACTURERS, IMPORTERS, AND
DEALERS**

On May 10, 1955, a notice of proposed rule making with respect to regulations designated as Part 275 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (20 F. R. 3165) The purposes of the proposal were to implement the Internal Revenue Code of 1954, which necessitated the issuance of new regulations, and to supersede 26 CFR (1939) Part 140, as last amended by Treasury Decision 6052, approved November 10, 1953, and 26 CFR (1939) Part 457, as added by Treasury Decision 4744, approved June 24, 1937, insofar as they relate to manufactured tobacco. No data, views, or arguments pertaining thereto having been received during the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted as set forth below, subject to the following changes:

PARAGRAPH 1. The preamble is amended by adding a new paragraph 3.

PAR. 2. The arrangement of Subpart C is amended by transposing paragraphs (b) and (c) entitled "Methods of operation" and "Application", respectively, from their position following § 275.65, as published in the notice of proposed rule making, to immediately follow § 275.64, paragraph (a), entitled "Construction and separation of premises."

PAR. 3. Section 275.79 is amended by striking the quoted phrase "Rules of Practice in Permit Proceedings," in the second sentence, which begins, "If the assistant regional commissioner", and by inserting "(1939)" immediately following "CFR" in the phrase "26 CFR Part 200".

PAR. 4. Section 275.137 is amended by changing the headnote of paragraph (a) to read "Denominations provided" in

lieu of "Kinds and denominations provided"

PAR. 5. Section 275.139 is amended by striking from the second sentence, which begins, "Each employee may" the words "one ounce" and inserting in lieu thereof the words "two ounces"

PAR. 6. Section 275.140 is amended by striking from the second sentence, which begins, "Such manufacturers" the words "his bonds," and inserting in lieu thereof the words "their bonds."

PAR. 7. Section 275.148 is amended by striking the word "and" in the phrase "and experimenting" and inserting in lieu thereof the word "or"

PAR. 8. Section 275.150 is amended by striking the words "in order that" in the phrase "in order that credit therefor in the records" and inserting in lieu thereof the word "before"

PAR. 9. Section 275.152 is amended by striking from the last sentence, which begins, "Such claim shall" the phrase "why the claim shall be allowed," and inserting in lieu thereof the following: "relied upon for the allowance of the claim"

PAR. 10. Section 275.155 is amended by striking therefrom the second, third, and fourth sentences, which begin, "Before such tobacco" "The manufacturer shall" and "All copies of the applicable form" respectively, and adding in lieu thereof the following new sentences: "Before such tobacco materials and manufactured tobacco are released to him, the manufacturer shall prepare and furnish to the collector of customs having custody of the tobacco materials and manufactured tobacco a notice of release of tobacco materials, Form 2146, or a notice of release of manufactured tobacco, Form 2145, as the case may be. With respect to Form 2145, it will be necessary for the manufacturer to present such notice to the assistant regional commissioner for his endorsement to show that the applicant is a properly qualified manufacturer in his region before it is furnished to the collector of customs. The collector of customs shall insert the date of release of the tobacco materials or manufactured tobacco described thereon, return one copy to the manufacturer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon."

PAR. 11. Section 275.171 is amended by striking the quoted phrase "Rules of Practice in Permit Proceedings," in the first sentence, and by inserting "(1939)" immediately following "CFR" in the phrase "26 CFR Part 200,"

PAR. 12. Section 275.181 is amended by changing the headnote of paragraph (a) to read "Denominations provided" in lieu of "Kinds and denominations provided"

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

Approved: July 13, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part (26 CFR Part 275) "Manufactured Tobacco; Manufacturers, Importers, and

Dealers," are promulgated to implement the Internal Revenue Code of 1954 and supersede 26 CFR (1939) Part 140, as last amended by Treasury Decision 6052, approved November 10, 1953, and Part 457, as added by Treasury Decision 4744, approved June 24, 1937, insofar as they relate to manufactured tobacco.

2. The regulations in this part shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of the regulations in this part.

3. The regulations in this part shall be effective on the date of publication in the FEDERAL REGISTER. These regulations are necessary for the enforcement of the applicable provisions of the Internal Revenue Code of 1954, effective January 1, 1955. It is hereby found that it is contrary to the public interest to issue these regulations subject to the effective date limitations of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c))

Subpart A—Scope of Regulations

Sec. 275.1 Manufacturers tobacco; manufacturers, importers, and dealers.
275.2 Forms prescribed.

Subpart B—Definitions

275.10 Meaning of terms.
275.11 Assistant regional commissioner.
275.12 Black Fat.
275.13 Clippings.
275.14 Commissioner.
275.15 Cuttings.
275.16 Dealer in tobacco materials.
275.17 Director, Alcohol and Tobacco Tax Division.
275.18 District director.
275.19 Factory.
275.20 Importer.
275.21 Inclusive language.
275.22 I. R. C.
275.23 Leaf tobacco.
275.24 Manufactured tobacco.
275.25 Manufacturer of cigars and cigarettes.
275.26 Manufacturer of tobacco.
275.27 Package.
275.28 Parcel.
275.29 Perique.
275.30 Person.
275.31 Region.
275.32 Regional commissioner.
275.33 Removal or remove.
275.34 Revenue officer.
275.35 Scraps.
275.36 Siftings.
275.37 Stems.
275.38 Tobacco in process.
275.39 Tobacco materials.
275.40 Tobacco products.
275.41 U. S. C.
275.42 Waste.

Subpart C—Taxes

275.50 Rate of tax.
275.51 Liability for tax and method of payment.
275.52 Assessment.

Subpart D—General

275.60 Authority of revenue officers to enter premises.
275.61 Interference with administration.
275.62 Disposal of forfeited, condemned, and abandoned manufactured tobacco and tobacco materials.
275.63 Restamping packages from which the stamps have been lost or destroyed.
275.64 Variations from requirements.
275.65 Penalties and forfeitures.

Subpart E—Qualification Requirements for Manufacturers

Sec. 275.70 Persons required to qualify.
275.71 Application for permit.
275.72 Corporate documents.
275.73 Articles of partnership or association.
275.74 Trade name certificate.
275.75 Bond.
275.76 Power of attorney.
275.77 Factory premises.
275.78 Additional information.
275.79 Investigation of applicant.
275.80 Issuance of permit.

Subpart F—Changes Subsequent to Original Qualification of Manufacturers

CHANGES IN NAME

275.90 Change in individual name.
275.91 Change in trade name.
275.92 Change in corporate name.

CHANGES IN OWNERSHIP AND CONTROL

275.93 Fiduciary successor.
275.94 Transfer of ownership.
275.95 Change in officers or directors of a corporation.
275.96 Change in stockholders of a corporation.

CHANGES IN LOCATION AND PREMISES

275.97 Change in location within same region.
275.98 Change in location to another region.
275.99 Change in factory premises.
275.100 Emergency premises.

Subpart G—Bonds and Extensions of Coverage of Bonds

275.110 Corporate surety.
275.111 Deposit of bonds, notes, or obligations in lieu of corporate surety.
275.112 Amount of bond.
275.113 Strengthening bond.
275.114 Superceding bond.
275.115 Extension of coverage of bond.
275.116 Approval of bond and extension of coverage of bond.
275.117 Termination of liability of surety under bond.
275.118 Release of bonds, notes, and obligations.

Subpart H—Operations by Manufacturers

275.130 Sign.
275.131 Inventories.
275.132 Record.
275.133 Reports.
275.134 Packages.
275.135 Mark.
275.136 Dummy packages for display purposes.
275.137 Stamps.
275.138 Affixture of stamps.
275.139 Manufactured tobacco furnished to employees for personal consumption or use.
275.140 Use of manufactured tobacco for experimental purposes.
275.141 Transfer of manufactured tobacco.
275.142 Return of manufactured tobacco to factory.
275.143 Reduction of manufactured tobacco to tobacco materials.
275.144 Destruction of manufactured tobacco.
275.145 Storage of tobacco materials.
275.146 Shipment or delivery of tobacco materials.
275.147 Fumigation of tobacco materials.
275.148 Samples of tobacco materials.
275.149 Destruction of tobacco materials.
275.150 Credit for loss of tobacco materials by theft or destruction.
275.151 Claim for remission of tax on manufactured tobacco.
275.152 Claim for abatement of assessment.
275.153 Claim for refund of tax.

- Sec.
275.154 Claim for redemption, or refund of the value, of stamps.
275.155 Tobacco materials and manufactured tobacco released from customs custody.
275.156 Use of the United States.
275.157 Exportation.

- Subpart I—Suspension and Discontinuance of Operations by Manufacturers
275.170 Discontinuance of operations.
275.171 Suspension and revocation of permit.

- Subpart J—Operations by Importers
275.180 Packages.
275.181 Stamps.
275.182 Affixture of stamps.
275.183 Stamps for affixture in foreign countries.
275.184 Stamps for affixture in Puerto Rico and the Virgin Islands.
275.185 Exemption of consular officers and employees of foreign states.
275.186 Claim for refund of tax.
275.187 Claim for redemption, or refund of the value, of stamps.

- Subpart K—Operations by Dealers
275.200 Purchase, receipt, possession, or sale of manufactured tobacco.
275.201 Sales at retail from packages.
275.202 Restrictions relating to used stamps and packages.

AUTHORITY: §§ 275.1 to 275.202 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 275.1 *Manufactured tobacco; manufacturers, importers, and dealers.* This part contains the regulations governing the manufacture, importation, and sale of manufactured tobacco; the qualification of, and maintenance of records by manufacturers of tobacco; and the operations of manufacturers and importers of, and dealers in, such tobacco.

§ 275.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, permits, records, returns, and reports. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 275.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 275.11 *Assistant regional commissioner* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 275.12 *Black Fat.* "Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 275.13 *Clippings.* "Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 275.14 *Commissioner* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 275.15 *Cuttings.* "Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 275.16 *Dealer in tobacco materials.* "Dealer in tobacco materials" shall mean every person who handles tobacco materials for sale, shipment, or delivery solely to another qualified dealer in such materials, to a qualified manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Dealer in tobacco materials shall include every person who produces Perique or Black Fat for sale, shipment, or delivery, in accordance with 26 CFR Part 280. Dealer in tobacco materials shall not include (a) an operator of a warehouse who stores tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or (b) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm.

§ 275.17 *Director Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 275.18 *District director* "District director" shall mean the District Director of Internal Revenue.

§ 275.19 *Factory.* "Factory" shall mean the premises of a manufacturer of tobacco in which he carries on such business.

§ 275.20 *Importer* "Importer" shall mean any person in the United States to whom nontaxpaid manufactured tobacco produced in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States is shipped or consigned, and any person who smuggles or otherwise unlawfully brings such nontaxpaid product into the United States.

§ 275.21 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 275.22 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 275.23 *Leaf tobacco.* "Leaf tobacco" shall mean:

(a) *Unstemmed.* Tobacco from which the stem or mid-rib has not been removed, and

(b) *Stemmed.* Tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 275.24 *Manufactured tobacco.* "Manufactured tobacco" shall mean all tobacco, other than cigars and cigarettes, prepared, processed, manipulated, or packaged for consumption by smoking or for use in the mouth or nose. Any other tobacco not exempt from tax under Chapter 52, I. R. C., which is sold or delivered to any person contrary to such chapter and regulations thereunder shall be regarded as manufactured tobacco.

§ 275.25 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 275.26 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 275.27 *Package.* "Package" shall mean the container in which manufactured tobacco is put up bearing the stamps and mark, as required by this part.

§ 275.28 *Parcel.* "Parcel" shall mean a subdivision of a package of manufactured tobacco.

§ 275.29 *Perique.* "Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 275.30 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 275.31 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 275.32 *Regional commissioner* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 275.33 *Removal or remove.* "Removal" or "remove" shall mean the removal of manufactured tobacco or tobacco materials from the factory, or

from customs custody, and shall also include the smuggling or other unlawful importation of such nontaxpaid manufactured tobacco into the United States.

§ 275.34 *Revenue officer*. "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 275.35 *Scraps*. "Scraps" shall mean portions of leaf tobacco.

§ 275.36 *Siftings*. "Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 275.37 *Stems*. "Stems" shall mean the stems or mid-ribs of tobacco.

§ 275.38 *Tobacco in process*. "Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing, or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 275.39 *Tobacco materials*. "Tobacco materials" shall mean tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, dust, stems, and waste.

§ 275.40 *Tobacco products*. "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 275.41 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 275.42 *Waste*. "Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

SUBPART C—TAXES

§ 275.50 *Rate of tax*. On tobacco, manufactured in or imported into the United States, a tax of 10 cents per pound is imposed by law.

(68A Stat. 705; 26 U. S. C. 5701)

§ 275.51 *Liability for tax and method of payment*. The tax imposed on manufactured tobacco shall be determined at the time of removal of such tobacco and shall be paid by the manufacturer or importer by the affixture of internal revenue tax stamps to each package of such tobacco before removal.

(68A Stat. 707; 26 U. S. C. 5703)

§ 275.52 *Assessment*. Whenever any person required by law to pay tax on manufactured tobacco fails to pay such tax in accordance with the provisions of this part, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I. R. C., against such person. The tax so assessed shall be in addition to any penalties prescribed by law for failure to pay such tax: *Provided*, That, except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded

such person to show cause against assessment. The person will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(68A Stat. 707, 836; 26 U. S. C. 5703, 6863)

SUBPART D—GENERAL

§ 275.60 *Authority of revenue officers to enter premises*. Any revenue officer may enter in the daytime any premises where manufactured tobacco is produced or kept, so far as it may be necessary for the purpose of examining such tobacco. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine such tobacco shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7600)

§ 275.61 *Interference with administration*. Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 275.62 *Disposal of forfeited, condemned, and abandoned manufactured tobacco and tobacco materials*. When in the opinion of any officer having custody of forfeited, condemned, or abandoned manufactured tobacco or tobacco materials, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such tobacco or materials for consumption in the United States. Where the tobacco or materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in §§ 275.144 and 275.149. Where such manufactured tobacco or tobacco materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and internal revenue stamps (the cost of which stamps shall be considered as a portion of the sales price) are affixed to each package to denote the payment of tax. In the case of such tobacco or materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

§ 275.63 *Restamping packages from which the stamps have been lost or destroyed*. Where the stamps originally affixed to packages of manufactured to-

bacco have been lost or destroyed, after removal of such product, the manufacturer, importer, or dealer possessing such product shall make application, in duplicate, to the assistant regional commissioner for the region in which the product is held, for new stamps, without cost, to be used for restamping such packages. Such person shall state in detail the location and quantity of the packages, description of the contents, the kind, and denomination of the stamps lost or destroyed, and the nature of the applicant's interest in the product. The application shall be accompanied by affidavits of persons with knowledge of the facts, sufficient to establish the original affixture of stamps and the manner and extent of the loss or destruction of such stamps. Where the packages are in such condition as to require repacking before new stamps can be affixed, such repacking may be authorized by the assistant regional commissioner. The assistant regional commissioner may assign a revenue officer to supervise such repacking and restamping, or he may authorize the applicant to perform such functions.

§ 275.64 *Variations from requirements—(a) Construction and separation of premises*. The Director, Alcohol and Tobacco Tax Division, may approve a manner of construction and separation of factory premises in lieu of that specified in this part, where it is shown that it is impracticable to conform to the requirements, and the proposed construction and separation will afford as much or more security and protection to the revenue as is intended by the requirements in this part, and where such variation is not contrary to any provision of law. Where it is proposed to employ a manner of construction and separation of premises other than that provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(b) *Methods of operation*. The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(c) *Application*. Any person, subject to the provisions of this part, who proposes to employ methods of operation, or of construction and separation of factory premises, other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. With respect to variations in construction and separation of factory premises, where they cannot be adequately described in the application, drawings or photographs

thereof shall also be submitted. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

§ 275.65 *Penalties and forfeitures.* Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(68A Stat. 717, 718; 26 U. S. C. 5761, 5762, 5763)

SUBPART E—QUALIFICATION REQUIREMENTS FOR MANUFACTURERS

§ 275.70 *Persons required to qualify.* Every person who produces manufactured tobacco, except for his own personal consumption or use, shall qualify as a manufacturer of tobacco in accordance with the provisions of this part.

(68A Stat. 708; 26 U. S. C. 5702)

§ 275.71 *Application for permit—(a) Persons entering business.* Every person, before commencing business as a manufacturer of tobacco, shall make application, on Form 2093, to the assistant regional commissioner for, and obtain, the permit provided for in § 275.80. All documents required under this part to be furnished with such application shall be made a part thereof.

(b) *Manufacturers operating on effective date.* Manufacturers of tobacco operating on the effective date of this part shall also make application for permit in the manner required by paragraph (a) of this section within 30 days after such date. Such persons may continue their operations pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.72 *Corporate documents.* Every corporation, before commencing business as a manufacturer of tobacco, shall furnish with its application for permit, required by § 275.71, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers, and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.73 *Articles of partnership or association.* Every partnership or association, before commencing business as a manufacturer of tobacco, shall furnish with its application for permit, required by § 275.71, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.74 *Trade name certificate.* Every person, before commencing business under a trade name as a manufacturer of tobacco, shall furnish with his application for permit, required by § 275.71, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so issued, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.75 *Bond.* Every person, before commencing business as a manufacturer of tobacco, shall file, in connection with his application for permit, a bond, Form 2099, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.76 *Power of attorney.* If the application for permit or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 275.72, power of attorney conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 275.77 *Factory premises—(a) Description and diagram.* The premises to be used by a manufacturer of tobacco as his factory or plant shall be described, in the application for permit required by § 275.71, by number, street, and city, town, or village, and State. Such premises may consist of more than one building, which need not be contiguous, but shall be located in the same city, town, or village. Where such premises consist of less than an entire building, a diagram, in duplicate, shall also be furnished showing the particular floor or

floors, or room or rooms, comprising the factory, and also showing any adjoining retail store, operated by such manufacturer, where tobacco products are sold.

(b) *Separation.* Where the factory premises consist of less than an entire building, the premises shall be completely separated from adjoining portions of the building, which separation shall be constructed of materials generally used in the construction of buildings and may include any necessary doors or other openings. The premises shall be accessible directly from the street, yard, or common passageway or means of entrance.

(c) *Factories established prior to effective date.* Factories established prior to the effective date of this part shall not be subject to the provisions of paragraph (b) of this section if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue.

(d) *Restrictions.* Factory premises shall be used exclusively for the purposes of manufacturing and storing tobacco; storing materials, equipment, and supplies related thereto or used or useful in the conduct of the business; and carrying on activities in connection with the business of the manufacturer.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.78 *Additional information.* The assistant regional commissioner may require such additional information as he may deem necessary in connection with the qualification of persons under this subpart.

§ 275.79 *Investigation of applicant.* The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I. R. C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the factory are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with 26 CFR (1939) Part 200, which part (including the provisions relating to the recommended decision and to appeals) is made applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.80 *Issuance of permit.* If the application for permit, bond, and sup-

porting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2094, to the manufacturer of tobacco who shall keep it posted conspicuously at all times within his factory. Where the factory consists of more than one building, the permit shall be posted in the building in which the record, required by § 275.132, is kept. The permit shall bear a number and shall fully set forth where the business of the manufacturer is to be conducted.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART F—CHANGES SUBSEQUENT TO ORIGINAL QUALIFICATION OF MANUFACTURERS

CHANGES IN NAME

§ 275.90 *Change in individual name.* Where there is merely a change in the name of an individual operating as a manufacturer of tobacco, he shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of his bond, in accordance with the provisions of § 275.115.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.91 *Change in trade name.* Where there is merely a change in the trade name of a manufacturer of tobacco, he shall, within 30 days of the adoption of the new trade name, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 275.115. The manufacturer shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 275.74.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.92 *Change in corporate name.* Where there is merely a change in the name of a corporate manufacturer of tobacco, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of the coverage of bond, in accordance with the provisions of § 275.115. The manufacturer shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 275.93 *Fiduciary successor.* If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a manufacturer of tobacco, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E of this part, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make an opening inventory, in accordance with the provisions of § 275.131. *Provided,* That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 275.77, the successor may adopt such

diagram. However, where a fiduciary intends merely to liquidate the business, qualification as a manufacturer of tobacco will not be required if he promptly files with the assistant regional commissioner, a statement to that effect, together with an extension of coverage of the predecessor's bond, executed by the fiduciary, also by the surety on such bond, in accordance with the provisions of § 275.115.

(68A Stat. 711, 713; 26 U. S. C. 5711, 5712, 5721)

§ 275.94 *Transfer of ownership.* If a transfer is to be made in ownership of the business of a manufacturer of tobacco (including a change in the identity of the members of a partnership or association) such manufacturer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a manufacturer of tobacco, in accordance with the applicable provisions of Subpart E of this part: *Provided,* That where a diagram has been furnished by the manufacturer in accordance with the provisions of § 275.77, the proposed successor may adopt such diagram. The manufacturer shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and surrender, with such inventory and report, his permit, and the successor shall make an opening inventory, in accordance with the provisions of § 275.131.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 275.95 *Change in officers or directors of a corporation.* Where there is any change in the officers or directors of a corporation operating the business of a manufacturer of tobacco, the manufacturer shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.96 *Change in stockholders of a corporation.* Where the issuance, sale, or transfer of the capital stock of a corporation, operating as a manufacturer of tobacco, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate manufacturer shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30 day period, and the manufacturer shall dispose of all tobacco materials, manufactured tobacco, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and

surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711, 712, 713; 26 U. S. C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND PREMISES

§ 275.97 *Change in location within same region.*—(a) *Transfer to a new location.* Whenever a manufacturer of tobacco contemplates changing the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, make an application, on Form 2038, for an amended permit. The application shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 275.115.

(b) *Mere change in address.* Whenever any change occurs in the address, but not the location, of the factory of a manufacturer of tobacco, as a result of action of local authorities, the manufacturer shall, within 30 days of such change, make application, on Form 2038, for an amended permit, which shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 275.115.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.98 *Change in location to another region.* Whenever a manufacturer of tobacco contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part. The manufacturer shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and surrender, with such inventory and report, the permit for his old location.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 275.99 *Change in factory premises.* Where the premises of a tobacco factory are to be changed to an extent which will make inaccurate the description of such premises as set forth in the last application by the manufacturer for permit, or the diagram, if any, furnished with such application, the manufacturer shall first make an application, Form 2098, for an amended permit, to the assistant regional commissioner, describing the proposed change in such premises, and furnish a diagram thereof, if required under the provisions of § 275.77. The application shall be supported by an extension of coverage of bond, in accordance with the provisions of § 275.115.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.100 *Emergency premises.* In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary use of a place for the temporary storage of tobacco materials and manufactured tobacco, without making the application or furnishing the extension of coverage required under §§ 275.99 and 275.145, or the temporary separation of factory premises by means other than those specified in paragraph (b) of § 275.77, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue.

SUBPART G—BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 275.110 *Corporate surety.* Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Form 356, revised. The surety shall have no interest whatever in the business covered by the bond.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 6)

§ 275.111 *Deposit of bonds, notes, or obligations in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of tobacco as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

§ 275.112 *Amount of bond.* The amount of a manufacturer's bond to cover the manufacture of tobacco shall be equal to the amount of the tax liability on such product manufactured in his factory during the twelve months preceding the month in which the bond is to be filed, divided by twelve. In the case of a manufacturer commencing business, his production shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed \$20,000 nor be less than \$1,000.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.113 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond

under which a manufacturer of tobacco is currently carrying on such business no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 275.112. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bonds shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.114 *Superseding bond.* A manufacturer of tobacco shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.115 *Extension of coverage of bond.* An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of tobacco and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.116 *Approval of bond and extension of coverage of bond.* No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.117 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of tobacco, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.118 *Release of bonds, notes, and obligations.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall

be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

SUBPART H—OPERATIONS BY MANUFACTURERS

§ 275.130 *Sign.* Every manufacturer of tobacco shall place and keep, on the outside of the building in which his factory is located, or at the entrance of his factory, where it can be plainly seen, a sign, in plain and legible letters, exhibiting the name under which he operates, and (a) the type of business ("Manufacturer of Tobacco") or (b) the number of the permit issued to the manufacturer under this part. Such sign shall be in the English language.

§ 275.131 *Inventories—(a) General.* Every manufacturer of tobacco shall make a true and accurate inventory, on Form 2130, to the assistant regional commissioner, of the quantity of tobacco materials, manufactured tobacco, and stamps held by him at the times specified in this section, which inventory shall be subject to verification by a revenue officer.

(b) *Opening.* An opening inventory shall be made by the manufacturer at the time of commencing business. The date of commencing business under this part shall be the effective date indicated on the permit issued under § 275.80. A similar inventory shall be made by the manufacturer when he files a superseding bond. The date of such inventory shall be the effective date of such superseding bond as indicated thereon by the assistant regional commissioner.

(c) *Special.* A special inventory shall be made by the manufacturer whenever required by any revenue officer.

(d) *Closing.* A closing inventory shall be made by the manufacturer when he transfers ownership, or changes his location to another region, or concludes business. Such inventory at the time of transfer of ownership shall be made as of the day preceding the date of the opening inventory of the successor.

(68A Stat. 713; 26 U. S. C. 5721)

§ 275.132 *Record.* Every manufacturer of tobacco shall keep a record, on Form 2141, and enter therein daily all (a) tobacco materials received (except with respect to samples as provided by § 275.148), shipped, and lost or destroyed, (b) manufactured tobacco produced, received, removed, furnished for personal consumption or use by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (c) stamps received, used, and lost or destroyed. The entries in the record for

each day will be considered timely if made by the close of the business day following that on which occur the operations or transactions required to be recorded. Such record shall be retained for two years following the close of the year covered in the record, and made available for inspection by any revenue officer upon his request.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.133 *Reports*—(a) *General*. Every manufacturer of tobacco shall make a monthly report, on Form 2134, to the assistant regional commissioner, of all (1) tobacco materials received (except with respect to samples as provided by § 275.148) shipped, used, and lost or destroyed, (2) manufactured tobacco produced, received, removed, furnished for personal consumption or use by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (3) stamps received, used, and lost or destroyed. The report shall be made on or before the 20th day following the end of the month covered in the report. A copy of each such report shall be retained by the manufacturer for two years following the close of the year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening*. An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(c) *Special*. A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(d) *Closing*. A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(68A Stat. 713; 26 U. S. C. 5722)

§ 275.134 *Packages*—(a) *General*. All manufactured tobacco shall, before removal, be put up by the manufacturer in packages which shall bear the stamps and mark, required by this subpart. Such packages shall be of such construction as will securely contain such tobacco therein and maintain the stamps and mark thereon: *Provided*, That manufactured tobacco transferred to another such manufacturer, removed for export, furnished for consumption or use by employees, or used for experimental purposes, shall be exempt from the provisions of this paragraph.

(b) *Subdivision into parcels*. Packages may be subdivided into parcels which shall not bear the stamps or mark.

(c) *Lottery features*. No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share,

or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco removed for domestic consumption or use.

(d) *Indecent or immoral material*. No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.135 *Mark*. Every package of manufactured tobacco subject to tax shall, before removal, have legibly imprinted thereon, or on a label security affixed thereto, the name and location of the manufacturer, or his permit number, and a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied."

§ 275.136 *Dummy packages for display purposes*. So-called "dummy" packages to be used for display purposes in advertising manufactured tobacco, which do not contain such product, shall not bear the stamps required by this part.

(68A Stat. 716, 865; 26 U. S. C. 5752, 7271)

§ 275.137 *Stamps*—(a) *Denominations provided*. Stamps to denote the payment of tax on manufactured tobacco are provided, for sale to manufacturers of tobacco, in the following denominations: $\frac{1}{8}$, $\frac{3}{8}$, $\frac{1}{2}$, $\frac{5}{8}$, $\frac{3}{4}$, $\frac{7}{8}$, 1, $1\frac{1}{8}$, $1\frac{1}{4}$, $1\frac{3}{8}$, $1\frac{1}{2}$, $1\frac{5}{8}$, $1\frac{3}{4}$, $1\frac{7}{8}$, 2, $2\frac{1}{8}$, $2\frac{1}{4}$, $2\frac{3}{8}$, $2\frac{1}{2}$, $2\frac{5}{8}$, $2\frac{3}{4}$, $2\frac{7}{8}$, 3, $3\frac{1}{4}$, $3\frac{1}{2}$, $3\frac{3}{4}$, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and $18\frac{1}{2}$ ounces; $\frac{1}{2}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, 2, $2\frac{1}{2}$, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 19, 20, 24, 29, 30, 39, 40, 49, 50, 59, 60, and 69 pounds.

(b) *Method of purchase*. Manufacturers of tobacco shall purchase stamps, for the payment of tax on such product, from the district director. Manufacturers shall use Form 173 in ordering stamps for snuff and Form 172 in ordering stamps for other kinds of manufactured tobacco. A copy of each such order form which has been marked paid by the district director shall be retained by the manufacturer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. Each order form shall be accompanied by remittance in the proper amount.

(68A Stat. 707; 26 U. S. C. 5703)

§ 275.138 *Affixture of stamps*. Every manufacturer of tobacco, shall, before removal subject to tax, securely affix to each package of manufactured tobacco one or more stamps of such denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.139 *Manufactured tobacco furnished to employees for personal consumption or use*. Manufacturers of tobacco may furnish manufactured tobacco, without payment of tax, for personal consumption or use by employees

in the factory in such quantities as desired. Each employee may also be furnished, for off-factory personal consumption or use, not more than two ounces of manufactured tobacco by the manufacturer, without payment of tax, for each day the employee is at work. For the purpose of this section the term "employee" shall include all persons who work for and receive compensation from the manufacturer, or a parent, subsidiary, or auxiliary company or corporation of the manufacturer, in the city, town, or village, where the manufactured tobacco so furnished to employees is produced. Such tobacco furnished for off-factory consumption or use shall be taken from the factory by the employee on the day furnished. Employees shall not sell, offer for sale, or give away manufactured tobacco so furnished to them.

(68A Stat. 703; 26 U. S. C. 5704)

§ 275.140 *Use of manufactured tobacco for experimental purposes*. Manufacturers of tobacco may use manufactured tobacco, without payment of tax, for experimental purposes, in their factories, in such quantities as desired. Such manufacturers may also remove such manufactured tobacco, under their bonds, without payment of tax, for experimental purposes outside their factories, when authorized by the assistant regional commissioner.

(68A Stat. 703; 26 U. S. C. 5704)

§ 275.141 *Transfer of manufactured tobacco*. A manufacturer of tobacco may transfer manufactured tobacco, under his bond, without payment of tax, to any qualified manufacturer of tobacco.

(68A Stat. 703; 26 U. S. C. 5704)

§ 275.142 *Return of manufactured tobacco to factory*. Manufactured tobacco which has been removed from the factory may be returned thereto without internal revenue supervision when so authorized by the assistant regional commissioner. If the tobacco is contained in packages to which stamps denoting the tax are affixed and the manufacturer desires to file claim for refund of the value of such stamps, the procedure in § 275.154 shall be followed.

§ 275.143 *Reduction of manufactured tobacco to tobacco materials*. Manufacturers may reduce manufactured tobacco to tobacco materials without internal revenue supervision. If the product has been entered in the factory record as manufactured, an entry shall be made in such record of the quantity of manufactured tobacco to be reduced to material and an entry shall also be made of the resultant quantity of tobacco materials. If the products to be reduced to material are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 275.154 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.144 *Destruction of manufactured tobacco*. When a manufacturer desires to destroy manufactured tobacco which has been entered in the factory

record as manufactured, without salvaging the tobacco material, such destruction shall be accomplished under the supervision of a revenue officer, by burning completely or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance. If the products to be destroyed are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 275.154 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.145 *Storage of tobacco materials*—(a) *Within the factory.* Tobacco materials may be stored, under the provisions of this part, only within the premises of a tobacco factory, except as provided in paragraph (b) of this section.

(b) *Outside the factory.* Tobacco materials may be stored outside the premises of a tobacco factory, in the same region in which the factory is situated, if an extension of coverage of the bond for such purpose has been approved by the assistant regional commissioner.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.146 *Shipment or delivery of tobacco materials.* A manufacturer of tobacco may ship or deliver tobacco materials, under his bond, without payment of tax, to (a) a qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; (d) a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or (e) any person for experimental or display purposes when authorized by the assistant regional commissioner. A manufacturer of tobacco may similarly ship stems and waste to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.147 *Fumigation of tobacco materials.* Tobacco materials held by, or released or in transit to, a manufacturer of tobacco may be delivered, without payment of tax, to a person, who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such person and return or delivery to the manufacturer. Such tobacco materials shall be covered by the bond of the manufacturer and shall not be regarded as shipped by the manufacturer for purposes of §§ 275.132 and 275.133. Therefore, no entries shall be made in the revenue record of the manufacturer showing delivery of the tobacco materials to the fumigator.

§ 275.148 *Samples of tobacco materials.* Samples of tobacco materials, received by a manufacturer of tobacco, which are to be consumed, used, or destroyed for purposes of sampling, testing, or experimenting, shall be exempt from the provisions of §§ 275.132 and 275.133.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.149 *Destruction of tobacco materials*—(a) *Stems and waste.* Where a manufacturer of tobacco desires to destroy stems and waste, he shall do so by

burning or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance.

(b) *Other materials.* Where a manufacturer of tobacco desires to destroy tobacco in process, Perique, Black Fat, leaf tobacco, scraps, cuttings, clippings, and siftings, and obtain credit therefor in the record kept by him under § 275.132, he shall notify the assistant regional commissioner of the kind and quantity of such tobacco materials and the date on which he desires to destroy such tobacco materials. The assistant regional commissioner may assign a revenue officer to supervise the destruction of the tobacco materials, or he may authorize the manufacturer to destroy the tobacco materials in the manner provided in paragraph (a) of this section.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.150 *Credit for loss of tobacco materials by theft or destruction.* Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a manufacturer of tobacco, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satisfaction, before credit therefor in the records of such manufacturer may be authorized.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.151 *Claim for remission of tax on manufactured tobacco.* Every loss (otherwise than by theft) or destruction, by fire, casualty, or act of God, of manufactured tobacco upon which the tax has not been paid and which is in the possession or ownership of the manufacturer of such tobacco, shall be reported by the manufacturer to the assistant regional commissioner and the facts of such loss or destruction shall be established to his satisfaction. Claim for remission of such tax may be filed with the assistant regional commissioner. Such claim shall be in letter form, in duplicate, setting forth the reasons why such tax should be remitted, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 709; 26 U. S. C. 5705)

§ 275.152 *Claim for abatement of assessment.* Claim for abatement of the unpaid portion of the assessment of any tax on manufactured tobacco, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843, in duplicate, with the assistant regional commissioner. Such claim shall set forth the reasons relied upon for the allowance of the claim and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 792; 26 U. S. C. 6404)

§ 275.153 *Claim for refund of tax.* The tax paid on manufactured tobacco (otherwise than by stamp) may be refunded where the tax has been paid in error. Any person who paid the tax (except an importer of such products who may file claim for refund of the tax under § 275.186) may file claim for re-

fund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 275.154 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on manufactured tobacco may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the manufacturer of such product may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such manufacturer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the manufacturer with respect to the stamps covered by the claim. When the schedule has been prepared, the manufacturer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the manufacturer, shall be attached to his claim when filed. If required, the manufacturer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of manufactured tobacco may be refunded to the manufacturer thereof, where such product is withdrawn from the market by such manufacturer, or the product is lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of manufactured tobacco completely lost or destroyed.* Where the packages of manufactured tobacco to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the

claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of manufactured tobacco damaged or withdrawn from the market.* Where the packages of manufactured tobacco to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the product and the manufacturer thereof, and the amount of tax paid, can be established, or where the manufactured tobacco is merely withdrawn from the market by the manufacturer, which would permit a similar identification and a determination of the tax paid, such manufactured tobacco shall be assembled by the manufacturer in a suitable place in his factory or where such tobacco is held or withdrawn from the market. The manufacturer shall group such tobacco according to the sizes of packages, and shall prepare a schedule on Form 177, listing such packages of manufactured tobacco. Such manufactured tobacco which is not taken back into the factory of the manufacturer shall be destroyed under internal revenue supervision, in which event the manufacturer shall so notify the assistant regional commissioner, for the region in which such tobacco is assembled, and request the detail of a revenue officer to inspect the manufactured tobacco, verify the schedule thereof, and supervise destruction of the stamps and manufactured tobacco, and disposition of the packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall execute the certificate on both copies of the schedule of the manufactured tobacco, to show the disposition of such stamps, and the packages involved, and return one copy to the manufacturer, which shall be attached to, and made a part of, his claim, which claim shall be filed with the assistant regional commissioner for the region in which the manufactured tobacco was so destroyed. Where the manufactured tobacco is returned to the factory of the manufacturer in accordance with the provisions of § 275.142, the manufacturer shall then notify the assistant regional commissioner, for the region in which the factory is situated, and request the detail of a revenue officer to inspect the product, verify the schedule thereof, and supervise the destruction of the stamps affixed to the packages of such product, and the proper disposition of the product and packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such manufactured tobacco. The revenue officer shall return one copy of the completed schedule to the manufacturer which shall be attached to, and made a part of, the manufacturer's claim, which shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

§ 275.155 *Tobacco materials and manufactured tobacco released from customs custody.* Tobacco materials

and manufactured tobacco imported into the United States from a foreign country, or brought in from Puerto Rico, the Virgin Islands, or a possession of the United States, may be released from customs custody, without the payment of tax, for delivery to a qualified manufacturer of tobacco under his bond, solely for receipt into premises covered by the manufacturer's bond. Before such tobacco materials and manufactured tobacco are released to him, the manufacturer shall prepare and furnish to the collector of customs having custody of the tobacco materials and manufactured tobacco a notice of release of tobacco materials, Form 2146, or a notice of release of manufactured tobacco, Form 2145, as the case may be. With respect to Form 2145, it will be necessary for the manufacturer to present such notice to the assistant regional commissioner for his endorsement to show that the applicant is a properly qualified manufacturer in his region before it is furnished to the collector of customs. The collector of customs shall insert the date of release of the tobacco materials or manufactured tobacco described thereon, return one copy to the manufacturer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon. The copy returned to the manufacturer shall be retained by him for two years after the close of the year of such release, and shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.156 *Use of the United States.* A manufacturer of tobacco may remove such manufactured tobacco, under his bond, without payment of tax, for use of the United States. Such removal shall be made in accordance with the provisions of 26 CFR Part 295.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.157 *Exportation.* A manufacturer of tobacco may remove such manufactured tobacco and tobacco materials, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption or use beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the applicable provisions of 26 CFR Part 290.

(68A Stat. 708; 26 U. S. C. 5704)

SUBPART I—SUSPENSION AND DISCONTINUANCE OF OPERATIONS BY MANUFACTURERS

§ 275.170 *Discontinuance of operations.* Every manufacturer of tobacco who desires to discontinue operations and close out his factory shall dispose of all tobacco materials, manufactured tobacco, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and surrender, with such inventory and report, his permit to the assistant regional commissioner as notice of such discontinuance and to permit the assistant regional commissioner to terminate the liability of the surety on the bond of the manufacturer.

(68A Stat. 713; 26 U. S. C. 5721, 5722)

§ 275.171 *Suspension and revocation of permit.* Where the assistant regional commissioner has reason to believe that a manufacturer of tobacco has not in good faith complied with the provisions of Chapter 52, I. R. C., and regulations thereunder, or with any other provisions of the I. R. C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such manufacturer to show cause why his permit should not be suspended or revoked after hearing thereon in accordance with 26 CFR (1939) Part 200, which part (including the provisions relating to appeals) is made applicable to such proceedings. If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be revoked or suspended for such time as to him seems proper, the assistant regional commissioner shall by order give effect to such decision.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART J—OPERATIONS BY IMPORTERS

§ 275.180 *Packages—(a) General.* All manufactured tobacco shall, before removal, be put up by the importer in packages which shall bear the stamps required by this subpart. The packages shall be of such construction as will securely contain the manufactured tobacco therein and maintain the stamps thereon.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco removed for domestic consumption or use.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.181 *Stamps—(a) Denominations provided.* Stamps to denote the payment of tax on manufactured tobacco are provided, for sale to importers of such tobacco, in the following denominations: $\frac{1}{8}$, $\frac{3}{8}$, $\frac{1}{2}$, $\frac{5}{8}$, $\frac{3}{4}$, $\frac{7}{8}$, 1, $1\frac{1}{8}$, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, $1\frac{7}{8}$, 2, $2\frac{1}{8}$, $2\frac{1}{4}$, $2\frac{3}{8}$, $2\frac{1}{2}$, $2\frac{3}{4}$, $2\frac{7}{8}$, 3, $3\frac{1}{4}$, $3\frac{1}{2}$, $3\frac{3}{4}$, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and $18\frac{1}{2}$ ounces; $\frac{1}{2}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, 2, $2\frac{1}{2}$, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 19, 20, 24, 29, 30, 39, 40, 49, 50, 59, 60, and 69 pounds.

(b) *Method of purchase.* Importers of manufactured tobacco shall purchase stamps, for the payment of tax on such product, from the district director. Importers shall use Form 923, certified by

the customs officer having custody of such products, in ordering such stamps, except as provided in §§ 275.183 and 275.184 with respect to the purchase of stamps for affixture to packages in foreign countries, Puerto Rico, and the Virgin Islands. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the importer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request.

(68A Stat. 707; 26 U. S. C. 5703)

§ 275.182 *Affixture of stamps.* Every importer of manufactured tobacco shall, before removal subject to tax, securely affix to each package of such product one or more stamps of such denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.183 *Stamps for affixture in foreign countries.* Stamps in payment of the tax on imported manufactured tobacco may be affixed to such product in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of manufactured tobacco produced in the United States and exported to such foreign country. An importer desiring to have the stamps in payment of the tax on imported manufactured tobacco affixed to this product in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (a) the name and address of the person by whom such product is to be imported, (b) the name of the foreign country, (c) the quantity of such product to be imported, and (d) the number and value of the stamps of each denomination, and the total value of all the stamps. Each order shall be accompanied by remittance in the proper amount.

§ 275.184 *Stamps for affixture in Puerto Rico and the Virgin Islands.* Stamps denoting the tax on manufactured tobacco, produced in Puerto Rico and the Virgin Islands for shipment to the United States, may be affixed to packages of such product in Puerto Rico and the Virgin Islands. Such stamps may be purchased by the manufacturers from the Internal Revenue Service office in Puerto Rico.

(68A Stat. 829; 26 U. S. C. 6801)

§ 275.185 *Exemption of consular officers and employees of foreign states—*
(a) *Rule of exemption.* No internal revenue tax shall be due with respect to manufactured tobacco imported by a consular officer of a foreign state or by an employee of a consulate of a foreign state, whether such product accompanies the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or is imported by him at any time during the exercise of his functions therein, if—

(1) Such officer or employee is a national of the state appointing him and not engaged in any profession, business, or trade within the territory specified in this section;

(2) The manufactured tobacco is imported by the officer or employee for his personal or official use; and

(3) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states.

(68A Stat. 900; 26 U. S. C. 7511)

§ 275.186 *Claim for refund of tax.* The tax paid on manufactured tobacco by the importer thereof (otherwise than by stamp) may be refunded where the tax has been paid in error. Only the importer who paid the tax may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 275.187 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on manufactured tobacco may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of Stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the importer of such product may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such importer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the importer with respect to the stamps covered by the claim. When the schedule has been prepared, the importer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the importer, shall be at-

tached to his claim when filed. If required, the importer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of manufactured tobacco may be refunded to the importer thereof, where such product is withdrawn from the market by such importer, or the product is lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the importer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of manufactured tobacco completely lost or destroyed.* Where the packages of manufactured tobacco to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of manufactured tobacco damaged or withdrawn from the market.* Where the packages of manufactured tobacco to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the product and the importer thereof, and the amount of tax paid, can be established, or where the manufactured tobacco is merely withdrawn from the market by the importer, which would permit a similar identification and a determination of the tax paid, such manufactured tobacco shall be assembled by the importer in a suitable place in the city where such tobacco is held or withdrawn from the market. The importer shall group such tobacco according to the sizes of packages, and shall prepare a schedule on Form 177, listing such packages of manufactured tobacco. Such manufactured tobacco, if not taken into a domestic factory, or repacked and restamped by the importer, or exported with drawback of tax, shall be destroyed under internal revenue supervision. The importer shall notify the assistant regional commissioner, for the region in which such manufactured tobacco is assembled, and request the detail of a revenue officer to inspect the tobacco, verify the schedule thereof, and supervise destruction of the stamps and the proper disposition of the product and packages as desired by the importer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such manufactured tobacco. The revenue officer shall return one copy of the completed schedule to the importer, which shall be attached to, and made a part of, the importer's claim, which claim shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

SUBPART K—OPERATIONS BY DEALERS

§ 275.200 *Purchase, receipt, possession, or sale of manufactured tobacco—*
 (a) *Restriction.* No person shall purchase, receive, possess, sell, or offer for sale manufactured tobacco not exempt from tax, after removal, which is not put up in packages bearing stamps to denote the tax and mark, required under this part: *Provided, however* That this section is not intended to prevent the sale of manufactured tobacco at retail directly from proper packages nor to apply to such tobacco when so sold.

(b) *Liability to tax.* Any person who possesses manufactured tobacco not exempt from tax after removal, which is not put up in packages bearing the stamps to denote the tax, is liable for the tax thereon, in addition to any other penalties prescribed by law for the offense.

(68A Stat. 716; 26 U. S. C. 5751)

§ 275.201 *Sales at retail from packages.* Manufactured tobacco may be sold, or offered for sale, from proper packages, bearing the stamps and mark, as required under this part, only by retail dealers. The manufactured tobacco must remain in such packages until removed therefrom by the customer or in the presence of the customer.

(68A Stat. 716; 26 U. S. C. 5751)

§ 275.202 *Restrictions relating to used stamps and packages.* No person shall (a) empty any package of manufactured tobacco without destroying the stamp affixed thereto to denote the tax; or (b) remove, or cause to be removed, any such stamp, or purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such stamp which has been so removed; or (c) purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such package which has been emptied, upon which such a stamp has not been destroyed.

(68A Stat. 716; 26 U. S. C. 5752)

[F. R. Doc. 55-5837; Filed, July 18, 1955; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

GARZA-LITTLE ELM RESERVOIR AREA, ELM FORK, TRINITY RIVER, TEX.

The Secretary of the Army having determined that the use of Garza-Little Elm Reservoir Area, Texas, by the general public for boating, swimming, bathing, fishing and other recreation purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purpose, hereby prescribes rules and regulations for its public use, pursuant to the provisions of Section 209 of the Flood Control Act of 1954 (68 Stat. 1266) as follows:

1. Add new paragraph (iii) to § 311.1.

§ 311.1 *Areas covered.* * * *
 (iii) Garza-Little Elm Reservoir Area, Elm Fork, Trinity River, Texas.

2. Add new subparagraph (39) to paragraph (a) of § 311.4:

§ 311.4 *Houseboats.* (a) * * *
 (39) Garza-Little Elm Reservoir Area, Elm Fork, Trinity River, Texas.

[Regs. 30 June 1955, ENGWO] (Sec. 209, 68 Stat. 1266)

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

[F. R. Doc. 55-5817; Filed, July 18, 1955; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

EXAMINATION OF RECORDS

In § 21.2306, a new paragraph (g) is added as follows:

* * *
 § 21.2306 *Examination of records.*

(g) The records and accounts of each veteran, as described in this section, pertaining to each enrollment period shall be preserved in good condition at the educational institution or training establishment for at least 3 years following the termination of such enrollment period unless, in specific cases, a request in writing for longer retention is filed with the responsible officer of the educational institution or training establishment by the General Accounting Office or the Veterans Administration not later than 30 days prior to the end of the 3 year period.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1508, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697-697d, 697f, g, 971, ch. 12A note)

This regulation is effective July 19, 1955.

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

[F. R. Doc. 55-5768; Filed, July 18, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 55-23]

TANK VESSEL AND MARINE ENGINEERING REGULATIONS

Correction

In F. R. Doc. 55-5507, appearing at page 4856 of the issue for Friday, July 8, 1955, the following change should be made:

On page 4862, the figure in the third column, now designated Figure 52.25-40 (e) should be designated Figure 52.25-40 (c)

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 905]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX AND REFRIGERATED CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of July A. D. 1955.

It appearing that there is a critical shortage of box and refrigerator cars, that such cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.905 *Free time on unloading box and refrigerator cars at ports.* (a) (1) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 7 days free time on any box or refrigerator car held for unloading at the point of transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this section.

(2) Section 22 quotations: Common carrier or carriers by railroad, subject to the Interstate Commerce Act, who have entered or may enter into section 22 agreements with the United States, providing for waiver of storage and/or demurrage charges at port areas where shipments are held for transfer to vessels or storage or where held short of such transfer or storage point shall, upon expiration of the combined total of 7 days time, provided by this section, unload and release the car or cars for transportation service within 24 hours thereafter.

(b) Computation of free time: (1) All Saturdays, Sundays and the holidays listed in Item 25 of Agent Hinsch's Demurrage Tariff 4-B, I. C. C. No. 4610 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7:00 a. m., after notice of arrival or constructive placement is sent or given to the party entitled to receive same until final release of the car, less time required to move a constructively placed car from hold point to point of unloading.

(3) Any detention beyond the seventh day of free time provided in paragraph (a) of this section shall not be offset by credits earned under any average detention basis for settlement.

(c) Definition of box and refrigerator cars: The term "box car" as used in this section means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V" and Class "R" refrigerator car type.

(d) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(e) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(f) Effective date: This section shall become effective at 7:00 a. m., July 25, 1955, and the provisions of this section shall apply to all cars on which the free time provided in this section has not expired on the effective date and hour stated in this section.

(g) Expiration date: This section shall expire at 11:59 p. m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(h) This section shall not change Demurrage Rule 8 of Tariff I. C. C. No. 4610 as amended or as reissued, or similar rules in other tariffs adjusting, canceling, or refunding demurrage charges arising from the unusual conditions or circumstances described in said Rule 8 or similar rules in other tariffs.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-5839; Filed, July 18, 1955;
8:50 a. m.]

[Service Order 906]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT
PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of July A. D. 1955.

It appearing that there is a critical shortage of freight cars, that freight cars are being delayed unduly in loading at ports, and that free time published in tariffs for loading such cars aggravates the shortage, impeding the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.906 *Free time on freight cars loaded at ports.* (a) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 5 days free time on any freight car held for loading at the point of transshipment from vessel or storage to car or when held out of such transfer point prior to the receipt of proper forwarding directions on such car. The provisions of this paragraph shall not be construed to require or permit the increase of any free time now published in tariffs lawfully on file with this Commission and in effect on the effective date of this section.

(b) Computation of time: (1) All Saturdays, Sundays and the holidays listed in Item No. 25 of Agent Hinsch's Demurrage Tariff 4-B, I. C. C. No. 4610 and subsequent issues thereof, shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed as follows:

(a) On cars ordered at the first 7:00 a. m. of the date for which ordered, provided such cars are actually placed at that time. When such cars are actually placed subsequent to the date for which ordered at the next 7:00 a. m. after actual placement.

(b) When cars appropriated, at the next 7:00 a. m., after loading is started.

(c) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) Effective date: This section shall become effective at 7:00 a. m., July 25, 1955, and the provisions of this section shall apply to all cars on which the free time provided in this section has not expired on the effective date and hour stated in this section.

(f) Expiration date: This section shall expire at 11:59 p. m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-5841; Filed, July 18, 1955;
8:50 a. m.]

[Service Order 907]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON CARS TO BE
STOPPED TO PARTIALLY UNLOAD

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of July A. D. 1955.

It appearing that carload shipments of lumber are being billed for stop to partially unload for the primary purpose of gaining additional time in transit, thereby impeding the use, control, supply, movement, distribution, exchange, interchange, and return of cars; the Commission is of the opinion an emergency requiring immediate action exists in all sections of this country. It is ordered, that:

§ 95.907 *Lumber restrictions on cars to be stopped to partially unload.*

(a) No common carrier by railroad, subject to the Interstate Commerce Act, shall forward or move carload shipments of lumber which are billed to stop-off to partially unload except under the following conditions:

(1) Unless or until at least 1,500 board feet of lumber have been unloaded at the stop-off point before forwarding or,

(2) That the movement of such car or cars will be considered a diversion and the rate established by the applicable diversion tariff will apply.

(b) Special permits; appointment of agent: (1) Paragraph (a) of this section shall be subject to any permits issued by the Permit Agent named in subparagraph (2) of this paragraph.

(2) Charles W Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special permits to meet exceptional circumstances.

(c) Application: (1) The provisions of this section shall apply to intrastate and foreign commerce, as well as interstate commerce.

(2) The provisions of this section shall not apply to carload shipments of lumber billed from the primary point of origin prior to the effective date of this section.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910; 19 F. R. 3019), regulating the handling of vegetables grown in certain designated counties in Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 910.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1956, will amount to \$1,800.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be one-half of one cent (\$0.005) per bushel of peas or crate of cauliflower, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910; 19 F. R. 3019)

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

Done at Washington, D. C., this 13th day of July 1955.

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

[F. R. Doc. 55-5827; Filed, July 18, 1955; 8:48 a. m.]

[7 CFR Part 945]

[AO-265]

TOMATOES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047) and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57) a public hearing was held at West Palm Beach, Florida, on March 7-10, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER (20 F. R. 862) upon proposed Marketing Agreement No. 125 and proposed Marketing Order No. 45 regulating the handling of tomatoes grown in Florida.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Acting Administrator, Agricultural Marketing Service, on May 24, 1955, filed with the Hearing Clerk, U. S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto was published May 27, 1955, in the FEDERAL REGISTER (20 F. R. 3760)

Rulings. Exceptions were filed by the following persons: Richard B. Crosset, The Crosset Company, Cincinnati, Ohio; Lamantia Bros., Arrigo Company, Chicago, Illinois; Rauth Farms, Delray Beach, Florida; Howard W. Messeroll, Soilless Gardens, Route 1, Box 472, Delray Beach, Florida; Herbert Scott Young, Box 645, Boca Raton, Florida; and Fred B. Jackson, Temporary Chairman, Florida Hydroponic Growers' Cooperative Association Incorporated, Box 53, Kendall, Florida. The latter exception was approved by 11 additional signatory growers. The aforementioned exceptions protest the adoption of a marketing agreement and order for certain alleged classes of tomatoes grown in Florida.

Testimony contained in the record of the aforesaid hearing supports the finding contained in the recommended decision that any tomatoes grown in any portion of the production area which enter the current of interstate or foreign commerce at any given season compete directly with all other tomatoes marketed during such season irrespective of the quality or maturity of such tomatoes or the area where grown. Also provision is made for the committee, with the approval of the Secretary, to regulate differently for different stages of maturity. The exceptions imply fear of possible discrimination under regulations which are not practicable or suitable for "pink" vine-ripened, or hydroponically-grown tomatoes. Testimony contained in the hearing record specifically recognizes that separate and distinct treatment, through grade, size, and maturity regulation, of "pink" and vine-ripened fruit

(d) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) Effective date. This section shall become effective at 7:00 a. m., July 18, 1955.

(f) Expiration date: This section shall expire at 11:59 p. m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, an dupon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-5840; Filed, July 18, 1955; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

WEEKLY CLOSED PERIOD

Basis and purpose. On the basis of information as to the size of the red salmon runs and the reduced amount of gear in Cook Inlet secured by field representatives of the Fish and Wildlife Service, it has been determined that limited additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 109.2a is amended in paragraph (a) by changing "Wednesday" to "Thursday" effective only on July 20, 1955.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Dated: July 15, 1955.

ARNIE J. SUOMELA,
Acting Director

[F. R. Doc. 55-5888; Filed, July 18, 1955; 11:10 a. m.]

as compared to mature green tomatoes may be necessary and appropriate. Therefore, the special problems cited by the exceptors are matters which have been anticipated and provided for in the proposed marketing agreement and order and they can and should be considered by the committee and resolved in connection with day to day and week to week operations of the program.

Another provision in the proposed marketing agreement and order permits the committee to recommend, and the Secretary to establish, minimum quantities of tomatoes which may be relieved, wholly or in part, of grade, size, or maturity regulations, or inspection or assessment requirements effective on the majority of tomatoes handled.

The exceptions were fully and carefully considered in arriving at the findings and conclusions set forth herein. To the extent then that the exceptions are at variance with the findings and conclusions decided upon herein, such exceptions are overruled.

Findings and conclusions. The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 55-4306; 20 F. R. 3760) are hereby approved and adopted as the material issues and findings and conclusions of this decision as if set forth in full herein.

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

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

Done at Washington, D. C., this 14th day of June 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order¹ Regulating the Handling of
Tomatoes Grown in Florida

Sec.
945.0 Findings and determinations.

DEFINITIONS

945.1 Secretary.
945.2 Act.
945.3 Person.
945.4 Production area.
945.5 Tomatoes.
945.6 Handler.
945.7 Handle.

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

Sec.
945.8 Producer.
945.9 Grading.
945.10 Grade and size.
945.11 Pack.
945.12 Maturity.
945.13 Container.
945.14 Varieties.
945.15 Committee.
945.16 Fiscal period.
945.17 District.
945.18 Export.

COMMITTEE

945.22 Establishment and membership.
945.23 Term of office.
945.24 Districts.
945.25 Redistricting.
945.26 Selection.
945.27 Nomination.
945.28 Failure to nominate.
945.29 Acceptance.
945.30 Vacancies.
945.31 Alternate members.
945.32 Procedure.
945.33 Expenses and compensation.
945.34 Powers.
945.35 Duties.

EXPENSES AND ASSESSMENTS

945.40 Expenses.
945.41 Budget.
945.42 Assessments.
945.43 Accounting.
945.44 Refunds.

RESEARCH AND DEVELOPMENT

945.48 Research and development.

REGULATION

945.50 Marketing policy.
945.51 Recommendations for regulations.
945.52 Issuance of regulations.
945.53 Minimum quantities.
945.54 Shipments for special purposes.
945.55 Notification of regulation.
945.56 Safeguards.

INSPECTION

945.60 Inspection and certification.

EXEMPTIONS

945.70 Procedure.
945.71 Granting exemptions.
945.72 Investigation.
945.73 Appeal.
945.74 Records.

REPORTS

945.80 Reports.

MISCELLANEOUS PROVISIONS

945.81 Compliance.
945.82 Right of the Secretary.
945.83 Effective time.
945.84 Termination.
945.85 Proceedings after termination.
945.86 Effect of termination or amendment.
945.87 Duration of immunities.
945.88 Agents.
945.89 Derogation.
945.90 Personal liability.
945.91 Separability.
945.92 Amendments.

AUTHORITY: §§ 945.0 to 945.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq; 68 Stat. 906, 1047

§ 945.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to 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., 68 Stat. 906, 1047) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR

Part 900; 19 F. R. 57), a public hearing was held at West Palm Beach, Florida, on March 7-10, 1955, upon a proposed marketing agreement and a proposed order regulating the handling of tomatoes grown in Florida. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to tomatoes produced in the production area, (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest;

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

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) This 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 the differences in the production and marketing of tomatoes grown in the production area, and

(5) All handling of tomatoes as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of tomatoes grown in Florida shall be in conformity to and in compliance with the terms and conditions of this order and such terms and conditions are as follows:

DEFINITIONS

§ 945.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated,

or to whom authority may hereafter be delegated, to act in his stead.

§ 945.2 *Act*. "Act" means Public Act No. 10, 73d Congress, 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., 68 Stat. 906, 1047).

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

§ 945.4 *Production area*. "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 945.5 *Tomatoes*. "Tomatoes" means all varieties of the edible fruit (*Lycopersicon esculentum*) commonly known as tomatoes and grown within the production area.

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

§ 945.7 *Handle*. "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided*, That such terms shall not include: (a) The transportation, sale, or delivery of tomatoes by a producer to a handler registered as such with the committee and who has adequate facilities within the production area for grading; or (b) the transportation to and sale of tomatoes at auction markets designated by the committee. In the event a producer sells tomatoes other than is indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such tomatoes.

§ 945.8 *Producer*. "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 945.9 *Grading*. "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 945.10 *Grade and size*. "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title) both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 945.11 *Pack*. "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title) or any pack of tomatoes recommended by

the committee and approved by the Secretary.

§ 945.12 *Maturity*. "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 945.13 *Container*. "Container" means a box, bag, crate, hamper, basket, package, tube, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 945.14 *Varieties*. "Varieties" means and includes all classifications or subdivisions of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 945.15 *Committee*. "Committee" means the Florida Tomato Committee, established pursuant to § 945.22.

§ 945.16 *Fiscal period*. "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 945.17 *District*. "District" means each one of the geographic divisions of the production area initially established pursuant to § 945.24, or as reestablished pursuant to § 945.25.

§ 945.18 *Export*. "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 945.22 *Establishment and membership*. (a) The Florida Tomato Committee, consisting of 15 producer members, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

§ 945.23 *Term of office*. (a) The term of office of committee members, and their respective alternates, shall be for 1 year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 945.24 *Districts*. For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Okechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee and Monroe in the State of Florida;

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee,

Pinellas, Folk and Sarasota in the State of Florida; and

District No. 5. All the remaining counties within the production area not included in Districts 1, 2, 3, and 4.

§ 945.25 *Redistricting*. The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 945.26 *Selection*. The Secretary shall select initially 3 members of the committee with their respective alternates, from each district.

§ 945.27 *Nomination*. The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and repre-

sentatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 945.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 945.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

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

§ 945.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 945.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 945.32 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

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

§ 945.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 945.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 945.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 945.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 945.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 945.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) 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 whether particular provisions thereof are suspended or become inoperative.

§ 945.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any

other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 945.44 *Refunds.* At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 945.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 945.42.

REGULATION

§ 945.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 945.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 945.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 945.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 945.52 *Issuance of regulations.* The Secretary shall limit the handling of tomatoes whenever he finds from the recommendation and information submitted by the Committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different markets, for different purposes specified in § 945.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 945.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 945.42, 945.52, 945.54, 945.60, or any combination thereof.

§ 945.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 945.42, 945.52, 945.53, 945.60, or any combination thereof, in order to facilitate handling of tomatoes for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing; or

(d) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ 945.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 945.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of tomatoes pursuant to § 945.53 or § 945.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship tomatoes pursuant to §§ 945.53 and 945.54; or

(2) Handlers shall obtain inspection provided by § 945.60, or pay the assessment levied pursuant to § 945.42, or both, in connection with shipments made under § 945.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle tomatoes effected or to be effected under the provisions of §§ 945.53 and 945.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 945.53 and 945.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 945.60 *Inspection and certification.*

(a) During any period in which handling of tomatoes are regulated pursuant to §§ 945.42, 945.52, 945.54, or any combination thereof, no handler shall handle tomatoes unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 945.53, or § 945.54, or both.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That the com-

mittee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 945.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 945.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 945.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 945.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 945.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 945.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity

of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right, to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 945.70, 945.71, 945.72, 945.73, or any combination thereof.

REPORTS

§ 945.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated 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 tomatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition, and of all tomatoes handled pursuant to §§ 945.53 and 945.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 945.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 945.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, 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 said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 945.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

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

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart 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 subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production for market of tomatoes: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

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

§ 945.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, 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 person as the Secretary may direct; and shall, upon 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 to this subpart.

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

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

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

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

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

§ 945.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

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

§ 945.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum, and Determination of a Representative Period.

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, dur-

ing the period July 1, 1954, to June 30, 1955 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in § 945.4 of Order No. 45 (7 CFR Part 945) in the production of tomatoes for market, to determine whether such producers approve or favor the issuance of an order regulating the handling of tomatoes grown therein, and said order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

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

For the purpose of this referendum, the production area defined in § 945.4 of Order No. 45 means all territory in the State of Florida south or east of the Suwannee River.

M. F. Miller and W. R. Cleveland, Field Representatives, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Florida Citrus Mutual Building, Lakeland, Florida, and E. E. Gallahue and R. L. Hawes, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid order may be examined in the office of the referendum agents, at the office of the Hearing Clerk, Administration Building, U. S. Department of Agriculture, Washington, D. C., and at those places within the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

[F. R. Doc. 55-5846; Filed, July 18, 1955; 8:51 a. m.]

[7 CFR Part 959]

[Docket No. AO 158 A2]

HANDLING OF IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT NO. 114 AND ORDER NO. 59, AS AMENDED

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 governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Portland, Oregon, on January 31-February 1, 1955, pursuant to notice thereof, which was published January 8, 1955, in the FEDERAL REGISTER (20 F. R. 209), upon proposed amend-

ments to Marketing Agreement No. 114 and Marketing Order No. 59, as amended, regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California.

Upon the basis of the evidence introduced at the aforesaid hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 6, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published June 9, 1955, in the FEDERAL REGISTER (20 F. R. 4026)

Rulings. Within the period reserved therefor, exceptions were filed by John A. Baggenstos, Route 1, Box 711, Tigard, Oregon, as spokesman for potato growers in the Willamette Valley, Oregon, protesting the applicability of the proposed amended marketing agreement and order, as amended to the remainder of the State of Oregon, except Malheur County. Each of the exceptions was fully and carefully considered in conjunction with the record of evidence pertaining thereto, and the act, in arriving at the findings, conclusions, and regulatory provisions set forth herein. To the extent that the exceptions are at variance with the findings, conclusions, and actions decided upon herein, such exceptions are overruled.

Findings and conclusions. The material issues, the findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 55-4611, 20 F. R. 4026) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement, as amended, and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, Except Malheur County," and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, Except Malheur County," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement, as amended, and the aforesaid order, as amended, shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

amended, which will be published with this decision.

Done at Washington, D. C., this 14th day of July 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order as Amended,¹ Regulating the Handling of Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon, Except Malheur County

Sec.
959.0 Findings and determinations.

DEFINITIONS

959.1 Secretary.
959.2 Act.
959.3 Person.
959.4 Production area.
959.5 Potatoes.
959.6 Handler.
959.7 Handle.
959.8 Producer.
959.9 Fiscal period.
959.10 Committee.
959.11 Varieties.
959.12 Seed potatoes.
959.13 Table stock potatoes.
959.14 Pack.
959.15 Grade and size.
959.16 Grading.
959.17 Export.
959.18 District.

ADMINISTRATIVE COMMITTEE

959.25 Establishment and membership.
959.26 Procedure.
959.27 Selection.
959.28 Term of office.
959.29 Powers.
959.32 Districts.
959.31 Expenses and compensation.
959.32 Districts.
959.33 Nominations.
959.34 Vacancies.

EXPENSES AND ASSESSMENTS

959.40 Expenses.
959.41 Budget.
959.42 Assessments.
959.43 Accounting.
959.44 Refunds.

RESEARCH AND DEVELOPMENT

959.47 Research and development.

REGULATION

959.50 Marketing policy.
959.51 Recommendations for regulations.
959.52 Issuance of grade, size, quality, and maturity regulations.
959.53 Minimum quantities.
959.54 Handling for specified purposes.

INSPECTION AND CERTIFICATION

959.60 Inspection and certification.

EXEMPTIONS

959.65 Procedure.
959.66 Granting exemptions.

¹ This order, as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met. When this order as amended, becomes effective the part heading thereof that will appear in Title 7 of the Code of Federal Regulations will be "Part 959—Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County" instead of "Part 959—Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California."

Sec.
959.67 Appeal.
959.68 Review, records, and reports of exemptions.

EFFECTIVE TIME AND TERMINATION

959.70 Effective time.
959.71 Termination.
959.72 Proceedings after termination.
959.73 Effect of termination or amendment.

MISCELLANEOUS PROVISIONS

959.80 Reports.
959.81 Compliance.
959.82 Right of the Secretary.
959.83 Duration of immunities.
959.84 Agents.
959.85 Derogation.
959.86 Personal liability.
959.87 Separability.
959.88 Amendments.

AUTHORITY: §§ 959.1 to 959.88 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to 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 (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900; 19 F. R. 57) a public hearing was held at Portland, Oregon, on January 31–February 1, 1955, upon proposed amendments to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interest of the consumer (a) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (ii) by au-

thorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

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

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

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the difference in the production and marketing of potatoes grown in the production area, and

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

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

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

§ 959.2 *Act.* "Act" means Public Act No. 10, 73d Congress, 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., 68 Stat. 906, 907, 1047)

§ 959.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 959.4 *Production area.* "Production area" means and includes Modoc and Siskiyou Counties in the State of California, and all counties, except Malheur, in the State of Oregon.

§ 959.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 959.6 *Handler*. "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 959.7 *Handle*. "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

§ 959.8 *Producer*. "Producer" means any person engaged in the production of potatoes for market.

§ 959.9 *Fiscal period*. "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 959.10 *Committee*. "Committee" means the administrative committee, called the Oregon-California Potato Committee, established pursuant to § 959.25.

§ 959.11 *Varieties*. "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 959.12 *Seed potatoes*. "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State from which the potatoes are shipped, or other seed certification agencies which the Secretary may recognize.

§ 959.13 *Table stock potatoes*. "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 959.14 *Pack*. "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits recommended by the committee and approved by the Secretary.

§ 959.15 *Grade and size*. "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title) or amendments thereto, or modifications thereof, or variations based thereon; and

(c) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 959.16 *Grading*. "Grading" is synonymous with "preparing for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 959.17 *Export*. "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 959.18 *District*. "District" means each one of the geographical divisions of the production area established pursuant to § 959.32.

ADMINISTRATIVE COMMITTEE

§ 959.25 *Establishment and membership*. (a) The Oregon-California Potato Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. 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.

§ 959.26 *Procedure*. (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes will be required to pass any motion or approve any committee action.

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

§ 959.27 *Selection*. (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a corporate producer or handler, respectively, in the district for which selected and shall be residents of such district.

(b) The Secretary shall select three producer members of the committee, with their respective alternates, from District No. 1, two producer members, with their alternates, from each of Districts No. 2 and No. 4, and one producer member with his alternate, from District No. 3. The Secretary shall also select one handler member of the committee, with his alternate, from each of Districts Nos. 1, 2, 3, and 4.

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

§ 959.28 *Term of office*. (a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30. The terms of office of members and alternates shall be so determined that one-half of the total producer committee membership and one-half of the total handler committee membership shall terminate each June 30.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which

they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 959.29 *Powers*. The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 959.30 *Duties*. It shall be the duty of the committee:

(a) At the beginning of each fiscal period, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request, and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; and, a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers;

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart; and

(k) To establish, and pay the expenses of, advisory subcommittees for the purpose of consulting with Federal, State, and other appropriate agencies with respect to the establishment of marketing

research and development projects pursuant to § 959.57.

§ 959.31 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day or portion thereof, spent in attending meetings of the committee.

§ 959.32 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The Counties of Crook, Deschutes, and Jefferson in the State of Oregon;

District No. 2. The Counties of Klamath and Lake in the State of Oregon;

District No. 3. All remaining counties in the State of Oregon, with the exception of Malheur County;

District No. 4. The Counties of Modoc and Siskiyou in the State of California.

(b) The Secretary upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative position of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part, and (4) other relevant factors: *Provided further* That there shall be no change in the total number of committee members or in the total number of districts.

§ 959.33 *Nominations.* The Secretary may select the members of the Oregon-California Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for members and alternates of the committee may be submitted by producers or handlers, as the case may be, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:-

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and of handlers, respectively, in each of the districts designated in § 959.32 in which the term of office of committee members, and their respective alternates, will commence the following July 1,

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further* That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 959.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 959.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 959.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled during a fiscal period by him as the first han-

dlar thereof and the total quantity of potatoes handled during such fiscal period by all handlers as first handlers thereof.

§ 959.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 959.42 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

§ 959.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency or person the right to all such property and funds and all claims vested in such member or alternate.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other com-

mittee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 959.44 *Refunds.* At the end of each fiscal period monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 959.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

REGULATION

§ 959.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

- (1) Market prices for potatoes, including prices by grade, size, quality, and maturity in different packs, or any other shipping unit;
- (2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other production areas;
- (3) The trend and level of consumer income;
- (4) Establishing and maintaining orderly marketing conditions for potatoes;
- (5) Orderly marketing of potatoes as will be in the public interest; and
- (6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 959.51 *Recommendations for regulations.* The committee shall recommend to the Secretary grade, size, quality, and maturity regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 959.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes for the purposes authorized in § 959.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 959.52 *Issuance of grade, size, quality, and maturity regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturity of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, qualities, or maturity of potatoes differently, for different varieties, for table stock potatoes, for seed potatoes, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period; or

(3) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such regulation would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 959.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 959.40 to 959.60, inclusive.

§ 959.54 *Handling for specified purposes.* (a) The Secretary upon the basis of recommendations of the com-

mittee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 959.40 to 959.60, inclusive, in order to facilitate the handling of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act. Adequate safeguards may be established pursuant to paragraph (c) of this section to prevent such shipments from entering channels of trade for other than the specified purposes:

(1) Shipments of potatoes for the purpose of having such potatoes graded or stored within the production area generally or within any specified portions thereof;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed within the production area generally or any specified portions thereof; and

(6) For other specified purposes.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, issued pursuant to §§ 959.40 to 959.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 959.60 and pay the pro rata share of expenses provided by § 959.41 in connection with potatoes handled under the provisions of this section: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for potatoes to be handled under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make monthly reports to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any handler if evidence is

obtained that potatoes handled by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

INSPECTION AND CERTIFICATION

§ 959.60 *Inspection and certification.*

(a) During any period in which the handling of potatoes is regulated pursuant to §§ 959.42, 959.52, or 959.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 959.53 or § 959.54 or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 959.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 959.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) that by reason of a regulation issued pursuant to § 959.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts be-

yond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 959.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 959.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 959.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 959.65, 959.66, 959.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied and the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 959.70 *Effective time.* (a) The provisions of this subpart shall become effective at such time as the Secretary

may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 59, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

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

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart 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 subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

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

§ 959.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, 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 person as the Secretary may direct; and shall, upon 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 to this subpart.

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

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

MISCELLANEOUS PROVISIONS

§ 959.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties pursuant to this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 959.81 *Compliance.* Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

§ 959.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, 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 said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

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

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

§ 959.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers,

to act in the premises whenever such action is deemed advisable.

§ 959.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

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

§ 959.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum, and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1954, through June 30, 1955 (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged, in the production area comprising the Counties of Modoc and Siskiyou in California and in all Counties in Oregon, except Malheur County, in the production of potatoes for market, to determine whether such producers approve or favor the issuance of amendments to Order No. 59 (7 CFR Part 959) regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

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

R. H. Eaton, E. E. Gallahue, R. L. Hawes, and W. J. Higgins of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order, of Order No. 59, as amended, of the aforesaid procedure (15 F. R. 7176), and of this order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Washington, D. C., and at those

places within the said production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said amendatory order may be obtained from any referendum agent and any appointee hereunder.

[F. R. Doc. 55-5847; Filed, July 18, 1955; 8:52 a. m.]

Agricultural Research Service

[7 CFR Part 301]

EUROPEAN CHAFER

NOTICE OF PROPOSED QUARANTINE IN CONNECTICUT, NEW YORK, AND WEST VIRGINIA

On February 24, 1955, there was published in the FEDERAL REGISTER (20 F. R. 1156) a notice of public hearing, issued pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), to consider a proposal that the States of Connecticut, New York, and West Virginia be quarantined because of the finding thereon of the European chafer. The public hearing was held in Pittsburgh, Pennsylvania, on March 10, 1955, and the proposal was discussed at that time. Study of the testimony adduced at the hearing and all other available information has resulted in a decision to propose that these States be so quarantined.

Accordingly, notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of said Plant Quarantine Act of 1912, and section 3 of the Insect Pest Act (7 U. S. C. 143) is considering issuing as a new subpart, under the heading "European Chafer," in Title 7, Chapter III, Part 301, of the Code of Federal Regulations, the following notice of quarantine and supplementary regulations:

§ 301.77 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after the public hearing required thereby, the States of Connecticut, New York, and West Virginia are hereby quarantined to prevent the spread of the European chafer, a dangerous insect notoriously injurious to pastures, lawns, and certain cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), regulations are hereinafter prescribed governing the movement of European chafers and carriers thereof. Hereafter (a) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (b) sand, soil, gravel, humus, compost, and decomposed manure, moved independently or in connection with nursery stock or other products or articles; and (c) trucks, wagons, railway cars, aircraft, boats, and other means of conveyance and con-

tainers and other products and articles of any character whatsoever that might present a hazard of spread of the European chafer as determined in accordance with the regulations supplemental hereto (§§ 301.77-1 to 301.77-10) shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said, quarantined States into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in §§ 301.77-1 to 301.77-10 and amendments thereto: *Provided*, That the requirements of this quarantine and of the regulations supplemental hereto, except as otherwise provided in such regulations, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in such regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of said regulations as to such regulated areas will be adequate to prevent the spread of the European chafer, except that such limitation is further conditioned upon the affected States providing for and enforcing control of the movement within such States of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the said insect infestation: *Provided further* That whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto (§§ 301.77-1 to 301.77-10) apply, except live European chafers in any stage of development, making it safe to modify, by making less stringent, the requirements contained in such supplemental regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.77-1 *Definitions*. For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *European chafer* The insect known as the European chafer (*Amphimallon majalis* (Razoumowsky)) in any stage of development.

(b) *Infestation*. The presence of the European chafer.

(c) *Regulated area*. The States, counties, cities, townships, towns, districts, villages, and other minor civil divisions; or parts thereof, designated in administrative instructions under § 301.77-2 as regulated areas.

(d) *Nursery stock*. Forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes.

(e) *Regulated articles*. European chafers and products and articles regulated under this subpart.

(f) *Inspector* An inspector of the United States Department of Agriculture.

(g) *"Moved"* ("*movement*," "*move*") Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported; moved, or allowed to be moved, interstate, directly or indirectly, from a regulated area. "*Movement*" and "*move*" shall be construed accordingly.

(h) *Certificate*. A document evidencing compliance with the requirements of this subpart.

(i) *Limited permit*. A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(j) *Interstate*. From one State, Territory, or District of the United States into or through another.

§ 301.77-2 *Designation of regulated areas*. The Chief of the Plant Pest Control Branch shall, from time to time, in administrative instructions promulgated by him, list the counties, cities, townships, towns, districts, villages, and other minor civil divisions, or parts thereof, in the quarantined States in which infestation of the European chafer has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, cities, and other civil divisions, or parts thereof, as constituting the regulated areas. Any civil division, or part thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the European chafer therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.77-3 *Regulated articles*—(a) *European chafers; removal prohibited, exception*. The removal from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, of live European chafers, except for scientific purposes, is prohibited by the Insect Pest Act (7 U. S. C. 141) Provisions for the removal of live European chafers, for scientific purposes, are set forth in § 301.77-9.

(b) *Other regulated articles; movement regulated*. Unless exempted by administrative instructions issued by the Chief of the Plant Pest Control Branch, the movement from any regulated area of any of the following is permitted only under the conditions provided in this subpart: Nursery stock; sand, soil, gravel, humus, compost, or decomposed manure, moved independently or in connection with any nursery stock or other products or articles; or any truck, wagon, railway car, aircraft, boat, or other means of conveyance, or container, or other product or article of any character whatsoever, which in the judgment of an inspector presents a hazard of the spread of the European chafer, by reason of infestation or exposure.

§ 301.77-4 *Conditions governing movement of certain regulated articles*—

(a) *Nursery stock; sand, soil, etc.* (1) Nursery stock; and sand, soil, gravel, humus, compost, and decomposed manure, moved independently of or in connection with nursery stock or other products or articles, which originate in a regulated area, may be moved from any regulated area to or through any point outside thereof if a certificate or limited permit has been issued therefor in compliance with § 301.77-5 and if the requirements of subparagraphs (2) and (3) of this paragraph are also met.

(2) Every container of regulated articles designated in subparagraph (1) of this paragraph shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or limited permit as required by said paragraph, except that in the case of less-than-carload freight shipments a certificate attached to one of the containers and another certificate attached to the waybill will be sufficient, and carload freight or express shipments, either in containers or in bulk, require only a certificate attached to the waybill.

(3) Subsequent to certification as provided in § 301.77-5, regulated articles designated in subparagraph (1) of this paragraph must be loaded, handled, and shipped under such protection and safeguards against infestation as are required by the inspector.

(4) No certificates are required for the movement of regulated articles of kinds designated in subparagraph (1) of this paragraph, which originate outside any regulated area and are moving through or reshipped from any regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated area. Otherwise such regulated articles shall be subject to all of the requirements of subparagraphs (1) (2) and (3) of this paragraph.

(b) *Means of conveyance, containers, other products and articles, when hazards*. Trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, containers, and other products and articles of any character whatsoever, which in the judgment of an inspector present a hazard of the spread of

the European chafer, by reason of infestation or exposure, may be moved from any regulated area to or through any point outside thereof after they have been thoroughly cleaned, disinfested, or otherwise treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied. Otherwise they are prohibited such movement except under limited permit. Notice of the application of such requirements to particular means of conveyance, containers, and other products and articles under this paragraph shall be given to the person in charge thereof.

§ 301.77-5 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates*. Certificates may be issued for the interstate movement from a regulated area of the regulated articles designated in § 301.77-4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(b) *Limited permits*. Limited permits may be issued by the inspector for the movement from a regulated area of non-certified regulated articles designated in § 301.77-4 (a) or (b) to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of such articles and to the cleaning or treatment of trucks, wagons, railway cars, boats, and other means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.77-6 *Assembly of articles for inspection*. Persons intending to move any of the regulated articles designated in § 301.77-4 (a) shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.77-7 *Cancellation of certificates or limited permits*. Certificates or limited permits for any regulated arti-

cles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles refused by the inspector whenever he determines the further use of such certificates or permits might result in the dissemination of the European chafer.

§ 301.77-8 *Inspection of shipments en route*. Any vehicle, boat, ship, vessel, or receptacle, moving interstate which an inspector has probable cause to believe carries or contains any European chafer the transportation of which is illegal or any other regulated article controlled by § 301.77 and the regulations in this subpart shall be subject to inspection by the inspector.

§ 301.77-9 *Shipments for experimental and scientific purposes*. Live European chafers may be removed from any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, and other articles subject to the requirements of the regulations in this subpart may be moved interstate from any regulated area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Plant Pest Control Branch. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

§ 301.77-10 *Nonliability of Department*. The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the regulations in this subpart, other than for the services of the inspector.

The purpose of the proposed quarantine and supplementary regulations is to prevent the spread of the European chafer from Connecticut, New York, and West Virginia, where it is known to occur, to other parts of the United States. The proposed regulations would provide methods whereby host material may be inspected and treated or otherwise made eligible for interstate movement from regulated areas. The regulations would also govern the interstate movement of live European chafers for scientific purposes.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8 and 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; sec. 3, 33 Stat. 1270; 7 U. S. C. 143)

Done at Washington, D. C., this 13th day of July 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-5848; Filed, July 18, 1955; 8:52 a. m.]

[7 CFR Part 301]

EUROPEAN CHAFER

NOTICE OF PROPOSED ADMINISTRATIVE INSTRUCTIONS REGARDING PROPOSED QUARANTINE IN CONNECTICUT, NEW YORK, AND WEST VIRGINIA

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Pest Control Branch, contingent upon authority being delegated to him in conformity with § 301.77-2 of the proposed European chafer regulations supplemental to the proposed European chafer notice of quarantine,¹ under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161) is considering issuing the following administrative instructions listing counties and other civil divisions, and parts thereof, in which infestation of the European chafer has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, thereby designating such counties and other civil divisions, and parts thereof, as European chafer regulated areas within the meaning of the provisions in the proposed new subpart, under the heading "European Chafer," in Title 7, Chapter III, Part 301, of the Code of Federal Regulations:

§ 301.77-2a *Administrative instructions designating regulated areas under the European chafer quarantine and regulations*. Infestations of the European chafer have been determined to exist in the counties and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such counties and other civil divisions, and parts thereof, are hereby designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

New Haven County. That area, comprising part of the town of Meriden, included within a circle having a 1-mile radius and center at the intersection of Wilber Cross Parkway (Connecticut Route 15) and U. S. Highway 5.

NEW YORK

Chemung County. That area, comprising part of the city of Elmira, bounded by a line beginning at the intersection of Bonview Street and Ogden Avenue, proceeding south on Ogden Avenue to Roe Avenue, thence east on Roe Avenue to Bridgman Street, thence south on Bridgman Street to Washington Avenue, thence west on Washington Avenue to Hoffman Street and continuing west of Hoffman Street approximately 2,400 feet, thence northerly approximately 2,300 feet, thence easterly approximately 1,600 feet and continuing

¹See F. R. Doc. 55-5848, *supra*.

east on Bonview Street to the point of beginning.

Eric County. That area, comprising part of the city of Buffalo, bounded by a line beginning at the intersection of Delaware Avenue and Humboldt Parkway, proceeding southeast on Humboldt Parkway to East Delavan Avenue, thence west on East and West Delavan Avenues to Delaware Avenue, and thence northerly on Delaware Avenue to the point of beginning.

Monroe County. The entire county.

Niagara County. That area, comprising part of the city of Niagara Falls, included within a circle having a ½-mile radius and center at the intersection of College and Highland Avenues.

Onondaga County. That area, comprising parts of the city of Syracuse and the town of Salina, bounded by a line beginning at the intersection of Court Street and Kuhl Avenue, proceeding northeast and east on Court Street to Teall Avenue, thence south on Teall Avenue to Grant Boulevard, thence east on Grant Boulevard to Butternut Street, thence north on Butternut Street to Hillside Street, and thence northwest on Kuhl Avenue to the point of beginning.

That area, comprising part of the town of Salina, bounded by a line beginning at the intersection of Onondaga Lake and a south-

western extension of Electronics Parkway and continuing northeast to Electronics Parkway, thence northeast along Electronics Parkway to Hopkins Road, thence east along Hopkins Road to Buckley Road, thence southwest on Buckley Road to Seventh North Street, thence southeast on Seventh North Street to the new U. S. Highway 11, thence southwest along said highway to the Syracuse City Line, thence following the said City Line northwest and southwest to Onondaga Lake, and thence northwest along the lake shore to the point of beginning.

Ontario County. Towns of Farmington, Manchester, Phelps, and Victor.

That area, comprising part of the town of Geneva, bounded by a line beginning at the intersection of Preemption Road and a westward extension of Jay Street and continuing east to Jay Street, thence east along Jay Street to Slosson Road, thence south on Slosson Road to Snell Road, thence west and southwest along Snell Road to Preemption Road, and thence north along Preemption Road to the point of beginning.

Wayne County. The entire county.

WEST VIRGINIA

Hampshire County. District of Bloomery and town of Capon Bridge.

These administrative instructions list the localities that are proposed for regulation under the European chafer notice of quarantine and supplementary regulations now being concurrently considered for issuance.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 13th day of July, 1955.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch.

[F. R. Doc. 55-5849; Filed, July 18, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 55]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 38

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 FR 3514-15) the following described lands totaling 40 acres located in Pinal County, Arizona, are hereby classified as suitable for lease and sale for residence and business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 8 E.,
Sec. 34: SW¼SW¼—Lots 1 to 33 inclusive.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands are located 1¼ miles south of Coolidge, and Arizona State Highway 87 crosses lots 1, 2, and 3. The topography is flat. A power line parallels the south boundary of the tracts. Public utilities such as electricity, telephone, and water are established in the immediate vicinity. The vegetation is sparse and includes mesquite, creosote, bur-sage, Indian wheat, and natural grasses.

4. Lots 1, 2, and 3 aggregating 2.58 acres are classified as a single business site. Lots 4 to 33 inclusive, which vary in size from 1.14 to 1.26 acres, are classified for residence purposes. A plat showing the location of each lot is on file and available for inspection in the

Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

a. The appraised price of the residence tracts is \$200.00 per tract and the appraised price of the business site is \$600.00. The advance three year rental of each of the residence tracts is \$30.00. The advance three year rental of the business site is \$60.00, however if the gross income exceeds \$2000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease. Rights-of-way 33 feet in width for street and road purposes and for public utilities will be reserved on the south and west sides of lot 3; the east and south sides of lot 4; the south side of lots 5, 6, and 7; the west side of lot 8; the south and west sides of lot 9; the north and west sides of lot 10; the west and south sides of lot 11, the north and south sides of lots 12, 13, 14, and 15; the north, east, and south sides of lot 16; the east side of lot 17; the east side of lot 18; the north and east sides of lot 19; the north side of lots 20, 21, 22, and 23; the north and west sides of lot 24; the west side of lots 25 and 26; the south and west sides of lot 27; the south side of lots 28, 29, 30, and 31, the east and south sides of lot 32; the west side of lot 33; and in lot 2 a 33 foot square in the southwest corner.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 3 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d)

Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and no renewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of \$10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All

valid applications filed prior to February 28, 1949, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after February 28, 1949, and prior to 10:00 a. m. August 16, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m. August 16, 1955 will be considered in the order of filing. All valid applications from all other persons filed after February 28, 1949, and prior to 10:00 a. m. November 15, 1955 will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m. November 15, 1955, will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer

July 11, 1955.

[F. R. Doc. 55-5818; Filed, July 18, 1955;
8:46 a. m.]

UTAH

NOTICE OF FILING OF PLATS OF SURVEY

July 8, 1955.

Notice is given that the plats of survey of the following described lands will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN, UTAH

T. 25 S., R. 17½ E.,
Section 2 and part of Section 36.

Area surveyed: 1,474.88 acres.
Plat of survey accepted June 9, 1955.

T. 25 S., R. 18 E.,
Sections 2, 3, 16, 32, and 36.

Area surveyed: 2,839.76 acres.
Plat of survey accepted June 9, 1955.

T. 25 S., R. 19 E.,
Sections 2, 3, 16, 32, and 36.

Area surveyed: 3,750.68 acres.
Plat of survey accepted June 9, 1955.

T. 26 S., R. 17½ E.,
Section 36.

Area surveyed: 640 acres.
Plat of survey accepted June 9, 1955.

T. 26 S., R. 18 E.,
Sections 2, 16, 21, 28, 31, 32, 33, and 36.

Area surveyed: 5,194.92 acres.
Plat of survey accepted June 9, 1955.

T. 26 S., R. 19 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,635.52 acres.
Plat of survey accepted June 9, 1955.

T. 28 S., R. 15 E.,
Sections 2, 16, 31, 32, and 36.

Area surveyed: 3,193.60 acres.
Plat of survey accepted May 11, 1955.

T. 28 S., R. 16 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,561.92 acres.
Plat of survey accepted May 11, 1955.

T. 28 S., R. 17 E.,
Part of Sections 1 and 2, and Sections 16,
32, and 36.

Area surveyed: 2,524.55 acres.
Plat of survey accepted May 11, 1955.

T. 29 S., R. 15 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,560.28 acres.
Plat of survey accepted May 11, 1955.

T. 29 S., R. 16 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,558.76 acres.
Plat of survey accepted May 11, 1955.

T. 29 S., R. 17 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,559.04 acres.
Plat of survey accepted May 11, 1955.

T. 36 S., R. 5 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,090.20 acres.
Plat of survey accepted June 6, 1955.

T. 36 S., R. 6 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,085.72 acres.
Plat of survey accepted June 6, 1955.

T. 37 S., R. 5 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,098.32 acres.
Plat of survey accepted June 6, 1955.

T. 37 S., R. 6 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,105.24 acres.
Plat of survey accepted June 6, 1955.

The primary purpose of these surveys was to accommodate the right of the State of Utah under Grant for Common Schools in the Act of July 16, 1894 (28 Stat. 107)

It is presumed that the right of the State of Utah attached to Sections 2, 16, 32, and 36, of the above described townships on the date of acceptance of plat of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, do not attach to these sections.

No application for any of the lands described in any of the other sections may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference

under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in section 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the Manager, Land

Office, P. O. Box 777, Salt Lake City 10, Utah.

[SEAL] WM. N. ANDERSEN,
State Supervisor

[F. R. Doc. 55-5819; Filed, July 18, 1955;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE NORTH CAROLINA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

The Marketing Quota Regulations for the 1955 Crop of Peanuts (20 F. R. 3819) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393) provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)) which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the North Carolina State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which such authority appears and the person of the Agricultural Stabilization and Conservation Committee to whom the authority has been redelegated.

NORTH CAROLINA

Sections 729.648 (d) (3), 729.661 (b) (2), and 729.662 (d)—H. D. Godfrey, State Administrative Officer, of the Office of the State ASC Committee.

Section 729.653 (b) (c)—County ASC Committee.

Section 729.657 (b) (c)—A. P. Hassell, Jr., Chief, Administrative Division, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C. this 13th day of July 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator
Commodity Stabilization Service.

[F. R. Doc. 55-5852; Filed, July 18, 1955;
8:53 a. m.]

Office of the Secretary

NORTH DAKOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress, as amended, it is determined that in the

following named additional county in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF NORTH DAKOTA

Richland County.

Pursuant to the authority as set forth above, such loans will not be made in the State of North Dakota after June 30, 1956, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 14th day of July 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-5850; Filed, July 18, 1955;
8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below: conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 FR 2304)

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky., effective 7-19-55 to 7-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Burro Manufacturing Co., 107 East Markham, Little Rock, Ark., effective 7-11-55 to 7-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts, pants, and coveralls).

Colonial Shirt Corp., Woodbury, Tenn., effective 7-21-55 to 7-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress and sport shirts).

E & W Garments, Inc., 1622 Washington Street, Vicksburg, Miss., effective 7-7-55 to 7-6-56; 10 learners for normal labor turnover purposes. Learners are not authorized to be employed at subminimum wage rates in the production of skirts (dresses and sportswear).

Huntington Manufacturing Co., Inc., 629-10th Street, Huntington, W. Va., effective 7-12-55 to 7-11-56; 10 percent of the total number of factory production workers for

normal labor turnover purposes (women's cotton dresses).

Iuka Shirt Co., Inc., Tishomingo County, Iuka, Miss., effective 7-11-55 to 1-10-56; 25 learners for plant expansion purposes (ladies' sport shirts).

Louisville Garment Co., Louisville, Miss., effective 7-11-55 to 1-10-56; 75 learners for plant expansion purposes (men's and boys' pants).

Madill Manufacturing Co., Madill, Okla., effective 7-12-55 to 7-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress slacks and hobby jeans).

Mode O'Day Corp., 607 West Main Street, Osawatimic, Kans., effective 7-13-55 to 7-12-56; 10 learners for normal labor turnover purposes (ladies' blouses).

Mount Holly Dress Co., Murrell and Paxson Streets, Mt. Holly, N. J., effective 7-11-55 to 7-10-56; 3 learners for normal labor turnover purposes (children's cotton dresses).

Nash Garment Co., Inc., Box 342, Nashville, N. C., effective 7-11-55 to 7-10-56; 10 learners for normal labor turnover purposes (children's cotton dresses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304)

Bayuk Cigars, Inc., Morgan Street, Selma, Ala., effective 7-8-55 to 7-7-56; 10 percent of the total number of factory production workers engaged in each of the occupations listed below: cigar machine operating, 320 hours; packing (cigars retailing for 8 cents or less); machine stripping; and hand stripping, each 160 hours. All at 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304)

Brookville Glove Co., Indiana, Pa., effective 7-7-55 to 6-10-56; 10 learners for normal labor turnover purposes (cotton work gloves) (replacement certificate).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304)

R & H Hosiery Mill, Inc., Galax, Va., effective 7-8-55 to 7-7-56; 5 learners for normal labor turnover purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

Midland Mills of North Carolina, Inc., Midland, N. C., effective 7-11-55 to 1-3-56; 10 additional learners for plant expansion purposes (men's and boys' T-shirts) (supplemental certificate).

Alabama Textile Products Corp., Crestview, Fla., effective 7-9-55 to 7-8-56; 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of men's shorts (men's shorts).

Leiminger Knitting Mills, Orwigsburg, Pa., effective 7-8-55 to 7-7-56; 4 learners for normal labor turnover purposes (knitted outerwear and underwear).

Reverle Lingerie, Inc., Highway 70, Hillsboro, N. C., effective 7-7-55 to 1-8-56; 25 learners for plant expansion purposes (ladies' and children's nylon and rayon underwear).

Seamprufe, Inc., William Caplin Plant, Holdenville, Okla., effective 7-11-55 to 1-10-56; 25 learners for plant expansion purposes (slips and lingerie).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304)

Malsak-Handler Shoe Co., Inc., Senath, Mo., effective 7-7-55 to 7-6-56; 10 percent of

the total number of factory production workers for normal labor turnover purposes (infants' and children's footwear; ladies' house slippers).

Masak-Handler Shoe Co., Inc., Senath, Mo., effective 7-7-55 to 1-6-56; 25 learners for plant expansion purposes (infants' and children's footwear; ladies' house slippers).

Manistee Shoe Manufacturing Co., 50 Filer Street, Manistee, Mich., effective 7-12-55 to 7-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's house slippers).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645)

The following special student-worker certificate was issued to the school-operated industry listed below:

Port Arthur College, Port Arthur, Tex., effective 7-1-55 to 8-31-55; 5 learners authorized to be employed at any one time by radio station KPAC in the occupations of clerical and office; stenographer; typist-bookkeeper, and related clerical occupations; 200 hours at 60 cents an hour; 200 hours at 65 cents an hour; and 200 hours at 70 cents an hour.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods, and the learner wage rates are indicated, respectively.

Uniforms, Inc., Salida Salinas HM 8, Cayey, P. R., effective 7-7-55 to 7-6-56; 10 learners in any one work day in the occupation of sewing machine operating; 160 hours at 30 cents an hour; 160 hours at 35 cents an hour; and 160 hours at 40 cents an hour (nurses' and maids' uniforms).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of July, 1955.

MILTON BROOKE,
Authorized Representative of the
Administrator

[F. R. Doc. 55-5820; Filed, July 18, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11299; FCC 55M-628]

BELOIT BROADCASTERS, INC. (WBEL)

ORDER CONTINUING HEARING

In re application of Beloit Broadcasters, Inc. (WBEL) Beloit, Wisconsin, Docket No. 11299, File No. BML-1599; for modification of license.

The Hearing Examiner having under consideration an informal request to continue the hearing indefinitely.

It appearing that this proceeding was scheduled to commence on July 11, 1955, but the applicant on July 8, 1955, filed a petition to dismiss the application and thereupon the applicant's attorney requested that the hearing be continued indefinitely and

It further appearing that sufficient time was not available to issue an order upon this request prior to the scheduled date of hearing but that all parties to the proceeding were informally notified;

It is ordered, This 11th day of July, 1955, that the hearing scheduled to commence on this date is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 55-5814; Filed, July 18, 1955; 8:45 a. m.]

[Docket Nos. 11308, 11438; FCC 55M-629]

UMATILLA BROADCASTING ENTERPRISES AND OTHELLO BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of John M. Carroll, tr/as Umatilla Broadcasting Enterprises, Pendleton, Oregon, Docket No. 11308, File No. BP-9510; Robert R. Moore, tr/as Othello Broadcasting Company, Othello, Washington, Docket No. 11438, File No. BP-9723; for construction permits.

The Hearing Examiner having under consideration a petition filed July 8, 1955, by the Broadcast Bureau, requesting that the hearing in the above-styled proceeding presently scheduled for July 14, 1955, be continued;

It appearing, that the Commission, by order released July 1, 1955, designated for hearing in this consolidated proceeding the application of Robert R. Moore, trading as Othello Broadcasting Company, requesting the same facilities as Umatilla Broadcasting Enterprises, and that the period of time between the date of the designation of the Othello application and the present hearing date is substantially less than that required for the procedures set forth in the Rules governing hearings on applications of this kind;

It further appearing, that the Commission has by public notice stated that no hearings will be held during the month of August; and

It further appearing, that the public interest requires the immediate consideration of the petition and good cause has been shown for the grant thereof;

It is ordered, This 12th day of July 1955, that the petition be and it is hereby granted; and the hearing in the above entitled proceeding be and it is hereby continued to September 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 55-5815; Filed, July 18, 1955; 8:45 a. m.]

[Docket Nos. 11392, 11393; FCC 55M-630]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER CONTINUING HEARING

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557/558/559/560/561/562/563-C1-P-55; Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096/1097/1098/1099/1100/1101/1102/1103/1104/1105-C1-P-55; for construction permits for radio relay facilities.

The Hearing Examiner having under consideration a motion filed July 11, 1955, by Bartlett and Reed Management that the hearing now scheduled for Monday, July 25, 1955, be continued indefinitely and that the order be vacated requiring the parties to exchange on July 18, 1955, all exhibits and documents on which they intend to rely as parts of their direct cases; and

It appearing, that good cause has been shown for a grant of the motion and that at an informal conference held July 8, 1955, in the office of the Hearing Examiner all counsel for all existing parties to the proceeding agreed to a waiver of Section 1.745 of the Commission's Rules to permit an early grant of the motion;

It is ordered, This 12th day of July 1955 that the Motion is granted; that the order requiring exhibits and documents to be exchanged July 18, 1955, is vacated; and that the hearing now scheduled for July 25, 1955, is continued to a date to be scheduled by the Hearing Examiner in a later order.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 55-5816; Filed, July 18, 1955; 8:45 a. m.]

FARM CREDIT ADMINISTRATION

[F. C. A. Order 629; Revocation of Order 609]

DEPUTY DIRECTORS OF SHORT-TERM CREDIT SERVICE ET AL.

DELEGATION OF AUTHORITY TO ACT WHEN THE DIRECTOR IS NOT AVAILABLE

JULY 12, 1955.

1. Martin H. Uelsmann, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Short-Term Credit Service in the event that the Director is unavailable to act by reason of absence or for any other cause.

2. Paul Fankhauser, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Short-Term Credit Service in the event that the Director and Deputy Director Uelsmann are unavailable to act by reason of absence or for any other cause.

3. Walter F. Patterson, Assistant Deputy Director of Short-Term Credit Serv-

ice, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Short-Term Credit Service in the event that the Director and both Deputy Directors are unavailable to act by reason of absence or for any other cause.

4. Franklin D. Van Sant, Assistant Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Short-Term Credit Service in the event that the Director, both Deputy Directors, and Assistant Deputy Director Patterson are unavailable to act by reason of absence or for any other cause.

5. This order shall be and become effective on the day and date above written.

[SEAL] R. B. TOOTELL,
Governor
Farm Credit Administration.

[F. R. Doc. 55-5821; Filed, July 18, 1955;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8330]

W. H. BUSCH

NOTICE OF APPLICATION AND DATE OF
HEARING

JULY 12, 1955.

Take notice that W. H. Busch (Applicant) an individual whose address is Grantsville, West Virginia, filed on January 6, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Salt Lick District, Braxton County, West Virginia, which it will sell to Equitable Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 5, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5829; Filed, July 18, 1955;
8:48 a. m.]

[Docket No. G-8827]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF
HEARING

JULY 12, 1955.

Take notice that Texas Gas Transmission Corporation (Applicant) a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on April 29, 1955, for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to increase its natural gas sales, subject to the jurisdiction of the Commission, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase its natural gas sales to Southern Indiana Gas and Electric Company and Gibson County Utility District, each service communities in Western Tennessee. No additional facilities are needed by Applicant to make the increased deliveries.

Southern Indiana Gas and Electric Company has requested that its contract demand from Applicant be increased by 4,253 Mcf per day which will give it a new contract demand of 44,880 Mcf per day. It appears that Southern Indiana will take less gas from its storage field on the peak day next winter and accordingly will require more gas from Applicant.

Gibson County Utility District received gas for the first time in November 1953. The estimate on which its allocation in Docket No. G-6854 was based was prepared in August 1954 after less than one year of operation. Now that another heating season has passed, it is seeking an additional 664 Mcf per day which will raise its allocation to 3,875 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 5, 1955, at 9:35 a. m., e. s. t., in a Hearing

Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5830; Filed, July 18, 1955;
8:48 a. m.]

[Docket No. G-8872]

ALGONQUIN GAS TRANSMISSION CO. AND
TENNESSEE GAS TRANSMISSION CO.

NOTICE OF HEARING

JULY 12, 1955.

On May 9, 1955, Algonquin Gas Transmission Company (Algonquin) and Tennessee Gas Transmission Company filed a joint application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing the exchange of natural gas between them and the construction and operation of facilities required to effect the exchange. Public notice of the filing of the joint application has been given including publication in the FEDERAL REGISTER on June 10, 1955 (20 F. R. 4097). No protests or petitions to intervene have been filed in this proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 2, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5831; Filed, July 18, 1955;
8:48 a. m.]

[Project No. 2016]

CITY OF TACOMA, WASH.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 12, 1955.

Public notice is hereby given that City of Tacoma, Washington, has filed applications under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2016 located on the Cowlitz River in Lewis County, Washington, to authorize the installation of the fourth and ultimate unit each at the Mayfield and Mossyrock plants concurrently with the installation of the three units each now authorized by the license, thereby increasing the installation at the Mayfield plant from 120,000 kilowatts to the planned ultimate of 160,000 kilowatts, increasing the installation of the Mossyrock plant from 225,000 kilowatts to the planned ultimate of 300,000 kilowatts, and the entire project capacity to 460,000 kilowatts; to provide for an extension of time to December 31, 1961, to complete construction of the project; and to provide that the natural flow of the river will be allowed to pass the Mayfield plant site during construction, and after completion of Mayfield plant and prior to completion of Mossyrock plant, not less than the minimum recorded flow of the river will be released, and upon completion of the entire project the minimum release of water at the Mayfield plant shall be 2,000 cfs; and upon completion of the Mayfield plant, the rates of change of release of water from the plant shall not exceed that which will cause a change of water level at the City of Castle Rock, Washington, of one foot per hour either up or down. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is August 20, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5832; Filed, July 18, 1955; 8:48 a. m.]

[Docket Nos. G-8571, G-8572]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 13, 1955.

Notice is hereby given that on July 1, 1955, the Federal Power Commission issued its findings and order adopted June 29, 1955, issuing a certificate of public convenience and necessity and permitting abandonment of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5833; Filed, July 18, 1955; 8:49 a. m.]

[Docket No. G-8710, etc.]

PERMIAN OIL AND GAS CO. ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

JULY 13, 1955.

In the matters of Permian Oil and Gas Company, Docket No. G-8710; Missouri Power & Light Company, Docket No. G-8886; Missouri Edison Company, Docket No. G-8918; Bowling Green Gas Company Docket No. G-8924.

Notice is hereby given that on July 1, 1955, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted June 29, 1955, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5834; Filed, July 18, 1955; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 110]

AMERICAN ASKANIA CORP.

Whereas, by Vesting Order 125, dated August 28, 1942 (7 F. R. 7061, September 5, 1942) and Executive Order No. 9788, dated October 14, 1946, (11 F. R. 1198, October 15, 1946), there is vested in the Attorney General of the United States (hereinafter referred to as "Attorney General") all of the issued and outstanding capital stock (consisting of 100 shares of common stock) of American Askania Corporation (hereinafter referred to as "the Company"), a Texas corporation;

Whereas, the Secretary of State of Texas issued a Certificate of Dissolution of the Company on January 4, 1945, pursuant to a written consent filed with the said Secretary of State by the Alien Property Custodian;

Whereas, by Vesting Order 5290, dated October 23, 1945 (10 F. R. 13327, October 26, 1945) and the aforesaid Executive Order 9788, there is vested in the Attorney General an obligation in the amount of \$15,135.12 which, prior to said vesting, was owed by the Company to Askania-Werke, A. G., Berlin, Germany and

Whereas, the Company has been substantially liquidated;

Now, therefore, under the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the known assets of the Company consist of (a) funds in the amount of \$9,585.36 on deposit with the Second National Bank, Houston, Texas, and (b) three accounts receivable aggregating \$378.15;

2. Finding that the known liabilities of the Company consist of (a) an indebtedness due to the Attorney General for expenses incurred prior to dissolution of the Company, and (b) the aforementioned vested indebtedness, amounting to \$15,135.12; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved; that its affairs be wound up; and that its assets be distributed;

Hereby orders, that the Officers and Directors of the Company (and their successors, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession as follows:

1. They shall first pay current expenses, if any, and necessary charges in effecting the dissolution of the Company and winding up of its affairs; and

2. They shall pay all federal, state and local taxes, if any, owed by or accruing against the Company and

3. They shall then pay over, transfer, assign and deliver to the Attorney General all funds and property of whatsoever kind and nature (including after discovered assets) remaining in their hands after payment of the aforementioned items, the same to be applied by the Attorney General as follows: First, in satisfaction of such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the Company and, second, in payment of the aforementioned vested debt, and third, if any funds remain, as a liquidating distribution to the Attorney General as sole stockholder of all the issued and outstanding stock of the Company.

Further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder; *Provided, however* That nothing herein contained shall be construed as creating additional rights in such person: *Provided further* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the Officers and Directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to Section 5 (b) (2) of the Trading with the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C. on July 13, 1955.

For the Attorney General.

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

[F. R. Doc. 55-5835; Filed, July 18, 1955; 8:49 a. m.]

**UNITED STATES TARIFF
COMMISSION****BICYCLES****SUPPLEMENTAL REPORT**

JULY 14, 1955.

The Tariff Commission today submitted a report to the President supplementing an earlier report of March 14, 1955, on bicycles. The earlier report was made in an investigation conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 F. R. 3899) and recommended increased rates of duty on imports of bicycles. The

present report is made in response to a letter of May 11, 1955, from the President to the Commission in which the President requested more recent information and further analysis of the trade in bicycles.

The supplementary report gives information on the domestic production and imports of bicycles for the first five months of 1955 and analyzes the competition of imports with domestic production.

A majority of the Commission (Commissioners Brossard, Talbot, and Schreiber) expressed the opinion that the more recent information indicated that the

trend in the quantity of imports of bicycles was continuing upward and that the condition of the domestic bicycle industry was continuing to deteriorate. Commissioner Sutton did not subscribe to this opinion.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL]

EDGAR B. BROSSARD,
Chairman.[F. R. Doc. 55-5838; Filed, July 18, 1955;
8:50 a. m.]