



# FEDERAL REGISTER

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## TITLE 6—AGRICULTURAL CREDIT

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

#### Subchapter B—Farm Ownership Loans

##### PART 311—BASIC REGULATIONS

##### SUBPART B—LOAN LIMITATIONS

#### AVERAGE VALUES OF FARMS; HAWAII

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

County:	HAWAII	Average value
Hawaii	-----	\$22,000
Honolulu	-----	22,000
Kauai	-----	22,000
Maui	-----	22,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 13, 1955.

[SEAL] R. B. McLEISH,  
Administrator,  
Farmers Home Administration.

[F. R. Doc. 55-10113; Filed, Dec. 16, 1955; 8:45 a. m.]

##### PART 311—BASIC REGULATIONS

##### SUBPART B—LOAN LIMITATIONS

#### AVERAGE VALUES OF FARMS; VERMONT

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code

of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

County:	VERMONT	Average value
Addison	-----	18,000
Bennington	-----	20,000
Caledonia	-----	15,000
Chittenden	-----	20,000
Essex	-----	15,000
Franklin	-----	10,000
Grand Isle	-----	15,000
Lamoille	-----	15,000
Orange	-----	15,000
Orleans	-----	10,000
Rutland	-----	18,000
Washington	-----	18,000
Windham	-----	20,000
Windsor	-----	20,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 13, 1955.

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Administrator,  
Farmers Home Administration.

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##### PART 311—BASIC REGULATIONS

##### SUBPART B—LOAN LIMITATIONS

#### AVERAGE VALUES OF FARMS; ALASKA, ARIZONA, FLORIDA, NORTH DAKOTA, VIRGINIA, AND WASHINGTON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

County:	ALASKA	Average value
Anchorage	-----	\$35,000
Fairbanks	-----	35,000
Homer	-----	35,000
Palmer	-----	35,000

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ARIZONA		Average value
County		
Apache	-----	\$40,000
Cochise	-----	35,000
Cocoino	-----	40,000
Gila	-----	40,000
Graham	-----	35,000
Greenlee	-----	35,000
Maricopa	-----	35,000
Mohave	-----	35,000
Navajo	-----	40,000
Pima	-----	35,000
Pinal	-----	35,000
Santa Cruz	-----	40,000
Yavapai	-----	40,000
FLORIDA		
Alachua	-----	\$17,500
Baker	-----	15,000
Bradford	-----	15,000
Brevard	-----	15,000
Broward	-----	17,500
Charlotte	-----	17,500
Citrus	-----	15,000
Collier	-----	17,500
Columbia	-----	15,000
Dade	-----	17,500
De Soto	-----	15,000
Dixie	-----	15,000
Escambia	-----	17,500
Flagler	-----	15,000
Gilchrist	-----	15,000
Glades	-----	17,500
Hamilton	-----	15,000
Hardee	-----	15,000
Hendry	-----	17,500
Hernando	-----	15,000
Highlands	-----	15,000
Indian River	-----	17,500
Jefferson	-----	15,000
Lafayette	-----	15,000
Lake	-----	15,000
Lee	-----	17,500
Leon	-----	15,000
Levy	-----	15,000
Madison	-----	15,000
Marion	-----	17,500
Martin	-----	17,500
Nassau	-----	15,000
Okeechobee	-----	17,500
Orange	-----	15,000
Osceola	-----	15,000
Palm Beach	-----	17,500
Pasco	-----	15,000
Pinellas	-----	15,000
Polk	-----	17,500

**CODIFICATION GUIDE**

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FLORIDA—Continued

County:	Average value
Putnam	\$15,000
St. Lucie	17,500
Santa Rosa	17,500
Seminole	15,000
Sumter	15,000
Suwannee	15,000
Taylor	12,000
Union	15,000
Volusia	15,000
Wakulla	12,000

NORTH DAKOTA

Adams	\$25,000
Barnes	25,000
Benson	28,000
Billings	25,000
Bottineau	27,000
Bowman	25,000
Burke	25,000
Burleigh	25,000
Cass	30,000
Cavalier	30,000
Dickey	25,000
Divide	25,000
Dunn	25,000
Eddy	25,000
Emmons	25,000
Foster	25,000
Golden Valley	25,000
Grand Forks	30,000
Grant	25,000
Griggs	25,000
Hettinger	25,000
Kidder	25,000
La Moure	25,000
Logan	25,000
McHenry	25,500
McIntosh	25,000
McKenzie	25,000
McLean	25,000
Mercer	25,000
Morton	25,000
Mountrail	25,000
Nelson	28,000
Oliver	25,000
Pembina	30,000
Pierce	25,000
Ramsey	30,000
Ransom	25,000
Renville	25,000
Richland	30,000
Rolette	30,000
Sargent	25,000
Sheridan	25,000
Sioux	25,000
Slope	25,000
Stark	25,000
Steele	25,000
Stutsman	25,000
Towner	30,000
Trall	30,000
Walsh	30,000
Ward	25,000
Wells	25,000
Williams	25,000

VIRGINIA

Accomac	\$18,000
Charles City	18,000
Highland	20,000

VIRGINIA

Northampton	\$20,000
Warwick	18,000
York	18,000

WASHINGTON

Adams	\$35,000
Asotin	35,000
Benton	35,000
Chelan	35,000
Clallam	30,000
Clark	30,000
Columbia	35,000
Cowlitz	30,000
Douglas	35,000
Ferry	35,000
Franklin	35,000
Garfield	35,000
Grant	35,000

WASHINGTON—Continued

County:	Average value
Grays Harbor	\$30,000
Island	30,000
Jefferson	30,000
King	30,000
Kitsap	30,000
Kittitas	35,000
Klickitat	35,000
Lewis	30,000
Lincoln	35,000
Mason	30,000
Okanogan	35,000
Pacific	30,000
Pend Oreille	35,000
Pierce	30,000
San Juan	30,000
Skagit	30,000
Skamania	30,000
Snohomish	30,000
Spokane	35,000
Stevens	35,000
Thurston	30,000
Wahkiakum	30,000
Walla Walla	35,000
Whatcom	30,000
Whitman	35,000
Yakima	35,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 13, 1955.

[SEAL] R. B. MCLEASH,  
Administrator,  
Farmers Home Administration.

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TITLE 7—AGRICULTURE

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

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1956 CROP OF WHEAT

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Authority: §§ 728.650 to 728.699 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331-339, 362-363, 372-376, 52 Stat. 39, as amended; 55 Stat. 263, as amended; 7 U. S. C. 1301, 1331-1349, 1362-1363, 1372-1376.

GENERAL

§ 728.650 *Basis and purpose.* The regulations contained in §§ 728.650 to 728.699, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpay-

ments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat are planted, to farms on which the normal production of the wheat acreage is less than 200 bushels, to wheat produced by publicly-owned experiment stations, and to wheat grown on Federal and State Wildlife Refuge Farms. Prior to preparing §§ 728.650 to 728.699 inclusive, public notice (20 F. R. 5974) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003)

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

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

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

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

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

(e) "Committee" means according to context, one of the several committees defined as follows:

(1) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service.

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

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

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

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

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC

county office, or the person acting in such capacity.

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

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

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

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

(l) "Producer" or "farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1956 wheat crop or of the proceeds thereof.

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

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

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

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

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

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

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

(q) "Farm acreage allotment" means the wheat acreage allotment established for the farm under §§ 728.610 through 728.624 as published in the FEDERAL REGISTER under date of March 18, 1955 (20 F. R. 1632) and amendments thereto, including any limitations with respect to any class of wheat established for the farm for 1956.

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

in the county or areas within the county (such date to be established by the Secretary upon recommendation of the county and State committees)

The dates in each county or areas of a county by which the acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop are as follows:

#### ARKANSAS

May 20, 1956: All counties.

#### CALIFORNIA

May 1, 1956: Imperial.

May 15, 1956: Fresno, Kern (except for Tehachapi and Tumbler Districts), Kings, Madera, Merced, Tulare.

June 1, 1956: Kern (Tehachapi and Tumbler Districts), Los Angeles, Mariposa, Nevada, Orange, Placer, Riverside, San Bernardino, San Diego, San Joaquin, Stanislaus, Ventura.

June 15, 1956: Alameda, Amador, Calaveras, El Dorado, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Sonoma, Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yola, Yuba, Santa Barbara, Shasta (for Cottonwood and Anderson Districts), Tuolumne.

July 1, 1956: Alpine, Inyo, Mono.

July 15, 1956: Siskiyou (for Shasta Valley), Mendocino.

August 1, 1956: Lassen, Modoc, Plumas, Siskiyou (except for Shasta Valley), Trinity, Shasta (except for Cottonwood and Anderson Districts), Sierra.

#### COLORADO

June 5, 1956: Baca, Bent, Cheyenne, Crowley, Kiowa, Kit Carson, Lincoln, Otero, Prowers, Elbert (all land E. Range 63W).

June 10, 1956: Adams, Arapahoe, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma.

June 15, 1956: Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, Elbert (all land W. Range 62W).

June 20, 1956: Custer, Delta, Dolores, Fremont, La Plata, Mesa, Montezuma, Montrose, Ouray, San Miguel.

July 15, 1956: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Eagle, Garfield, Grand, Gunnison, Jackson, Moffat, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, Teller.

#### DELAWARE

May 31, 1956: All counties.

#### GEORGIA

April 25, 1956: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candier, Bulloch, Screven and all counties south thereof.

May 10, 1956: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin and all counties south to Area I.

May 25, 1956: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

#### IDAHO

##### NONIRRIGATED

July 1, 1956: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Twin Falls, Washington.

July 15, 1956: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine.

August 1, 1956: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15, 1956: Valley.

##### IRRIGATED

July 1, 1956: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington, Twin Falls.

July 15, 1956: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power.

August 1, 1956: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15, 1956: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

#### ELEVATION UNDER 3,500 FEET

July 15, 1956: Boundary, Kootenai, Nez Perce.

August 1, 1956: Benewah, Bonner, Clearwater, Idaho, Latah, Lewis.

#### ELEVATION OVER 3,500 FEET

August 1, 1956: Boundary, Nez Perce.

August 15, 1956: Benewah, Bonner, Clearwater, Idaho, Kootenai, Latah, Lewis.

#### ILLINOIS

May 25, 1956: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10, 1956: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iriquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.

#### INDIANA

June 15, 1956: Allen, De Kalb, Elkhart, Fulton, Jasper, Kosciusko, La Grange, Lake, La Porte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley.

June 1, 1956: All other counties.

#### IOWA

##### WINTER WHEAT

June 1 1956: All counties.

##### SPRING WHEAT

June 10, 1956: All counties.

#### KANSAS

May 25, 1956: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Harvey, Kingman, Labette, Montgomery, Neosho, Pratt, Reno, Sedgwick, Sumner, Wilson, Woodson.

June 1, 1956: Anderson, Atchison, Barton, Brown, Chase, Clark, Cloud, Clay, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Haskell, Hodgeman, Jackson, Jefferson, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Morris, Morton, Nemaha, Osage, Ottawa, Pawnee, Pottawatomie, Republic, Rice, Riley, Rush, Saline, Seward, Shawnee, Stafford, Stanton, Stevens, Wabaunsee, Washington, Wyandotte.

June 5, 1956: Decatur, Ellis, Finney, Gove, Graham, Greeley, Hamilton, Jewell, Kearny, Lane, Logan, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Russell, Scott, Sheridan, Smith, Trego, Wallace, Wichita.

June 10, 1956: Cheyenne, Rawlins, Sherman, Thomas.

#### KENTUCKY

June 1, 1956: All counties.

#### MARYLAND

June 1, 1956: Anne Arundel, Calvert, Charles, Caroline, Cecil, Dorchester, Kent,

Prince Georges, St. Marys, Somerset, Queen Annes, Talbot, Wicomico, Worcester.

June 10, 1956: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20, 1956: Allegany and Garrett.

#### MICHIGAN

June 10, 1956: All counties south of and including: Oceana, Newaygo, Mecosta, Ionia, Midland, Bay, Huron.

June 15, 1956: All other counties in the lower Peninsula.

June 25, 1956: Upper Peninsula counties.

#### MINNESOTA

June 30, 1956: All counties.

#### MISSOURI

June 1, 1956: All counties south of the Missouri River.

June 10, 1956: All counties north of the Missouri River.

#### MONTANA

##### WINTER WHEAT

July 11, 1956: All counties.

##### SPRING WHEAT

July 21, 1956: All counties.

#### NEBRASKA

June 1, 1956: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 15, 1956: Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Custer, Dakota, Dawson, Dixon, Dundy, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt, Hooker, Howard, Keith, Keya Paha, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Nance, Perkins, Pierce, Platte, Polk, Rock, Sherman, Stanton, Thomas, Valley, Wayne, Wheeler.

June 20, 1956: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.

#### NEW JERSEY

June 1, 1956: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem.

June 8, 1956: Mercer, Middlesex, Monmouth, Somerset, Union.

June 15, 1956: Bergen, Essex, Hunterdon, Morris, Passaic, Sussex, Warren.

#### NEW MEXICO

May 15, 1956: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

June 1, 1956: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

June 15, 1956: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

#### NEW YORK

June 5, 1956: Nassau, Suffolk.

June 15, 1956: All other counties.

#### NORTH CAROLINA

May 31, 1956: All counties.

#### NORTH DAKOTA

July 1, 1956: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 10, 1956: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrill, Nelson, Pembina, Pierce, Ramsey, Ren-

ville, Rolette, Sheridan, Steele, Towner, Trall, Walsh, Ward, Wells, Williams.

#### OHIO

June 11, 1956: All counties.

#### OKLAHOMA

May 1, 1956: Beckham, Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, Washita.

May 25, 1956: Beaver, Cimarron, Ellis, Harper, Texas, Woods and Woodward.

May 15, 1956: All other counties.

#### OREGON

##### WINTER WHEAT

June 15, 1956: Benton, Clackamas, Columbia, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Washington, Yamhill.

July 1, 1956: Douglas, Gilliam under 2,000 feet elevation, Morrow over 2,000 feet elevation, Sherman under 2,000 feet elevation, Umatilla under 2,000 feet elevation, Wasco, Malheur under 3,000 feet elevation.

July 15, 1956: Baker, Grant under 2,000 feet elevation, Harney, Malheur over 3,000 feet elevation, Union.

July 20, 1956: Jefferson (non-irrigated), Wallawa.

July 25, 1956: Gilliam over 2,000 feet elevation, Morrow over 2,000 feet elevation, Sherman over 2,000 feet elevation.

August 1, 1956: Crook, Deschutes, Jefferson (irrigated), Klamath (non-irrigated), Lake, Umatilla over 2,000 feet elevation, Wheeler.

August 15, 1956: Grant over 2,000 feet elevation, Klamath (irrigated).

##### SPRING WHEAT

August 1, 1956: Baker, Wasco.

August 10, 1956: Union.

August 20, 1956: Wallawa.

#### PENNSYLVANIA

June 1, 1956: Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Greene, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Washington, York.

June 13, 1956: Allegheny, Armstrong, Beaver, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming.

#### SOUTH CAROLINA

May 14, 1956: All counties.

#### SOUTH DAKOTA

June 15, 1956: Aurora, Bennett, Bon Homme, Brule, Charles Mix, Clay, Custer, Davison, Douglas, Fall River, Gregory, Hanson, Hutchinson, Jackson, Jones, Lincoln, Lyman, McCook, Melleto, Minnehaha, Pennington, Shannon, Todd, Tripp, Turner, Union, Wachabaugh, Yankton.

July 2, 1956: Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Harding, Hughes, Hyde, Jerould, Kingsbury, Lake, Lawrence, McPherson, Marshall, Meade, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Walworth, Ziebach.

#### TENNESSEE

May 31, 1956: All counties.

#### TEXAS

April 1, 1956: Brazoria, Calhoun, Chambers, Fort Bend, Galveston, Harris, Jackson, Jefferson, Liberty, Matagorda, Victoria, Wharton.

May 1, 1956: Austin, Bee, Callahan, Coke, Coleman, Collins, Colorado, Comanche, Concho, Cooke, Dallas, Denton, De Witt, Eastland, Erath, Grayson, Fayette, Fisher, Irion, Jones, Karnes, Lavaca, Lee, Live Oak, Menard, Nolan, Palo Pinto, Presidio, Runnels, Shackelford, Stephens, Taylor, Tom Green, Sterling, Waller, Washington, Wilson.

May 10, 1956: Fannin, Lamar, Delta, Hunt, Rockwall, Kaufman, Parker, Tarrant, Hood, Johnson, Somervell, Ellis, Hill, Navarro, Bowie, Camp, Cass, Franklin, Gregg, Harrison, Henderson, Hopkins, Marlon, Morris, Panola, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt, Wood, Bastrop, Bell Bosque, Brazos, Burleson; Burnet, Caldwell, Coryell, Falls, Gonzales, Guadalupe, Hamilton, Hays, Lampasas, Limestone, Milam, McLennan, Robertson, Travis, Williamson, Anderson, Angelina, Cherokee, Freestone, Grimes, Houston, Jasper, Leon, Madison, Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker.

May 15, 1956: Archer, Armstrong, Atascosa, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Briscoe, Brown, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Comal, Cottle, Crosby, Culberson, Dawson, Deaf Smith, Dickens, Donely, Edwards, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hardeman, Haskell, Hemphill, Hockley, Howard, Jack, Kendall, Kent, Kerr, Kimble, King, Knox, Lamb, Llano, Lubbock, Lynn, McCulloch, Mason, Martin, Maverick, Medina, Midland, Mills, Mitchell, Montague, Motley, Oldham, Parmer, Pecos, Potter, Randall, Reeves, Roberts, San Saba, Schleicher, Scurry, Stonewall, Swisher, Terry, Throckmorton, Uvalde, Wheeler, Wichita, Wilbarger, Wise, Yoakum, Yound, Zavala.

May 20, 1956: Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, and Sherman.

#### UTAH

June 25, 1956: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 5, 1956: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 20, 1956: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

#### VIRGINIA

June 1, 1956: Accomack, Albermarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hampton, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Rappahannock, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, York.

June 16, 1956: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Dickenson, Floyd, Frederick, Giles, Grayson, Highland, Lee, Montgomery, Page, Patrick, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, Wythe.

#### WASHINGTON

##### COUNTY, AREA AND TYPE OF WHEAT, AND DATES

Adams: Winter Wheat, June 30, 1956; Spring Wheat, July 20, 1956.

Asotin: All wheat; 1 and 4, July 30, 1956; 2, July 1, 1956; 3, July 20, 1956; 5, July 15, 1956.

Benton: Winter Wheat, June 25, 1956; Spring Wheat (irrigated), July 15, 1956.

Chelan: Area A—Winter Wheat, August 25, 1956; Spring Wheat, September 1, 1956. Area B—Winter Wheat, July 25, 1956; Spring Wheat, August 10, 1956.

Clallam: All wheat, July 15, 1956.

Clark: All wheat, July 20, 1956.

Columbia: McKay and Harmony communities—Winter Wheat, June 25, 1956; Spring Wheat, July 10, 1956. Huntsville, Columbia, Dayton, Whitstone and Turner communities—Winter Wheat, July 5, 1956; Spring Wheat, July 20, 1956. Dittmore and Star communities—Winter Wheat, July 10, 1956; Spring Wheat, July 30, 1956.

Cowlitz: All wheat, July 20, 1956.

Douglas: Winter Wheat, July 15, 1956; Spring Wheat, August 10, 1956.

Ferry: Winter Wheat, August 15, 1956; Spring Wheat, August 30, 1956.

Franklin: All wheat, June 25, 1956.

Garfield: Central Ferry area, June 15, 1956. Dodge, Ping, Gould City area, June 25, 1956. Mayview, Pataha Flat, Zumwalt, Dutch Flat and Lower Alpowa areas, July 10, 1956. Upper Alpowa, Peola, Columbia Center and Scoggin area, July 25, 1956.

Grant: All areas except sub-irrigated section of Wilson Creek community, June 30, 1956. Wilson Creek sub-irrigated section, August 10, 1956.

Grays Harbor: All wheat, July 15, 1956.

Island: All wheat, July 15, 1956.

Jefferson: All wheat, July 15, 1956.

King: All wheat, July 15, 1956.

Kitsap: All wheat, July 15, 1956.

Kittitas: All wheat, August 10, 1956.

Klickitat: East of Rock Creek and the Goodnoe Hills Area—Winter Wheat, June 30, 1956; Spring Wheat, July 10, 1956. West of Rock Creek and West of Goodnoe Hills Area—Winter Wheat, July 10, 1956; Spring Wheat, July 30, 1956.

Lewis: All wheat, July 20, 1956.

Lincoln: North of Highway No. 2 and Dayenport-Harrington-Tokio Road East, July 25, 1956. South of Highway No. 2, July 15, 1956.

Mason: All wheat, July 1, 1956.

Okanogan: A, B, H, M, communities—Winter Wheat, July 10, 1956; Spring Wheat, July 30, 1956. C, D, E, F, G, I, J, K, L, N, O, communities—Winter Wheat, August 1, 1956; Spring Wheat, August 20, 1956.

Pacific: All wheat, July 15, 1956.

Pend Oreille: All wheat, August 15, 1956.

Pierce: All wheat, August 1, 1956.

San Juan: All wheat, August 15, 1956.

Skagit: All wheat, July 15, 1956.

Skamania: All wheat, July 15, 1956.

Spokane: Area due west on north boundary of township 24 to where it intercedes the east boundary of range 42 and then due south to county line, August 5, 1956. All the remainder of the county, July 20, 1956.

Stevens: Winter Wheat, July 15, 1956; Spring Wheat, August 15, 1956.

Thurston: All wheat, July 15, 1956.

Wahkiakum: All wheat, July 31, 1956.

Walla Walla: Dryland areas below elevation of Airport, July 1, 1956. All other dryland areas and irrigated section, August 1, 1956.

Whatcom: All wheat, July 15, 1956.

Whitman: Eastern Whitman, July 25, 1956;

Western Whitman, July 10, 1956.

Yakima: Lower Valley and Glade, June 30, 1956; Central Area, August 10, 1956; Upper Valley, August 31, 1956.

#### WEST VIRGINIA

June 5, 1956: All counties.

#### WISCONSIN

June 20, 1956: Adams, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Greenlake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Pepin, Portage, Racine, Richland, Rock,

Sauk, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waushara, Winnebago.

July 5, 1956: Barron, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Door, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, Wood.

July 15, 1956: Ashland, Bayfield, Douglas, Florence, Forest, Iron.

#### WYOMING

##### WINTER WHEAT

June 20, 1956: Goshen, Laramie, Platte.

June 25, 1956: Converse.

July 1, 1956: Carbon, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Sheridan, Washakie.

July 15, 1956: Albany, Big Horn, Campbell, Crook, Park, Weston.

August 1, 1956: Lincoln, Sublette, Sweetwater, Teton, Uinta.

##### SPRING WHEAT

July 10, 1956: Converse.

July 15, 1956: Johnson, Niobrara, Sheridan.

August 1, 1956: Crook, Weston.

(s) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch, Austrian winter peas, rough peas, and flax) containing, when seeded, less than 50 percent by weight of wheat and which when harvested produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

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

(u) "Wheat acreage" means any acreage of seeded or self-seeded (volunteer) wheat excluding any acreage (1) of a wheat mixture in wheat-mixture counties, (2) of wheat cover crop, (3) in case of a delayed notice of 1956 acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm, and (4) of unharvested wheat in excess of the allotment which is completely destroyed by some cause beyond the control of the operator prior to 30 days before the date wheat harvest normally begins in the county (as determined under paragraph (r) of this section), or within 15 days after notice of the acreage of wheat is mailed to the operator of the farm, unless the operator or his representative indicates to the county ASC office or to an authorized representative thereof that such destroyed acreage should be classified as

wheat acreage. Notice of 1956 Acreage of Wheat (Form CSS-597), if practicable, should be mailed to the operator of the farm on which the first inspection shows there is an excess acreage of wheat at least 15 days prior to the date established under paragraph (r) of this section for utilizing wheat acreage as wheat cover crop; however, if for any reason the notice is not so mailed it shall be mailed as soon thereafter as possible and upon mailing shall be fully effective and construed as a delayed notice under this paragraph. The acreage of wheat as determined by the first inspection and as stated on Form CSS-597 shall be considered as "wheat acreage" if the farm operator or his representative fails to notify the ASC county office by the date specified on Form CSS-597 of his intention to adjust the wheat acreage to the farm allotment and pay the cost of remeasurement, except where a farm is to be revisited because of an acreage of volunteer wheat as provided in § 728.655 (e) (2). The date specified on the Form CSS-597 for notifying the county office of an intention to adjust shall coincide with the latest date on which the adjustment may be made.

(v) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess wheat acreage for any farm on which (1) the wheat acreage does not exceed 15 acres, (2) the normal yield times the wheat acreage is less than 200 bushels, (3) the wheat is grown for experimental purposes only by a publicly-owned experiment station, or (4) the wheat is produced on a Federal or State wildlife refuge farm solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

(w) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.653.

(x) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1956 by the 1956 wheat acreage on the farm.

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

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

(aa) "Farm marketing quota" means the wheat marketing quota established under the Act for the farm for the 1956 crop.

(bb) "Farm marketing excess" means the amount of wheat determined for any farm under § 728.659 or § 728.662, whichever is applicable.

(cc) "Marketing year" means the period beginning July 1, 1956, and ending June 30, 1957, both dates inclusive.

(dd) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which,

or the products of which, are sold, bartered, or exchanged, or are to be so disposed of.

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

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

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

(4) "Marketed," "marketing," and for "market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(ee) "Penalty" means the penalty provided in paragraph (2) of Public Law No. 74, 77th Congress, as amended by section 3 of Public Law No. 117, 83d Congress.

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

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

§ 728.653 *Normal yields*—(a) *Farms for which normal yields will be determined.* The county committee will determine a normal yield for each farm for which a farm marketing excess is determined for the 1956 crop, for each farm for which a request is made to the county committee by the operator prior to seeding, and for each farm as required for the purposes of the provisions of § 728.683 (h) and (i). Farm normal yields shall be determined and documented in a manner approved by the State committee and such determinations shall be subject to review and revision by or on behalf of the State committee.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are presented by the farmer or are available to the county committee,

the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

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

#### IDENTIFICATION AND MEASUREMENT OF FARMS

§ 728.654 *Identification of farms.* Each farm as operated for the 1956 crop of wheat shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1956 crop of wheat shall be identified by the farm serial number.

§ 728.655 *Measurement of farms.* The county committee shall provide for the measurement of all farms in the county having a 1956 wheat acreage allotment and any other farms in the county on which the committee has reason to believe there is wheat which could be available for harvest in 1956, regardless of its intended use, for the purposes of ascertaining with respect to each of such farms the acreage of wheat and whether such acreage is in excess of the farm wheat acreage allotment for 1956. A farm will be considered as being located in the county in which is located the county ASC office from which the 1956 wheat farm acreage allotment notice was sent to the operator and shall be retained in such status until the next crop year. Measurement shall be made under the general supervision of the county committee in accordance with the following provisions:

(a) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. A reporter may be assisted in measurement of a farm by another reporter, community, county or State committeeman, State committee representative, any employee of the county ASC office when authorized by the county office manager, or by any employee of the Department when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. The reporter may request the operator or producer, or his representative, to designate all fields on the farm being utilized for growing wheat and otherwise to assist in measuring the farm. If requested,

the operator or producer, or his representative, shall so designate all fields being utilized for growing wheat and may otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer, or his representative.

(b) *Assignment.* The county office manager shall have responsibility for assigning in writing the farms in the county to be measured by a reporter. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the wheat acreage on the farm in which the producer is interested.

(c) *Farm visit.* A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner, his assignment to measure the farm.

(d) *Methods of measurement.* Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, or by a combination of one or more of the foregoing methods. Measurement shall also be deemed to include an estimate when made in compliance with the provisions of paragraph (e) (1) of this section. The measurement will be entered by the reporter on the Form CSS-578 and filed in the county ASC office. Computations of acreages shall be made by an employee in the county ASC office from the data so obtained and the use of a planimeter or rotometer in connection therewith is authorized.

(e) *Measurement of wheat acreage.* (1) Upon his first visit to the farm for purposes of measurement the reporter assigned thereto shall (i) estimate the acreage planted to wheat including volunteer wheat and wheat mixtures in wheat-mixture counties where the total acreage of wheat is obviously less than 10 acres and all producers of wheat on the farm or their authorized representatives indicate that they will not apply for price support on 1956 wheat produced on the farm; and (ii) in all other cases measure all acreages on which wheat is growing except fields or parts of fields which are identified by the operator or producer as being fields of volunteer wheat. The acreages of volunteer wheat may be measured, and if not measured shall be estimated.

(2) Farms required to be measured under the provisions of subparagraph (1) (ii) of this paragraph which from such measurement are found to have acreage on which wheat is growing in excess of the 1956 farm wheat acreage allotment shall be revisited by a reporter for the purposes of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any such farm if the farm operator or his representative fails to notify the

ASC county office by the date specified on Notice of 1956 Acreage of Wheat (Form CSS-597) of his intention to adjust the excess acreage on the farm, unless such excess acreage is due solely to an acreage of volunteer wheat in which case the farm shall be revisited by a reporter without such notice from the operator or his representative. The cost of any remeasurement under this paragraph shall be borne by the producer, except that no charge for remeasurement shall be made for the second visit to those farms where the first inspection shows an excess acreage due solely to an acreage of volunteer wheat. The cost to the producer shall not exceed the cost of the remeasurement as estimated by the county committee and the producer shall be notified of the cost of the remeasurement. On this visit all acreage devoted to wheat which has not been adjusted prior to harvest so as not to qualify as wheat acreage in accordance with the regulations in this subpart or which does not qualify as a wheat mixture in wheat-mixture exemption counties shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Prior measurements.* Measurements made prior to the effective date of the regulations in this subpart, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 wheat acreage and the wheat acreage in excess of the 1956 farm wheat acreage allotment.

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

#### FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.657 *Marketing quotas in effect.* Marketing quotas for the 1956 crop of wheat shall be applicable in the 1956 commercial wheat-producing area which comprises all States in the continental United States except the States of Arizona, Alabama, Connecticut, Florida, Louisiana, Massachusetts, Mississippi, Maine, New Hampshire, Nevada, Rhode Island and Vermont. Wheat marketing quotas shall be applicable to all wheat of the 1956 crop in the commercial wheat-producing area notwithstanding that it may be available for marketing prior to the beginning of the marketing year or subsequent to the end of the marketing year. Notwithstanding the inapplicability of wheat marketing quotas outside the 1956 commercial wheat-producing area, the regulations in this subpart shall be applicable to buyers and transferees outside such area.

§ 728.658 *Farm Marketing quota.* The farm marketing quota for any farm for the 1956 crop of wheat shall be that

number of bushels of wheat produced less the amount of the farm marketing excess for the farm.

§ 728.659 *Farm marketing excess.* The farm marketing excess for the 1956 crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor. The farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 728.660 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1956 wheat crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same date to each other wheat producer on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1956 on the farm for which the notice is given. Each notice shall contain the information necessary in each case to inform the producer as to the basis for the determination set forth in the notice and the effect thereof and shall be on Form MQ-93—Wheat (1956)

§ 728.661 *Farms for which proper notice of 1956 farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 728.660, 728.662, 728.683 and 728.684, the producer shall be so notified by the county committee on Form MQ-93—Wheat (1956) and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date

such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 728.662, 728.683 and 728.684. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ-93—Wheat (1956) with a copy of the determination of the county committee as provided in § 728.662 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 728.662 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1956 on any farm for which there is a farm marketing excess may (1) within 60 days after the harvesting of wheat is normally substantially completed in the county in which the farm is situated apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1956 on the farm, or (2) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. The date on which the harvesting of wheat is normally substantially completed in the county shall be determined by the State committee with the approval of the Secretary, taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The producer must furnish satisfactory proof to the county committee of his actual production. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. The established dates on which wheat harvest is normally, substantially completed are as follows:

## ARKANSAS

June 25, 1956: All counties.

## CALIFORNIA

July 1, 1956: Imperial.

August 15, 1956: Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yola, Yuba.

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September 1, 1956: Alameda, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Sonoma.

September 15, 1956: Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mendocino, Mono, Nevada, Placer, Tuolumne.

October 1, 1956: Lassen, Modoc, Plumas, San Luis Obispo, Shasta, Sierra, Siskiyou, Trinity.

## COLORADO

August 15, 1956: Larimer, Boulder, Jefferson, El Paso, Pueblo, Huerfano, Las Animas, and all counties east thereof.

November 1, 1956: Archuleta, Chaffee, Delta, Dolores, Eagle, Garfield, Grand, Jackson, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Miguel, Teller, Alameda, Conejos, Cottle, Rio Grande, Saguache.

## DELAWARE

August 1, 1956: All counties.

## GEORGIA

July 1, 1956: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven, and all counties south thereof.

July 15, 1956: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

August 1, 1956: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

## IDAHO

September 1, 1956: Ada, Canyon, Gem, Owyhee, Payette.

September 15, 1956: Washington, Cassia, Gooding, Jerome, Minidoka, Twin Falls.

October 1, 1956: Benewah, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Bata, Elmore, Blaine, Camas, Lincoln, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Clark, Fremont, Jefferson, Lemhi.

October 15, 1956: Bonner, Valley, Bear Lake, Butte, Custer, Madison, Teton.

## ILLINOIS

July 31, 1956: All counties.

## INDIANA

July 16, 1956: All counties.

## IOWA

August 1, 1956: All counties.

## KANSAS

July 30, 1956: All counties.

## KENTUCKY

August 1, 1956: All counties.

## MARYLAND

August 1, 1956: All counties except Garrett and Allegany.

September 1, 1956: Allegany and Garrett.

## MICHIGAN

August 15, 1956: All counties south of and including Mason, Lake, Oshtemo, Clare, Gladwin and Arenac.

August 31, 1956: All other counties including the upper Peninsula.

## MINNESOTA

September 2, 1956: All counties.

## MISSOURI

July 30, 1956: All counties.

## MONTANA

September 16, 1956: All counties.

## NEBRASKA

July 20, 1956: Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage,

Jefferson, Johnson, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

August 1, 1956: All other counties.

## NEW JERSEY

July 24, 1956: All counties.

## NEW MEXICO

July 15, 1956: Chaves, Curry, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra, Quay, Roosevelt.

August 1, 1956: Bernalillo, De Baca, Guadalupe, Lincoln, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

August 15, 1956: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

## NEW YORK

August 15, 1956: All counties.

## NORTH CAROLINA

July 15, 1956: All counties.

## NORTH DAKOTA

October 1, 1956: All counties.

## OHIO

July 18, 1956: All counties.

## OKLAHOMA

July 1, 1956: For all counties except Beaver, Texas and Cimarron.

July 15, 1956: Beaver, Texas and Cimarron.

## OREGON

September 1, 1956: Grant, Malheur, Umatilla.

September 15, 1956: Benton, Clackamas, Columbia, Douglas, Gilliam, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Union, Washington, Yamhill.

September 30, 1956: Wheeler.

October 1, 1956: Crook, Jefferson, Lake, Wasco.

October 15, 1956: Baker.

October 29, 1956: Harney.

November 1, 1956: Walla Walla.

November 15, 1956: Decatur.

## PENNSYLVANIA

August 21, 1956: All counties.

## SOUTH CAROLINA

July 1, 1956: All counties.

## SOUTH DAKOTA

September 1, 1956: Aurora, Bennett, Bon Homme, Brule, Charles Mix, Clay, Custer, Davison, Douglas, Fall River, Gregory, Hanson, Hutchinson, Jackson, Jones, Lincoln, Lyman, McCook, Mellette, Minnehaha, Pennington, Shannon, Todd, Tripp, Turner, Union, Wachabaugh, Yankton.

September 15, 1956: Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Codington, Corcon, Day, Deuel, Dewey, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Harding, Hughes, Hyde, Jerard, Kingsbury, Lake, Lawrence, McPherson, Marshall, Meade, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Walworth, Ziebach.

## TENNESSEE

July 31, 1956: All counties.

## TEXAS

July 15, 1956: All counties.

## UTAH

September 15, 1956: All counties.

## VIRGINIA

September 1, 1956: Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Bland, Botetourt, Carroll, Craig,

Floyd, Giles, Grayson, Montgomery, Patrick, Pulaski, Roanoke, Wythe, Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, Warren, Rock-bridge.

July 20, 1956: All other counties.

#### WASHINGTON

August 15, 1956: Franklin.

August 31, 1956: Garfield, King.

September 1, 1956: Adams, Clark, Columbia, Cowlitz, East Ferry, Kllickitat, Lincoln, Thurston, Walla Walla.

September 10, 1956: Grant, Douglas.

September 15, 1956: Asotin, Benton, Cheilan, West Ferry, Spokane, Whitman.

September 20, 1956: Jefferson, Lewis, Mason.

September 30, 1956: Grays Harbor, Pierce, Skagit, Snohomish.

October 1, 1956: Okanogan, Pend Oreille, Yakima, Stevens.

October 15, 1956: Clallam, Island, Kittitas, San Juan, Whatcom.

#### WEST VIRGINIA

August 15, 1956: All counties.

#### WISCONSIN

September 1, 1956: All counties.

#### WYOMING

August 15, 1956: Albany, Converse, Goshen, Laramie, Niobrara, Platte.

September 1, 1956: Campbell, Crook, Sheridan, Weston, Johnson.

September 15, 1956: Big Horn, Fremont, Hot Springs, Natrona, Park, Washakie.

October 1, 1956: Carbon, Lincoln, Teton, Uinta, Sublette, Sweetwater.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined in view of the relevant facts, including past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing; and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county

committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and farm marketing excess. A revised notice on Form MQ-93—Wheat (1956) with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers. All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and revision by or on behalf of the State committee.

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

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

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

§ 728.666 *Review of quotas—(a) Right to review by a review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him apply in writing for a review by a review committee of such acreage allotment, normal yield, farm, marketing quota, farm marketing excess or other determination in connection therewith: *Provided*, That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer

for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ-51) as issued by the Secretary (Part 711 of this chapter)

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

#### MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.667 *Issuance of marketing cards—(a) Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ-76—Wheat (1956) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.678 or § 728.679, (3) the farm marketing excess is stored, as provided in § 728.683, or (4) the amount of the farm marketing excess has been delivered to the Secretary as provided in § 728.684. Upon request a marketing card will be issued to any wheat producer for a farm outside the commercial wheat-producing area. Each marketing card shall be serially numbered and shall show the names of the State and county and code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the counter-signature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the counter-signature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if any producer on the farm owes any penalty for 1954 or 1955 excess wheat, or if determination of the 1956 wheat acreage is prevented by any producer on the farm.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has

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

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

§ 728.668 *Issuance of marketing certificates.* The county office manager or his designee shall, upon request, issue a marketing certificate (Form MQ-94—Wheat, to any producer: (a) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (b) whose liability has been reduced to a proportionate share of the entire penalty and discharged in accordance with the provisions of § 728.678 (c) or (c) who is ineligible to receive a marketing card solely because of penalties owed for 1954 or 1955 excess wheat. Upon request, a marketing certificate will be issued to any wheat producer outside the commercial wheat-producing area. Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county and the code number thereof and the serial number for the farm, (3) the serial number of the marketing card assigned to the producer for the farm, (4) the signature of the county office manager or his designee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify wheat produced on any farm the serial number of which is not entered on the certificate.

§ 728.669 *Lost, destroyed, or stolen marketing cards or marketing certificates—(a) Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

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

§ 728.670 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.669 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county of-

fice manager shall cause to be endorsed thereon the notation "cancelled" in the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing shall be kept among the records of the ASC county office.

#### IDENTIFICATION OF WHEAT

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

§ 728.672 *Identification by marketing card.* A marketing card (MQ-76—Wheat (1956)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for the penalty.

§ 728.673 *Identification by marketing certificate.* A marketing certificate (MQ-94—Wheat), properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.674 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ-95—Wheat (1956)), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.687 (d) and 728.688 shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ-95—Wheat (1956) shows the serial number of the marketing card or marketing certificate by which the wheat was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ-95—Wheat (1956) bears the endorsement "Penalty Satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

§ 728.675 *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 728.672, § 728.673, or § 728.674 shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.676.

## PENALTY

§ 728.676 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1, 1956.

§ 728.677 *Lien for penalty.* The entire amount of wheat produced in 1956 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with § 728.683, § 728.684, § 728.678, or § 728.679, store the farm marketing excess or deliver it to the Secretary, or until the amount of the penalty is paid.

§ 728.678 *Payment of penalties by producers—(a) Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1956 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county in which the farm is situated, as determined by the State committee in accordance with § 728.662 (b) or not later than 30 calendar days after notice of the farm marketing excess of wheat is mailed to the producer as provided in § 728.661. *Provided, however* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.684 or 728.661 shall not be remitted: *And provided further* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.683 or § 728.661 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.683 (g)

(c) *Apportionment of the penalty.* The county committee may upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess, if pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.683 or § 728.684, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately and that he exercises no control over the marketing or disposition of the shares of the other

producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced in 1956 on the farm bears to the total amount of wheat produced in 1956 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.683 or § 728.684, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 728.668 to be used by him only in the marketing of his proportionate share of the wheat crop produced in 1956 on the farm.

§ 728.679 *Payment of penalties by buyer—(a) Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ-76—Wheat (1956)) or a marketing certificate (MQ-94—Wheat) as prescribed in §§ 728.672 and 728.673.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ-95—Wheat (1956), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of marketing card or marketing certificate by which the wheat covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of a treasurer of the county committee and the date thereof.

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

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on MQ-95—Wheat (1956), and, in all other cases, on MQ-81—Wheat (1956)

§ 728.680 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary, shall receive the penalty. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ-95—Wheat (1956), the statement "Penalty satisfied" and his signature and title and the date thereof.

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

§ 728.682 *Refunds of money in excess of the penalty—(a) Determination of refunds:* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance,

or security of the penalty on the farm marketing excess, or (2) the amount which is in excess of the security required for stored excess wheat and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

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

§ 728.683 *Stored farm marketing excess—(a) Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.659 or § 728.662, whichever is applicable.

(b) *Storage of excess wheat.* Stored excess wheat shall be kept in a place adapted to the storage of wheat. The wheat so stored shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers, or employees of the State or county committee.

(c) *Deposit of warehouse receipts in escrow.* The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the pen-

alty with respect to wheat covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.

(d) *Bond of identity.* The storage of excess wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the wheat and either (1) as sureties by two persons who are not producers on the farm each owning real property with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be cancelled or released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee, if the excess wheat was produced by a State or State institution or other agency of a State or Federal agency. *Provided,* That as a condition of the waiver of the bond of indemnity the head of the State institution or other State agency or Federal agency shall agree in writing to comply with all other provisions of the regulations in §§ 728.650 to 728.699 with respect to the stored farm marketing excess.

(e) *Deposit of funds in escrow.* The storage of wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. The treasurer of the county committee shall issue a receipt to the person who tenders such funds which shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is

not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraph (a) and (b) and (c) (d) or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.678 (b), or § 728.661, for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.659 or § 728.662, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, and (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the wheat acreage on any farm for the 1957 or subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A

producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. The acreage planted to wheat for the purpose of this paragraph shall be the wheat acreage on the farm.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever the actual production of wheat in 1957 or any subsequent year on any farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage without penalty, any wheat so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section exceeds the amount of wheat produced on the farm in that year. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop on the farm.

§ 728.684 *Delivery of the farm marketing excess to the Secretary—(a) Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.659 or § 728.662, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county com-

mittee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose, and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee, the elevator or warehouse receipts for the amount of the wheat, or (2) if the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the Foreign Operations Administration.

(c) *Time of delivery.* Excess wheat may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county, as determined by the State committee in accordance with § 728.662 (a) or pursuant to § 728.661. Excess wheat may be delivered to the Secretary after such period only if the excess wheat was stored in accordance with the provisions of § 728.683 (a) through (f) and the wheat has not gone out of condition through any fault of the producer.

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

ance with regulations prescribed by the Secretary.

§ 728.686 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State Administrative officer, the employee of the State committee who carries out its policies and the day-to-day operations of the ASC State office, each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 728.678 through 728.680. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

#### RECORDS AND REPORTS

§ 728.687 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or processors, and buyers other than intermediate buyers—(a) Necessity for records and reports.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information:

(1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ-76—Wheat (1956)), or marketing certificate (MQ-04—Wheat), or intermediate buyer's record and report (MQ-95—Wheat (1956)) by which the wheat was identified, or the report and penalty receipt (MQ-81—Wheat (1956)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of

ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ-97—Wheat which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer who purchases any wheat from the producer or intermediate buyer thereof which is not identified at the time the wheat is purchased in the manner provided in §§ 728.672, 728.673, and 728.674 shall, with respect to each such transaction, execute the report and penalty receipt on MQ-81—Wheat (1956) and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of the wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ-81—Wheat (1956) shall be executed in triplicate. The person who executes MQ-81—Wheat (1956) shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ-76—Wheat (1956) as provided in § 728.672, or MQ-94—Wheat as provided in § 728.673 or MQ-95—Wheat (1956) as provided in § 728.674, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports.* Whenever wheat is identified by the intermediate buyer's record and report (MQ-95—Wheat (1956)) executed in accordance with § 728.688, the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a rec-

ord and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat.

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

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

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

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ-95—Wheat (1956)) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired, (2) the names of the county and State in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ-95—Wheat (1956). One copy of MQ-95—Wheat (1956) so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of MQ-95—Wheat (1956) so executed shall be retained by the intermediate buyer as his record in connection with the trans-

action. Whenever wheat is identified by a marketing certificate (MQ-94—Wheat), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ-95—Wheat (1956) to be delivered to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, who finally acquires the wheat covered by MQ-95—Wheat (1956) and marketing certificate MQ-94—Wheat. Whenever the intermediate buyer markets or delivers a portion of the wheat covered by a single MQ-95—Wheat (1956) to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ-95—Wheat (1956) showing the name and signature of the person, the number of bushels of wheat marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report (MQ-95—Wheat (1956)) to the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the wheat covered thereby is marketed. When wheat is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ-95—Wheat (1956) shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer. If all or the remainder of the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ-95—Wheat (1956) contained in a book have been executed or on December 31, 1956, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ-95—Wheat (1956) which were retained by him.

§ 728.689 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with the these regulations, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last-known address, make a report verified as true and correct by affidavit, on MQ-97—Wheat to such committee with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report

shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of wheat, (d) the serial number of the marketing card (MQ-76—Wheat (1956)) marketing certificate (MQ-94—Wheat) or intermediate buyer's record and report (MQ-95—Wheat (1956)) or the report and penalty receipt (MQ-81—Wheat (1956)) and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired.

§ 728.690 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 728.687, § 728.688 or § 728.689 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each such offense.

§ 728.691 *Records to be kept and reports to be made by producers.* Each producer with respect to the 1956 wheat crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. Upon written request of the county committee any producer shall, within 15 days from the date the request was mailed to him file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ-98—Wheat (1956) showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in 1956, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of wheat of the 1956 crop disposed of other than by sale and the manner of disposition, (f) the amount of wheat of the 1956 crop on hand, and (g) wheat acreage for 1956.

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

having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 728.693 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 728.689 through 728.691, and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in quintuplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

#### SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.694 *Farms on which the wheat acreage is not in excess of 15 acres—(a) Conditions of exemption.* A farm marketing quota for wheat for the 1956 crop shall not be applicable to any farm on which the wheat acreage for the 1956 crop is not in excess of 15 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.667 to 728.670, inclusive.

§ 728.695 *Farms on which the normal production of the wheat acreage is less than 200 bushels—(a) Conditions of exemption.* A farm marketing quota for wheat of the 1956 crop shall not be applicable to any farm on which the normal production of the 1956 wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable issue marketing cards and marketing certificates to the producers on the farm in a manner and subject to the conditions specified in § 728.667 to 728.670.

§ 728.696 *Experimental wheat farms—(a) Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of the 1956 crop grown for experimental purposes only on land owned or leased by any publicly-owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to wheat produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm. The produc-

tion of foundation, registered or certified seed wheat will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.667 to 728.670 inclusive.

§ 728.697 *Wildlife refuge farms.* The penalty shall not apply to the wheat produced on any farm operated by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 728.667 and 728.668, 728.694, and 728.695 but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the wheat produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 728.698 *Erroneous notice of wheat acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a wheat acreage allotment for the 1956 crop larger than the finally approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to wheat in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for utilization of excess acreage as provided for in § 728.651 (r) or (u) (3) the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of wheat acreage allotment for the farm, such determination shall be subject to review and approval by the State committee before

the erroneous allotment is used by the county committee to determine the farm marketing quota and farm marketing excess for the farm.

§ 728.699 *Redelegation of authority.* Any authority delegated to the State committee by §§ 728.650 to 728.699 may be redelegated by the State committee.

Issued this 13th day of December 1955.

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

[F. R. Doc. 55-10112; Filed, Dec. 16, 1955;  
8:45 a. m.]

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

[Navel Orange Reg. 66]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### LIMITATION OF HANDLING

§ 914.366 *Navel Orange Regulation 66*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, 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 Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 15, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective

time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 18, 1955, and ending at 12:01 a. m., P. s. t., December 25, 1955, is hereby fixed as follows:

- (i) District 1. 369,600 cartons;
- (ii) District 2: 37,140 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4. Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

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

Dated: December 16, 1955.

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

[F. R. Doc. 55-10202; Filed, Dec. 16, 1955;  
11:30 a. m.]

[Grapefruit Reg. 233]

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

#### LIMITATION OF SHIPMENTS

§ 933.759 *Grapefruit Regulation 233*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, 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 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.) because 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 hereof effective not later than December 19, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 19, 1955; the recommendation and supporting information for continued regulation subsequent to December 18, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 13; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the periods beginning at 12:01 a. m., e. s. t., December 19, 1955, and ending at 12:01 a. m., e. s. t., December 23, 1955, and beginning at 12:01 a. m., e. s. t., December 28, 1955, and ending at 12:01 a. m., e. s. t., January 9, 1956, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Russet;

(iii) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (a) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will

pack 70 grapefruit, packed in accordance and with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1955, and ending at 12:01 a. m., e. s. t., December 28, 1955, no handler shall ship any grapefruit, grown in the State of Florida.

(3) As used herein, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II," shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (7 CFR 51.750-51.790) and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760)

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

Dated: December 14, 1955.

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

[F. R. Doc. 55-10131; Filed, Dec. 16, 1955;  
8:48 a. m.]

[Orange Reg. 287]

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

LIMITATION OF SHIPMENTS

§ 933.760 *Orange Regulation 287*—

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237· 5 U. S. C. 1001 et seq.) because the time intervening between the 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 hereof effective not later than December 19, 1955. Shipments of all oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 19, 1955; the recommendation and supporting information for continued regulation subsequent to December 18, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 13; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the periods beginning at 12:01 a. m., e. s. t., December 19, 1955, and ending at 12:01 a. m., e. s. t., December 23, 1955, and beginning at 12:01 a. m., e. s. t., December 28, 1955, and ending at 12:01 a. m., e. s. t., January 9, 1956, no handler shall ship:

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

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1½ bushel nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1955, and ending at 12:01 a. m., e. s. t., December 28, 1955, no handler shall ship any oranges, including Temple oranges, grown in the State of Florida.

(3) As used herein, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and

order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard 1½ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title, 20 F. R. 7205)

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

Dated: December 14, 1955.

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

[F. R. Doc. 55-10133; Filed, Dec. 16, 1955;  
8:49 a. m.]

[Tangerine Reg. 164]

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

LIMITATION OF SHIPMENTS

§ 933.761 *Tangerine Regulation 164*—

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the 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 hereof effective not later than December 19, 1955. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 19, 1955; the recommendation and supporting information for continued regulation subsequent to December 18, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 13; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their

views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order* (1) During the periods beginning at 12:01 a. m., e. s. t., December 19, 1955, and ending at 12:01 a. m., e. s. t., December 23, 1955, and beginning at 12:01 a. m., e. s. t., December 28, 1955, and ending at 12:01 a. m., e. s. t., January 9, 1956, no handler shall ship:

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

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions  $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$  inches; capacity 1,726 cubic inches)

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1955, and ending at 12:01 a. m., e. s. t., December 28, 1955, no handler shall ship any tangerines grown in the State of Florida.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810-51.1836)

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

Dated: December 14, 1955.

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

[F. R. Doc. 55-10132; Filed, Dec. 16, 1955;  
8:48 a. m.]

[Lemon Reg. 620]

PART 953—LEMONS GROWN IN CALIFORNIA  
AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.727 *Lemon Regulation 620—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 14, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 18, 1955, and ending at 12:01 a. m., P. s. t., December 25, 1955, is hereby fixed as follows:

- (i) District 1. Unlimited movement;
- (ii) District 2: 148,800 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section

828.83, as amended, of the Agricultural Code of California.

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

Dated: December 15, 1955.

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

[F. R. Doc. 55-10187; Filed, Dec. 16, 1955;  
8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—BULK MAILINGS

PART 110—RATES AND SHIPPING  
REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. In § 16.2 *Third class mailings* amend paragraph (b) (1) to read as follows:

(1) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address) face all addresses one way. Do not label direct packages.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 373 U. S. C. 230 a-1)

2. In § 110.1 *Rates and shipping requirements* amend the country item "Ireland (Eire)" by changing the weight limit from 15 pounds to 22 pounds.

(R. S. 161, 396, 398; secs. 304, 369, 42 Stat. 24, 25, 48 Stat. 843; 5 U. S. C. 22, 369, 372)

[SEAL] ABB MCGREGOR GOFF,  
The Solicitor.

[F. R. Doc. 55-10125; Filed, Dec. 16, 1955;  
8:43 a. m.]

TITLE 18—CONSERVATION  
OF POWER

Chapter I—Federal Power  
Commission

[Docket No. R-148, Order 181]

PART 125—PRESERVATION OF RECORDS OF  
PUBLIC UTILITIES AND LICENSEES

SCHEDULE OF RECORDS AND PERIODS OF  
RETENTION

In this proceeding the Commission has under consideration the amendment of its General Rules and Regulations, Part 125—Preservation of Records of Public Utilities, § 125.2—Schedule of Records and Periods of Retention, as heretofore amended by Order No. 156, issued October 25, 1950 and effective January 1, 1951 (18 CFR § 125.2) The purpose of the revision is to reduce in certain instances the time for which records are required to be retained and to permit in other instances such retention in the form of microfilms after the elapse of a specified period where such retention is acquired.

General public notice of this proposed rule-making was given by publication in the FEDERAL REGISTER on August 23, 1955 (20 F. R. 6140-6141) Such notice was also served on public utilities and licensees known or presumed to be subject to

## RULES AND REGULATIONS

the Federal Power Act, all state commissions and interested Federal Agencies. In giving notice of the proposed amendments, the Commission invited all interested persons to submit data, views and comments in writing. Eight responses have been received to the rule-making notice, of which three make an unqualified recommendation for adoption of all the proposed changes, and all of which have been carefully considered.

No request has been made for a hearing on the proposed amendments in the responses received to the rule-making notice or otherwise.

**The Commission finds:**

(1) It is necessary and appropriate for the purposes of administration of the Federal Power Act that § 125.2, Schedule of Records and Periods of Retention, as heretofore amended, be amended as hereinafter provided.

(2) The proposed amendments represent matters of practice and procedure which do not require a hearing under Section 4 of the Administrative Procedure Act.

(3) Good cause exists that these amendments become effective as hereinafter provided.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended (49 Stat. 838; 16 U. S. C. 791a-825r) and particularly Sections 301 (a) 301 (b), 302 (b) 303, 304 (b) and 309 (49 Stat. 854, 855, 858; 16 U. S. C. 825 (a), 825 (b) 825a (b) 825b, 825c, 825h), and subject to the provisions of Section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), orders:

(A) Section 125.2, Schedule of Records and Periods of Retention, as heretofore amended, is hereby further amended as shown below.

(B) The amendments prescribed by this order shall become effective January 1, 1956.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

Adopted: December 7, 1955.

Issued: December 13, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

Revisions in parts of the Schedule of Records and Periods of Retention prescribed in § 125.2, general rules and regulations (parts omitted here remain unchanged)

Description of records	Retention period as previously prescribed		Revised retention periods	
	Period to be retained	Micro-film indicator	Period to be retained	Micro-film indicator
<b>CORPORATE AND GENERAL</b>				
<b>1. Capital stock records:</b>				
(a) Capital stock ledgers.....	Permanently.....	M	10 years after account is closed.	M
(d) Stubs or similar records of capital stock certificates.....	do.....	M	do.....	M
(e) Stock transfer registers.....	do.....	M	do.....	M
(g) Canceled capital stock certificates or certificates of destruction thereof.....	do.....	M	do.....	M
<b>10. General and subsidiary ledgers:</b>				
(a) (1) General ledgers.....	do.....		Permanently.....	
(a) (2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere.....	do.....		do.....	M 20
(b) (1) Indexes to general ledgers.....	do.....		do.....	
(b) (2) Indexes to subsidiary ledgers except ledgers provided for elsewhere.....	do.....		do.....	M 20
<b>11. Journals: General and subsidiary journals, including departmental and divisional journals.</b>	do.....		do.....	M 20
<b>12. Journal vouchers and journal entries:</b>				
(a) General, Departmental, divisional, and petty journal vouchers.....	do.....		do.....	M 20
(c) Papers forming part of or necessary to explain journal vouchers except as covered by item 12 (b), above.....	do.....		do.....	M 20
<b>13. Cash books:</b>				
(a) Treasurers' and auditors' general cash books.....	do.....		do.....	M 10
(b) Cash books subsidiary or auxiliary to general cash books except those showing solely collections from customers.....	do.....		do.....	M 10
<b>14. Voucher registers: (a) Voucher distribution registers.</b>	do.....		do.....	M 20
<b>15. Vouchers:</b>				
(a) Paid and canceled vouchers (1 copy), analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers.				
Those relating to plant:				
Land.....	do.....		do.....	
Production plant, transmission lines and transmission substations:				
Invoices over \$5,000.....	do.....		do.....	
Invoices \$5,000 and less.....	do.....		(1)	
Distribution and general plant other than land.....	do.....		(1)	
Those relating to accounts other than plant.....	10 years.....		10 years.....	
(b) Original bills and invoices for materials, services, etc., paid by vouchers and which should be attached thereto.				
Those relating to plant:				
Land.....	Permanently.....		Permanently.....	
Production plant, transmission lines and transmission substations:				
Invoices over \$5,000.....	do.....		do.....	
Invoices \$5,000 and less.....	do.....		(1)	
Distribution and general plant other than land.....	do.....		(1)	
Those relating to accounts other than plant.....	10 years.....		10 years.....	
<b>20. Accountants' and auditors' reports: (a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility. (Including reports of public accounting firms and regulatory commission accountants.)</b>	Permanently.....		Permanently.....	M 10

<sup>1</sup> 10 years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; except that those relating to the construction of licensed projects, or additions or betterment thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained until such cost has been determined.

Description of records	Retention period as previously prescribed		Revised retention periods	
	Period to be retained	Micro-film indicator	Period to be retained	Micro-film indicator
<b>PLANT AND DEPRECIATION RESERVE</b>				
22. Plant and construction ledgers: (a) Ledgers of electric plant accounts, including land and other detailed ledgers, showing the cost of electric plant by classes.	Permanently		Permanently	
(b) Construction work in progress ledgers.	do		do	M 20
23. Construction work orders and supplemental records: (a) Work order sheets to which are posted in summary form or in detail the entries for labor, materials, and other charges for electric plant additions and the entries closing the work orders to electric plant in service at completion.	do		do	M 20
(b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimates of cost and the bases therefor. (Including original and revised or subsequent authorizations.)	Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.		Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.	M 20
(c) Requisitions and registers of authorizations for electric plant expenditures.	do		do	M 20
(d) Completion or performance reports showing comparison between authorized estimates and actual expenditures for electric plant additions.	do		do	M 20
(e) Analysis or costs reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction projects.	Permanently		Permanently	M 20
24. Retirement work orders and supplemental records: (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to electric plant accounts for cost of plant retired.	do		do	M 20
25. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to electric plant accounts not covered by construction or retirement work orders and their supporting records.	do		do	M 19
26. Appraisals and valuations made of the utility's property and all records, reports, and data pertaining thereto.	do		do	M 20
31. Records pertaining to reclassifications of electric plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	do		do	M 19
32. Records of reserve for depreciation of electric plant: (a) Detailed records or analysis sheets segregating the depreciation reserve according to functional classifications of plant.	do		do	M 20
(b) Records supporting computation of depreciation expense of electric plant, including such data as life and salvage studies.	do		do	M 20
<b>REVENUE ACCOUNTING AND COLLECTING</b>				
43. Customers' ledgers and other records used in lieu thereof: (a) Customers' ledgers.	6 years	M	3 years	M
(b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc.	do	M	do	M
(c) Copies of large power bills; if details are not transcribed to ledgers.	do	M	do	M
(e) Indexes to customers' accounts.	do	M	do	M
(b) Special ledger records of customers exempt from taxes on electricity.	do	M	do	M
<b>PAYROLL AND PERSONNEL RECORDS</b>				
48. Payroll records: (a) Payroll sheets or registers of payments of salaries and wages to individual officers and employees. (See item (b) below for pension or annuity payrolls and item 23 (a) for construction payrolls.)	10 years		10 years	M 3
51. Employees' welfare and pension records: (b) Detailed records showing computations of accruals for pension liabilities.	Permanently		Permanently	M 3

[F. R. Doc. 55-10120; Filed, Dec. 16, 1955; 8:47 a. m.]

**TITLE 45—PUBLIC WELFARE**

**Chapter I—Office of Education, Department of Health, Education, and Welfare**

**PART 103—SURVEYS AND STATE PLANS FOR SCHOOL CONSTRUCTION**

**PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES**

**PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY**

**PART 106—HEARINGS IN CONNECTION WITH SCHOOL CONSTRUCTION AND FINANCIAL ASSISTANCE IN FEDERALLY IMPACTED AREAS**

**PART 107—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES**

**PART 108—FEDERAL ASSISTANCE BEGINNING JULY 1, 1954, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES**

**MISCELLANEOUS AMENDMENTS**

1. In view of the pending republication of the volume containing Title 45 of the Code of Federal Regulations in revised form so as to present the complete text of the regulations therein duly promulgated on or before December 31, 1955, and effective as to facts arising on and after January 1, 1956, Part 103, 45 CFR (16 F. R. 2706) Part 104, 45 CFR (16 F. R. 679, 2840, 4619, 5022, 10553, 17 F. R. 3210, 9106) Part 107, 45 CFR (18 F. R. 6708, 19 F. R. 2212, 3491) Part 108, 45 CFR (19 F. R. 6617) inclusive, of the above parts are hereby deleted without affecting in any way rights accrued or obligations incurred under any of these parts.

2. Subpart A of Part 105, 45 CFR (18 F. R. 6704, October 22, 1953) issued pursuant to Public Law 874, 81st Cong. (64 Stat. 1100) as amended by the 83d Cong. by Public Law 11 (67 Stat. 13) Public Law 170 (67 Stat. 250) and Public Law 248 (67 Stat. 530) is hereby amended by recognition, in § 105.1 and paragraph (a) of further amendatory enactments by the 83d Congress and the first session of the 84th Congress. The amended section and paragraph reads as follows:

§ 105.1 *Definitions.* All terms used in this part which are defined in Public Law 874, 81st Cong. (64 Stat. 1100), as amended by the 83d Cong. by Public Law 11 (67 Stat. 13), Public Law 170 (67 Stat. 250), Public Law 248 (67 Stat. 530) and Public Law 732 (63 Stat. 1086) and by the 84th Cong. by Public Law 204 (69 Stat. 433), Public Law 221 (69 Stat. 471)

and Public Law 382 (69 Stat. 713) and not defined in this section shall have the meaning given to them in Public Law 874, as amended. As used in this part, and for the purposes of this part and determinations under Public Law 874, as amended, the following terms shall have the meaning indicated in paragraphs (a) to (k) of this section:

(a) *Act*. "The act" means Public Law 874, 81st Congress (64 Stat. 1100) as amended by the 83d Cong. by Public Law 11 (67 Stat. 13) Public Law 170 (67 Stat. 250) Public Law 248 (67 Stat. 530) and Public Law 732 (68 Stat. 1006) and by the 84th Cong. by Public Law 204 (69 Stat. 433) Public Law 221 (69 Stat. 471), and Public Law 382 (69 Stat. 713)

3. The title of Part 106, 45 CFR (18 F. R. 6707, October 22, 1953) the definitions, and the provision granting opportunity for a hearing, issued pursuant to Public Law 815, 81st Congress (64 Stat. 967) as amended, and Public Law 874, 81st Congress (64 Stat. 1100) as amended, are hereby amended to conform with recent amendments.

The amended title reads as set forth above and the sections read as follows:

§ 106.1 *Definitions*. Terms defined in Public Law 815, 81st Cong. (64 Stat. 967) as amended, and Public Law 874, 81st Cong. (64 Stat. 1100) as amended, and not defined in this section shall have the meaning given such terms in such public laws. As used in this part, the following terms shall have the meaning indicated in paragraphs (a) to (g) of this section:

(a) *Commissioner*. The "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare.

(b) *Public Law 815*. "Public Law 815" means Public Law 815, 81st Cong. (64 Stat. 967) as added by Public Law 246, 83d Cong. (67 Stat. 522) and as amended by Public Law 731 (68 Stat. 1005) and Public Law 382, 84th Cong. (69 Stat. 713)

(c) *Public Law 874*. "Public Law 874" means Public Law 874, 81st Cong. (64 Stat. 1100), as amended by Public Law 11, 83d Cong. (67 Stat. 13) Public Law 170 (67 Stat. 250) Public Law 248 (67 Stat. 530) Public Law 732 (68 Stat. 1006), Public Law 204, 84th Cong. (69 Stat. 433) Public Law 221 (69 Stat. 482 and 485), and Public Law 382 (69 Stat. 713)

(d) *Title III*. "Title III" means title III of Public Law 815 and such provisions of title II as are applicable to title III.

(e) *Title IV*. "Title IV" means title IV of Public Law 815, and such provisions of title II as are applicable to title IV.

(f) *Applicant*. "Applicant" means a local educational agency which has filed an application under titles III or IV and regulations issued thereunder; or a local educational agency which has filed an application under Public Law 874 and Part 105 of this chapter as the context may indicate.

(g) *Application*. "Application" means a complete application under title III or title IV as defined in regulations issued thereunder; or an application under Public Law 874 as defined in the applicable provisions of Part 105 of this chapter.

### § 106.2 *Opportunity for hearing.*

\* \* \*

(c) In the event the Commissioner has reason to believe that clause (1), (2), or (3) of section 311 of title III is applicable to an applicant; or that any condition established by title IV or any condition required by the Commissioner in connection therewith has not been complied with by an applicant; he shall so notify the applicant. Such notice, a copy of which shall likewise be sent to the State educational agency, shall either (1) advise the applicant of the specific provision under which the Commissioner's action is taken and the basis for his belief and fix a date not less than 20 days, nor more than 60 days, after the date of such notice within which the applicant may request that the matter be scheduled for hearing in due course; or (2) advise the applicant that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be subject to change for cause. The failure of an applicant without the consent of the Commissioner to request a hearing under clause (1) or to appear at a hearing for which a date has been set, shall be deemed to be a waiver of the right to a hearing under this subsection and consent to the Commissioner making a decision on the basis of such information as is available to him.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

Dated: December 6, 1955.

[SEAL] S. M. BROWNELL,  
*United States Commissioner  
of Education.*

Approved: December 13, 1955.

M. B. FOLSOM,  
*Secretary of Health,  
Education, and Welfare.*

[F. R. Doc. 55-10116; Filed, Dec. 16, 1955;  
8:46 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53975]

#### PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

##### INVOICES

A study of the necessity for customs purposes of requiring certified extracts of invoices in connection with the entry for consumption of portions of zone lots of merchandise for which merchandise the original invoice has already been filed at the same port in connection with a prior entry for consumption of a portion thereof has shown that eliminating the requirement of certified extracts in such cases will be beneficial to all parties.

To incorporate this change, the Customs Regulations are amended as follows:

Section 8.11 (a) is amended by adding a new sentence to read: "However, an extract from the invoice filed with the first entry for consumption from a foreign-trade zone of a portion of the merchandise shown on the invoice will not

be required for any subsequent entry for consumption from that zone at the same port of a portion of the merchandise covered by such invoice, if a pro forma invoice is filed and identifies the entry first made and the invoice then filed."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] RALPH KELLY,  
*Commissioner of Customs.*

Approved: December 7, 1955.

DAVID W. KENDALL,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 55-10126; Filed, Dec. 16, 1955;  
8:48 a. m.]

[T. D. 53976]

#### PART 16—LIQUIDATION OF DUTIES

#### PART 17—PROTESTS AND REAPPRAISEMENTS

##### NOTICE OF LIQUIDATION

It has been decided to issue a new form, customs Form 4335, for use in giving notice of the liquidation of free consumption entries liquidated "As Entered." It has also been decided that notice of the liquidation of free informal and free mail entries need not be given.

To give importers more timely notice of the liquidation of informal, mail, and baggage entries, the forms used for giving receipts for duties and any internal-revenue taxes collected on such entries are being amended to include such notice. No informal, mail, or baggage entry will be listed on a bulletin notice of liquidation unless it is reliquidated.

Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 16.2 is amended as follows:

a. Paragraph (d) is amended by deleting the first three sentences and substituting therefor: "After liquidation by the collector, formal entries, except free consumption entries liquidated 'As Entered' shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4333. Free consumption entries liquidated 'As Entered' shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4335. When free consumption entries in an unbroken series of numbers are liquidated free on the same day, the first and last entry numbers may be shown on the bulletin notice, e. g., '567/863,' instead of listing every number in the unbroken series."

and by substituting "16.12." for "16.12 (a)" in the fourth sentence.

b. Paragraph (e) is amended by deleting "the notice thereof" and substituting therefor "notice thereof on customs Form 4333"

c. Paragraph (f) is amended by inserting "on customs Form 4333" after the word "Notices" where it first appears.

d. Paragraph (g) is amended by deleting the comma after the figure "4333" and substituting therefor "or 4335,"

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

2. Section 16.12 is amended as follows:  
a. Paragraph (a) is amended by deleting "informal, mail, or baggage" in the first sentence.

b. Paragraph (b) is redesignated (c) and a new paragraph (b) is inserted as follows:

(b) The effective date of liquidation of informal, mail, and baggage entries shall be the date of payment by the importer of duties and any internal-revenue taxes thereon, or if the articles are released under such an entry free of duty and tax, the date of release of the articles by customs or the postmaster, as the case may be. Notice of liquidation of informal, mail, and baggage entries is furnished by a suitable printed statement appearing on the receipts issued for duties and any internal-revenue taxes collected on such entries and no other notice of the liquidation shall be given, but notice of reliquidation of any such entries shall be given on customs Form 4333 posted or lodged in the place and manner specified in § 16.2 (d)

c. Redesignated paragraph (c) is amended to read as follows:

(c) The release of merchandise under a free informal, free mail, or free baggage entry shall constitute notice of the liquidation of the entry free of duty and tax. No further notice of the liquidation of free baggage entries, whether originals or certified duplicates, on customs Form 5123, 6059, 6059-A, 6059-B, or 6063, free informal entries on customs Form 5119 or 5119-A, and free mail entries on customs Form 3419 or 3420, shall be given. (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 505, 46 Stat. 732; 19 U. S. C. 1505)

3. Section 17.1 (c) is amended to read as follows:

(c) The date of liquidation for the purpose of computing the time for filing a protest under section 514, Tariff Act of 1930, shall be the date of posting or lodging a notice of the liquidation in accordance with § 16.2 (d) or § 16.12 (a) of this chapter, except that, in the case of baggage, informal, and mail entries, the date of liquidation shall be the date

of payment of duties and internal-revenue taxes thereon or the date of release, as set forth in § 16.12 (b) of this chapter.

(Sec 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or applies sec. 514, 46 Stat. 732; 19 U. S. C. 1514)

These amendments shall be effective as soon as customs Form 4335 and the forms used to give receipts for duties and any internal-revenue taxes collected on informal, mail, and baggage entries have been printed, or revised to conform to the changed procedure, and are available for use.

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: December 13, 1955.

DAVID W. KENDALL,  
Acting Secretary of the Treasury.

[F. R. Doc. 55-10127; Filed, Dec. 16, 1955; 8:48 a. m.]

[T. D. 53978]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

FORFEITURE; NOTICE OF SEIZURE AND SALE

In order to increase from \$100 to \$250 the limitation on the value of property for which notice of seizure and intention to forfeit may be given by posting such notice, § 23.16 (a) of the Customs Regulations is hereby amended by substituting "\$250" for "\$100" in each of the last two sentences.

(Secs. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or applies sec. 607, 46 Stat. 754, as amended; 19 U. S. C. 1607)

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: December 13, 1955.

DAVID W. KENDALL,  
Acting Secretary of the Treasury.

[F. R. Doc. 55-10128; Filed, Dec. 16, 1955; 8:48 a. m.]

weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		For quart container	For 4-quart container
Half and half.....	Any test.....	2.14	84.0

Issued at Boston, Massachusetts, this 8th day of December 1955.

[SEAL] RICHARD D. APLIN,  
Market Administrator.

[F. R. Doc. 55-10134; Filed, Dec. 16, 1955; 8:49 a. m.]

[ 7 CFR Part 953 I

LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California, or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed \$134,995.00 will be necessarily incurred during the fiscal year ending October 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at seven eighths (7/8) cents per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order; and "carton" shall mean the standard one-half orange, grapefruit, or lemon box set forth as standard container number

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Parts 904, 934, 996, 999 I

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF OPPORTUNITY TO SUBMIT DATA, VIEWS, AND ARGUMENTS IN CONNECTION WITH PROPOSED AMENDMENT TO RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in Orders Nos. 4, 34, 96, and 99, as amended, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas, respectively (7 CFR Parts 904, 934, 996, and 999), the

market administrator is considering the issuance, as hereinafter proposed, of an amendment to the rules and regulations (7 CFR 904.101 et seq., 934.101 et seq., 996.101 et seq., 999.101 et seq.) issued to effectuate the terms and provisions of the said orders.

All persons who desire to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator at Room 403, 230 Congress Street, Boston 10, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., December 22, 1955.

The proposed amendment is as follows:

Amend the table of standard weights in §§ 904.141, 934.141, 996.141, and 999.141, to provide the following standard

58 in section 828.83, as amended, of the Agricultural Code of California.

Dated: December 13, 1955.

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

[F. R. Doc. 55-10110; Filed, Dec. 16, 1955;  
8:45 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### [ 25 CFR Part 130 ]

#### OPERATION AND MAINTENANCE CHARGES

##### CERTAIN INDIAN IRRIGATION PROJECTS

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297) and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5,

1951, notice is hereby given of the intention to modify § 130.105 *Charges*, of Title 25 CFR, Chapter 1, Subchapter L, Part 130, dealing with operation and maintenance assessments against irrigable lands of Miscellaneous Indian Irrigation Projects, by increasing the partial payment of water charges from \$0.80 per acre to \$3.40 per acre at the Duck Valley Irrigation Project, Nevada, and from \$0.50 per acre to \$5.15 per acre at the Pyramid Lake Project, Nevada. The revised section will read as follows:

§ 130.105 *Charges*. Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1956 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the re-

spective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project and agency	Per acre (per annum)
Duck Valley, Western Shoshone.....	£3.40
Miscellaneous Units, Navajo.....	5.00
Pyramid Lake Unit, Carson.....	5.15
San Carlos Reservation Unit, San Carlos.....	5.00
San Xavier Unit, Sells.....	1.00
Tongue River Unit, Tongue River.....	.25
Warm Springs Unit, Warm Springs....	2.00

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

F. M. HAVERLAND,  
Area Director

[F. R. Doc. 55-10117; Filed, Dec. 16, 1955;  
8:46 a. m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### ALASKA

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 9, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 026736, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, but not including the mineral-leasing laws, the Materials Act, the Grazing Act, the Timber Act, the Small Tract Act, the Alaska Public Sale Act, or the Recreation and Public Purposes Act. The applicant desires the land for Forestry Management Purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### SEWARD MERIDIAN.

- T. 22 N., R. 2 W., unsurveyed:  
Secs. 5, 6, 7, 8.  
T. 22 N., R. 3 W., unsurveyed:  
Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14,  
21, 22, 23, 28.  
T. 23 N., R. 3 W., unsurveyed:  
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28,  
29, 30, 31, 32, 33.

- T. 23 N., R. 4 W., surveyed:  
Secs. 1, 2, 11, 12, 13, 14; SE¼ Sec. 19; Secs.  
20, 21, 22, 23, 24.  
T. 24 N., R. 3 W., unsurveyed:  
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21,  
28, 29, 30, 31, 32, 33.  
T. 24 N., R. 4 W., surveyed:  
Secs. 3, 10; N½N½ Sec. 17; Lot 1, N½NE¼  
(less S½S½N½SE¼NW¼NE¼), NE¼  
NW¼ Sec. 18; Secs. 15, 22, 23, 26, 35.  
T. 24 N., R. 5 W., surveyed:  
Secs. 12, 13, 14; lots 1, 2, 3, 4, 5, S½NE¼,  
SE¼SE¼, N½SE¼ Sec. 15; lots 1, 2,  
NE¼NE¼ Sec. 22; lots 1, 2, NE¼, N½  
NW¼ Sec. 23; N½ Sec. 24.  
T. 25 N., R. 3 W., unsurveyed:  
Secs. 6, 7, 18, 19, 28, 29, 30, 31, 32, 33.  
T. 25 N., R. 4 W., surveyed:  
Secs. 5, 6, 7, 8, 17; lots 3, 7, N½, E½SW¼  
Sec. 18; E½, E½W½ Sec. 19; Secs. 20,  
21, 28, 29; NE¼, E½NW¼ Sec. 30; Secs.  
31, 32 and 33.  
T. 26 N., R. 3 W., unsurveyed:  
S½ Sec. 6; Secs. 7, 18, 19, 30, 31.  
T. 26 N., R. 4 W., surveyed:  
Sec. 20; lots 5, 6, E½ Sec. 29; lot 5, SE¼  
SW¼, SE¼ Sec. 30; Secs. 31, 32.  
Unsurveyed: S½ Sec. 1; SE¼ Sec. 2;  
Secs. 10, 11, 12, 13, 14, 15; S½ Sec. 16, S½  
Sec. 17; Secs. 21, 22, 23, 24, 25, 26, 27,  
28, 33, 34, 35, 36.

Aggregating approximately 104,559  
acres.

ROGER R. ROBINSON,  
Operations Supervisor

[F. R. Doc. 55-10118; Filed, Dec. 16, 1955;  
8:47 a. m.]

### Bureau of Reclamation

#### OWYHEE PROJECT, IDAHO

#### ORDER OF REVOCATION

DECEMBER 8, 1953.

Pursuant to the authority delegated  
by Departmental Order No. 2515 of April

7, 1949 (14 F. R. 1937) I hereby revoke Departmental Order of March 26, 1930, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land herein-after described:

#### BOISE MERIDIAN, IDAHO

- T. 9 N., R. 3 E.,  
Sec. 21, Lots 1, 2, 3, 4, 5 and 6, S½NE¼  
and NW¼SE¼.  
Sec. 22, All;  
Sec. 27, Lots 1, 2 and 3, and SE¼NW¼.  
T. 9 N., R. 4 E.,  
Sec. 29, SW¼.

The above area contains approximately  
1,002 acres of vacant public land.

H. F. McPHAIL,  
Acting Commissioner

[1372850]

DECEMBER 13, 1955.

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

The following-described lands, which  
comprise a part of the Boise National  
Forest, shall be opened, subject to any  
valid existing rights and the require-  
ments of applicable law, to such appli-  
cations, selections, and locations as are  
permitted on national forest lands effec-  
tive at 10:00 a. m. on January 18, 1956:

#### BOISE MERIDIAN

- T. 9 N., R. 3 E.,  
Sec. 21, Lots 1 to 6, incl., S½NE¼, NW¼  
SE¼,  
Sec. 22, Lots 1 and 2.

The areas described aggregate 293.49  
acres.

The following-described lands have been patented:

## BOISE MERIDIAN

T. 9 N., R. 3 E.,  
Sec. 22, Lots 11, 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Sec. 27, Lots 1 and 3.

The areas described aggregate 175.28 acres.

Most of the remaining lands are in power site withdrawals. They are located near Banks and Garden Valley, Boise County, Idaho. The lands are mainly of rough and mountainous topography. In addition to their range, forest, and water values, many of the lands have significant aesthetic, recreational, and small tract values. Most of the lands have some timber cover and they are located on or relatively near to either the North Fork or the South Fork of the Payette River. Some of the subdivisions are traversed by State Highway No. 17. Because of their rough and mountainous topography they have no significant value for agricultural development and use.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747-43 U. S. C. 279-284 as amended) presented prior to 10:00 a. m. on January 18, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 18, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land

No. 245—4

laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 18, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on April 18, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOLEY,  
Director,  
Bureau of Land Management.

[F. R. Doc. 55-10124; Filed, Dec. 16, 1955;  
8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## McLAUGHLIN COMMISSION CO.

## POSTING OF STOCKYARD

The Secretary of Agriculture has information that the McLaughlin Commission Company, McLaughlin, South Dakota, is a stockyard as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202) and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

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

[SEAL] H. E. REED,  
Director, Livestock Division,  
Agricultural Marketing Service.

[F. R. Doc. 55-10111; Filed, Dec. 16, 1955;  
8:45 a. m.]

Commodity Stabilization Service and  
Commodity Credit CorporationLENDING AGENCY AGREEMENT FOR COM-  
MODITY LOANS ON GRAIN, SEED AND  
OTHER COMMODITIES SIMILARLY HAN-  
DLED

## COMPENSATION

The offer made by the Commodity Credit Corporation, published in 20 F. R. 6477, covering rates of compensation to lending agencies who are party signatories to and operating under the CCC Form 322 (4-22-54) Lending Agency Agreement (for commodity loans on grain, seed and other commodities similarly handled) is hereby amended to offer the payment of compensation for loans made pursuant to CCC commodity loan programs for 1955 crops and for loans made pursuant to CCC resale loan programs for 1954 crops as follows:

1. If the Agency invests its funds in notes evidencing loans made by Agency under said Agreement or made by another lending agency under a Lending Agency Agreement with CCC, the Agency shall receive compensation for interest on the funds invested and for the servicing of such loans as follows:

(a) On loan repayments received by the Agency on or after December 1, 1955, compensation shall be at the per annum rates of 2 $\frac{3}{4}$  percent from the respective dates of disbursement through November 30, 1955 and 3 percent thereafter on the principal amount repaid: *Provided*, That with respect to each repayment either partial or in full on each such loan, the Agency shall be entitled to a minimum return of \$5.00 or the full amount of the interest collected on the repayment at the rate of 3 $\frac{1}{2}$  percent per annum, whichever is smaller.

(b) On notes purchased by CCC which are tendered on or after December 1, 1955, at the option of the Agency, compensation shall be computed on the outstanding principal balance at the per annum rates of 2 $\frac{3}{4}$  percent from the respective dates of disbursement of the loans through November 30, 1955 and 3 percent thereafter to date of purchase by CCC.

(c) On notes purchased by CCC which are tendered on or after December 1, 1955, upon demand by CCC, (1) on maturity of the notes except where CCC otherwise directs or (2) upon receipt of knowledge of any defect or irregularity in the note or loan agreement or ineligibility of the commodity as security for loans, or knowledge of damage, destruction, or other impairment of the commodity, compensation shall be computed on the outstanding principal balance at the per annum rates of 2 $\frac{3}{4}$  percent from the respective dates of disbursement of the loans through November 30, 1955 and 3 percent thereafter to date of purchase by CCC: *Provided*, That on each note purchased the Agency shall be entitled to a minimum return of \$5.00 or the full amount of accrued interest computed at 3 $\frac{1}{2}$  percent per annum, whichever is smaller.

This offer may be amended or terminated upon the giving of notice thereof published in the FEDERAL REGISTER but

any reduction in interest will not be made retroactive and in no event will the interest be reduced below that specified in said Agreement as originally executed.

Issued this 1st day of December 1955.

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

[F. R. Doc. 55-10135; Filed, Dec. 16, 1955;  
8:50 a. m.]

**LENDING AGENCY AGREEMENT FOR FINANCING 1955 COTTON LOAN PROGRAM**

**COMPENSATION**

A. The offer made by Commodity Credit Corporation, published in 20 F. R. 6478, covering rates of compensation under the CCC Cotton Form D (6-15-54) Lending Agency Agreement—Cotton, is hereby amended to offer the payment of compensation for loans made pursuant to the 1955 Cotton Loan Program as follows:

1. The compensation to be included in the purchase price of notes tendered on or after December 1, 1955, and accepted by CCC for purchase pursuant to said Agreement shall consist of:

(a) A fee for services performed, computed at the rate of eight cents for each bale of cotton covered by the notes, and

(b) Interest on the principal amount of the notes at the per annum rates of 2¼ percent from the respective dates of disbursement of the loans through November 30, 1955, and 2½ percent thereafter to the date of purchase by CCC: *Provided*, That a fee computed at the rate of three cents for each bale of cotton covered by the notes shall be allowed in lieu of interest if Agency obtains payment by drawing a draft on CCC.

2. The compensation to be included in the face amount of Certificates of Interest issued for notes accepted for pooling pursuant to this Agreement shall be a fee for services performed, computed at the rate of eight cents for each bale of cotton covered by the notes.

3. Certificates of Interest issued for notes tendered and accepted for pooling pursuant to said Agreement shall bear interest from the respective dates of the Certificates at the per annum rates of 2¼ percent through November 30, 1955 and 2½ percent thereafter.

B. CCC hereby offers to pay to holders of Certificates of Interest issued or to be issued under Agreement to Make Loan Advances to Cotton Cooperative Marketing Associations, notwithstanding the provisions of said Agreement, interest on such Certificates from the respective dates of the Certificates at the per annum rates of 2¼ percent through November 30, 1955, and 2½ percent thereafter.

C. This offer may be amended or terminated upon the giving of notice there-of published in the FEDERAL REGISTER but any reduction in interest will not be made retroactive and in no event will the interest be reduced below that specified

in said Agreements as originally executed.

Issued this 1st day of December 1955.

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

[F. R. Doc. 55-10136; Filed, Dec. 16, 1955;  
8:50 a. m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 7420]

ARTHUR VINING DAVIS

**NOTICE OF HEARING ON PETITION FOR  
DISCLAIMER OF JURISDICTION**

In the matter of the petition of Arthur Vining Davis for disclaimer of jurisdiction of the applicability of section 408 of the Civil Aeronautics Act of 1938, as amended, or, in the alternative, application for approval thereunder.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 22, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 14, 1955.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 55-10129; Filed, Dec. 16, 1955;  
8:48 a. m.]

[Docket No. 1705 et al., Order No. E-9845]

SLICK AIRWAYS, INC.

**ORDER ASSIGNING FOR HEARING PETITION TO  
AMEND THE MINIMUM RATE ORDER**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of December 1955.

The Board on June 2, 1948, entered an order<sup>1</sup> in this proceeding prescribing lawful minimum rates for the transportation of property by air (except for property carried in the air express service) and providing that the record be held open for any party in interest to petition for modification of the minimum rates prescribed by such order.

Slick Airways, Inc. (Slick) by petition filed October 20, 1955, has requested that Order No. E-1639, as amended, be amended so as to include air freight forwarders within its scope so that the same minimum rates which are applicable to direct air carriers will be applicable to air freight forwarders.

American Airlines, Inc. (American), and United Air Lines, Inc. (United), have filed papers in support of Slick's petition.

The Air Freight Forwarder Association has filed a Petition to Intervene and

<sup>1</sup> Order No. E-1639, 9 CAB 340.

Answer to Petition of Slick, asserting in its answer that the application of the same minimum rates to air freight forwarders as to direct air carriers would upset the proper competitive relationship between direct and indirect air carriers. The Association, however, alleges that minimum rates for air freight forwarders are necessary, and that separate minimum rates should be prescribed for the forwarders.

American Shippers, Inc. (American Shippers) in Petition to Intervene, asserts that Slick is seeking to reverse the Board's recent order in the Air Freight Forwarder Investigation<sup>2</sup> and requests that if the Board determines to act on Slick's petition, that the hearing be placed in its normal position on the Board's docket.

Shulman, Inc., in Motion to Dismiss, filed November 25, 1955, contends that Slick's petition is a collateral attack on the finding of the Board on an issue in which a final decision and order was entered in the Air Freight Forwarder Investigation. Counsel for Shulman, Inc., requests to be heard in oral argument upon the motion, and in event the motion is denied, requests reasonable time to answer Slick's petition on its merits.<sup>3</sup>

The Board, upon consideration of the foregoing petitions and answers and of the record and orders previously entered in this proceeding, finds that the present fares of the air freight forwarders may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and that the petition of Slick states facts that warrant an investigation herein.

With respect to the Motion of Shulman, Inc., to Dismiss the Petition of Slick Airways, Inc., the Board has not had before it, nor did it in the Air Freight Forwarder Investigation consider the specific question of whether minimum rates should be prescribed for air freight forwarders. The Air Freight Forwarder Investigation was instituted primarily to determine the operating authority of air freight forwarders, including authority to enter into joint rate or compensation agreements with direct air carriers, and it does not appear that it would have been appropriate in that proceeding to have included therein the issue as to minimum rates for forwarders. We therefore find no merit to the contention of Shulman that Slick by intervening in the Air Freight Forwarder Investigation and not requesting minimum rates for air freight forwarders is thereby precluded from now requesting such action by the Board.

The Board finds that its action herein is necessary and appropriate in order

<sup>2</sup> Docket 5947, Order No. E-9532 dated August 30, 1955.

<sup>3</sup> While this motion was not filed within the seven days prescribed by Rule 6 of the Board's rules of practice, or within the ten days provided in Order No. E-1639 dated June 2, 1948, 9 CAB 340, 362, for any party to file answer to a petition to modify the minimum rates prescribed by the Board, we find that such petition on its merits must be dismissed.

to carry out the provisions and objectives of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) 403, 404 and 1002 thereof.

It is ordered, That: 1. An investigation be and is hereby instituted to determine whether the minimum freight rates and charges previously prescribed herein, or separate minimum rates and charges, should be prescribed for air freight forwarders.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. The petition of Air Freight Forwarders Association for leave to intervene be and is hereby granted.

4. The Motion of Shulman, Inc., to Dismiss the Petition of Slick Airways, Inc. and the request for oral argument on such motion be and the same is hereby denied.

5. All domestic air freight forwarders currently holding letters of registration, not heretofore parties to this proceeding, be and are hereby made parties hereto and are hereby granted ten days from the date of service of this order to file answers.

6. A copy of this order be served upon each person holding a letter of registration as an air freight forwarder, upon all parties to this proceeding and upon all parties to the Air Freight Forwarder Investigation, Docket 5947, et al.

7. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 55-10130; Filed, Dec. 16, 1955; 8:48 a. m.]

**FEDERAL POWER COMMISSION**

[Docket No. G-9536]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 13, 1955.

Take notice that Northern Natural Gas Company (Northern) a Delaware corporation with its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on October 24, 1955, an application in Docket No. G-9536 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, to construct and operate metering and regulating facilities near Rosemont, Minnesota, on its main transmission line, for the purpose of selling natural gas directly to St. Paul Ammonia Products, Inc. Northern proposes to sell interruptible gas to the ammonia plant in quantities approximating 2,930,000 Mcf annually and 11,500 Mcf on a maximum day at an average charge of 26 cents per Mcf. Northern's proposed facilities are estimated to cost \$7,000. The gas supply for this service is to come from gas reserves presently available to Northern.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure

(18 CFR 1.8 or 1.10) on or before the 3d day of January 1956. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-10121; Filed, Dec. 16, 1955; 8:47 a. m.]

[Project No. 2136]

MIDDLE FORK OF FEATHER RIVER DEVELOPMENT AND PACIFIC GAS AND ELECTRIC CO.

NOTICE OF LAND WITHDRAWAL, CALIFORNIA  
DECEMBER 15, 1955.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States are included in Power Project No. 2136 (Middle Fork of Feather River Development) for which completed application for preliminary permit was filed May 29, 1953, by The Pacific Gas and Electric Company of San Francisco, California. Under said section 24 these lands are, from said date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

- T. 21 N., R. 5 E.,  
Sec. 2, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ,  
Sec. 10, Lots 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ .
- T. 22 N., R. 5 E.,  
Sec. 24, All;  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ ,  
Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ .
- T. 22 N., R. 6 E.,  
Sec. 19, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
Sec. 25, NW $\frac{1}{4}$  and unsurveyed E $\frac{1}{2}$ , SW $\frac{1}{4}$ ,  
Sec. 26, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ,  
Sec. 29, All;  
Sec. 30, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$   
SE $\frac{1}{4}$ ,  
Sec. 31, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ ,  
Sec. 33, N $\frac{1}{2}$ ,  
Sec. 34, All;  
Sec. 36, All.
- T. 22 N., R. 7 E.,  
Sec. 1, Lots 8, 9, 10, 11, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
Sec. 10, S $\frac{1}{2}$ ,  
Sec. 11, All;  
Sec. 12, Lots 1 to 8 inc., W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ,  
Sec. 13, Lots 1, 2, 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
Sec. 14, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 15, N $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ S $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$   
NE $\frac{1}{4}$ SE $\frac{1}{4}$ , those parts of S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$   
SW $\frac{1}{4}$  outside of Indian Allotment No.  
304;  
Sec. 16, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , that part of  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  outside of Indian Allotment  
No. 304;  
Sec. 20, S $\frac{1}{2}$ ,  
Sec. 21, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ,  
Sec. 22, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ ,  
Sec. 28, W $\frac{1}{2}$ ,  
Sec. 29, All;  
Sec. 30, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ,  
Sec. 31, Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ ,  
Sec. 32, N $\frac{1}{2}$ .
- T. 22 N., R. 8 E.,  
Sec. 1, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ,

- Sec. 2, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ ,  
Sec. 3, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ,  
Sec. 4, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ,  
Sec. 5, Unsurveyed S $\frac{1}{2}$ ,  
Sec. 6, Unsurveyed S $\frac{1}{2}$ ,  
Sec. 7, Unsurveyed;  
Sec. 8, SE $\frac{1}{4}$ , and unsurveyed N $\frac{1}{2}$ , SW $\frac{1}{4}$ ,  
Sec. 9, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ,  
Sec. 10, N $\frac{1}{2}$ ,  
Sec. 18, Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ ,  
T. 23 N., R., 8 E.,  
Sec. 25, S $\frac{1}{2}$ ,  
Sec. 34, S $\frac{1}{2}$ ,  
Sec. 35, Lots 1, 2, 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ , SW $\frac{1}{4}$ ,  
Sec. 36, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ .
- T. 23 N., R. 9 E.,  
Sec. 13, S $\frac{1}{2}$ , NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ . Those parts  
of W $\frac{1}{2}$ NW $\frac{1}{4}$  outside of Mineral Survey  
No. 4744;  
Sec. 14, S $\frac{1}{2}$ ,  
Sec. 15, S $\frac{1}{2}$ ,  
Sec. 20, N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$   
W $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 21, All  
Sec. 22, All  
Sec. 23, All  
Sec. 24, N $\frac{1}{2}$   
Sec. 27, N $\frac{1}{2}$   
Sec. 28, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$   
NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ,  
Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$   
NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and unsurveyed S $\frac{1}{2}$ ,  
Sec. 30, unsurveyed S $\frac{1}{2}$ ,  
Sec. 31, Lots 1 and 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
unsurveyed N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 32, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , unsurveyed N $\frac{1}{2}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 23 N., R. 10 E.,  
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$   
SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 11, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$   
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
Sec. 12, All  
Sec. 15, E $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
Sec. 16, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ,  
Sec. 17, All  
Sec. 18, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ,  
Sec. 19, Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ ,  
Sec. 20, N $\frac{1}{2}$ ,  
Sec. 21, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ,  
Sec. 22, NW $\frac{1}{4}$  and unsurveyed NE $\frac{1}{4}$ , S $\frac{1}{2}$ .
- T. 23 N., R. 11 E.,  
Sec. 7, Lots 5, 6, 7, 8, SE $\frac{1}{4}$ ,  
Sec. 8, S $\frac{1}{2}$ ,  
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 17, N $\frac{1}{2}$ ,  
Sec. 18, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ .
- T. 21 N., R. 12 E.,  
Sec. 8, SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 9, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
Sec. 18, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 19, Lots 7, 8, 10, 11, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ .
- T. 22 N., R. 12 E.,  
Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 22 N., R. 13 E.,  
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$   
SE $\frac{1}{4}$ ,  
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , those parts of NE $\frac{1}{4}$   
SE $\frac{1}{4}$  outside of patented mineral sur-  
veys;  
Sec. 32, E $\frac{1}{2}$ NW $\frac{1}{4}$ .
- T. 23 N., R. 13 E.,  
Sec. 1, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
Sec. 2, Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ,  
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 24 N., R. 13 E.,  
Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 19, Lots 1, 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$   
SE $\frac{1}{4}$ ,  
Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
Sec. 22, W $\frac{1}{2}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 26, NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .

Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 Sec. 29, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area reserved pursuant to the filing of this application is approximately 39,235.73 acres, wholly within the Plumias National Forest. Of this area approximately 32,584.93 acres have been heretofore reserved in connection with either earlier applications for projects Nos. 200, 249, 261, 864, 2124 and 2134 or Power Site Classifications Nos. 163, 179, and 425.

Copies of the project map (2136-1) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 55-10122; Filed, Dec. 16, 1955; 8:47 a. m.]

[Docket No. G-4417, etc.]

FRANK W MICHAUX ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 13, 1955.

In the matters of Frank W Michaux, Morris Cannan and Creslenn Oil Company, Docket No. G-4417; Sam Sklar, Docket No. G-4422; Sam Sklar, Trustee, S. H. Killingsworth, and N. E. Loomis, Docket No. G-4599; Sam Sklar, Douglas Whitaker, and Durbin Bond, Docket No. G-4644; Sam Sklar, Trustee, Docket No. G-4645; Amerada Petroleum Corporation, Docket Nos. G-4780, G-4781, G-4782, G-4783, G-4784, G-4785; The North Central Texas Oil Company, Inc., Docket No. G-5148; Continental Oil Company, Docket Nos. G-6348, G-6354 and G-6356; Pioneer Petroleum Company, Docket No. G-8297; Anderson-Prichard Oil Corporation, Docket Nos. G-8298 and G-8328; National Oil and Gas Company, Docket No. G-8301; Murphy Farm Gas Company, Docket No. G-8302; Southray Oil Company, Docket No. G-8318; Goal Drilling Company, Docket No. G-8322; Texola Drilling Co., Inc., Docket No. G-8325; Fred Scandola, Docket Nos. G-8335 and G-8336; Basin Natural Gas Corporation, Docket No. G-8337; M. Ascher, Individually and as Trustee, Docket No. G-8344; M. Ascher, Individually and as Trustee, Docket No. G-8369; Gertrude Skelly, George F. Bauerdorf, Leach Bros., Inc., and F. A. Clark, Trustee Liberty Oil & Gas Company, et al., Docket No. G-8372; M. P. O'Meara et al., Docket No. G-8374, Fred Kyle, Docket No. G-8388.

Notice is hereby given that on November 30, 1955, the Federal Power Commission issued its findings and order adopted November 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 55-10123; Filed, Dec. 16, 1955; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 31412: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on diapers or bed liners, less carloads, fertilizer and materials, carloads, and rice bran, carloads, between points in Texas over interstate routes.

Grounds for relief: Competition of Texas intrastate rates, short-line distance formula, and circuitry.

Tariff: Supplement 9 to Agent Brown's I. C. C. 865.

FSA No. 31414: *Iron and steel articles—Texas to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, including pipe, carloads, from Bellaire, Dallas, Medio, Pierce Jct., Stella, Streets Spur and West Jct., Tex., to specified points in southern territory, including lower Mississippi River crossings, Virginia cities and Florida peninsula points.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 23 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 31415: *Grain and grain products—Arkansas and Missouri points to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, carloads, from specified points in Arkansas and Missouri to specified points in western Louisiana.

Grounds for relief: Circuitous routes through higher-rated destination groups.

Tariff: Supplement 55 to Agent Kratzmeir's I. C. C. 3940.

FSA No. 31416: *Canned goods—New Orleans, La., to Pensacola, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on canned goods and related articles, carloads, from New Orleans, La., to Pensacola, Fla.

Grounds for relief: Circuitous route.  
 Tariff: Supplement 70 to Agent C. A. Spaninger's I. C. C. 1354.

FSA No. 31417: *Glycols—Orange, Tex., to Chicago, Ill., Outer Zone District Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene and diethylene glycol, tank-car loads, from Orange, Tex., to points in the outer zone of the Chicago, Ill., switching district.

Grounds for relief: Competition of barge lines, destination group rate relations, and circuitous routes.

Tariff: Supplement 85 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 31419: *Newsprint from Calhoun, Tenn., Cosa Pines and Childersburg, Ala.* Filed by R. E. Boyle, Jr.,

Agent, for interested rail carriers. Rates on Newsprint paper, carloads, from Calhoun, Tenn., Cosa Pines and Childersburg, Ala., to specified points in southern and official territories.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 23 to Agent C. A. Spaninger's I. C. C. 1466.

FSA No. 31420: *Pulpboard or fibreboard—Port Wentworth, Ga., to New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on pulpboard or fiberboard, nohln, carloads, from Port Wentworth, Ga., to New Orleans, La.

Grounds for relief: Circuitous routes.  
 Tariff: Supplement 23 to Agent C. A. Spaninger's I. C. C. 1466.

FSA No. 31421: *Plumbers' goods—Chattanooga, Tenn., to Pacific Coast.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on plumbers' goods and related articles, carloads, from Chattanooga, Tenn., to Pacific coast terminals and intermediate points described.

Grounds for relief: Circuitous routes.  
 Tariff: Supplement 85 to Agent W. J. Prueter's I. C. C. 1564.

FSA No. 31422: *Coal—Chesapeake and Ohio Railway mines to Chattanooga, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, bituminous, also cannel coal and coal briquettes, carloads, from mines on The Chesapeake and Ohio Railway Company in groups 1, 2, 3, 4, and 5 of its tariff I. C. C. 12837, to Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 31413: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on various commodities, carloads and less carloads, as described in the application, between points in Texas over interstate routes.

Grounds for relief: Maintenance of rates proposed between points in Texas not applicable as factors in constructing combination rates lower than through one-factor rates from or to beyond Texas.

Tariff: Supplement 9 to Agent Brown's I. C. C. 865.

FSA No. 31418: *Glycols—Orange, Tex., to Chicago, Ill., Outer Zone District Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene and diethylene glycol, tank-car loads, from Orange, Tex., to points in outer zone of Chicago, Ill., switching district.

Grounds for relief: Maintenance of proposed water competition rates restricted as not applicable to effect reductions in present through one-factor rates from or to more distant points.

Tariff: Supplement 85 to Agent Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. McCoy,  
*Secretary.*

[F. R. Doc. 55-10119; Filed, Dec. 16, 1955; 8:47 a. m.]