



FEDERAL REGISTER

VOLUME 20 NUMBER 162
 1934

Washington, Friday, August 19, 1955

TITLE 7—AGRICULTURE

GENERAL

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[1023 (Peanuts-56)-1]

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AUTHORITY: §§ 729.710 to 729.731 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 28, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388.

§ 729.710 *Basis and purpose.* The regulations contained in §§ 729.710 to 729.731 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm allotments and normal yields in connection with farm marketing quotas for the peanut crop produced in the calendar year 1956. The purpose of the regulations in §§ 729.710 to 729.731 is to provide the procedure for allocating the 1956 State peanut acreage allotment among farms, for establishing allotments for farms on which peanuts were not picked or threshed in 1953, 1954, or 1955, but on which peanuts are to be picked or threshed in 1956, and for determining farm normal yields per acre for peanuts. Prior to preparing the regulations in §§ 729.710 to 729.731, public notice (20 F. R. 4142) was given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in accordance with such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 729.711 *Definitions.* As used in §§ 729.710 to 729.731 and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

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

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

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

(b) "County office manager" means the person employed by the county committee to execute the policies of the

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CFR SUPPLEMENTS (For use during 1955)

The following Supplements are now available:

Title 32: Parts 400-699 (\$5.75)
Parts 800-1099 (\$5.00)
Part 1100 to end (\$4.50)
Title 43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) (\$2.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32: Parts 1-399 (\$4.50); Parts 700-799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

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county committee and be responsible for the day-to-day operation of the county ASC office, or the person acting in such capacity.

(c) "Cropland" means farm land which in 1955 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein) (2) plowable, noncrop, open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

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

(e) "Director" means the Director, or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Excess acreage" means the acreage by which the farm peanut acreage

exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(g) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

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

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

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

(h) "Farm allotment" means the acreage allotment established for a farm pursuant to § 729.719 or § 729.722.

(i) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1956 less the acreage not picked or threshed as determined by the county office manager in accordance with the applicable subparagraph (1), (2) or (3), of this paragraph:

(1) If any of the acreage planted to peanuts on the farm is to be hogged-off, the farm operator shall so notify the county office manager who will arrange to have the hogged-off acreage inspected by a representative of the county committee to determine if any of the peanuts from the hogged-off acreage have been or can be dug. Either the hogged-off acreage or the picked and threshed acreage shall be measured to establish the exact acreage picked or threshed. However, if the planted acreage of peanuts on a farm is not in excess of the larger of the farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be hogged-off, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be hogged-off, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been hogged-off in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (2) and (3) of this paragraph shall be the farm peanut acreage.

(2) If any acreage planted to peanuts on the farm is to be left in the ground, the farm operator shall so notify the county office manager who will arrange to have such acreage inspected at a time when the nuts can no longer be removed from the ground by digging to determine if any peanuts from such acreage have been dug. Either the acreage of peanuts left in the ground or the picked and threshed acreage of peanuts shall be measured to determine the exact picked and threshed acreage. However,

if the planted acreage is not in excess of the larger of the farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be left in the ground, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be left in the ground, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been left in the ground in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (1) and (3) of this paragraph shall be the farm peanut acreage.

(3) Any acreage of peanuts that is dug shall be considered as picked and threshed, unless the farm operator arranges with the county office manager for a representative of the county committee to inspect and determine the quantity of dug peanuts which are representative of peanuts produced on the farm that are in such condition that they cannot then or in the future be picked or threshed, and furnishes satisfactory evidence from which the percentage of the total dug peanut production on the farm represented by said quantity of representative dug peanuts which have not been picked or threshed can be determined. Such percentage of the acreage of dug peanuts shall be the acreage to be deducted from the planted acreage under the provisions of this subparagraph: *Provided, however* That:

(4) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(5) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (4) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further* That the maximum acreage limit prescribed in this subparagraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(j) "New farm" means a farm on which peanuts will be picked or threshed in 1956, but on which no peanuts were picked or threshed in 1953, 1954, or 1955.

(k) "Old farm" means any farm on which peanuts were picked or threshed

in 1953, 1954, or 1955, including also any farms for which 1955 farm allotments were established or which were eligible for 1955 old farm allotments, if peanuts were planted for harvest on any such farm in any year 1953, 1954, or 1955, and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting acreage.

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

(m) "Peanuts" means all peanuts produced, excluding any peanuts not picked or threshed either before or after marketing from the farm.

(n) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(o) "Secretary" means the Secretary, or the Acting Secretary of Agriculture of the United States.

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

(q) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in 1956, taking into consideration land uses and other crops grown on the farm and customary rotation practices: *Provided*, That the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the 1956 acreage allotments established for other crops for the farm. If the 1956 acreage allotments for one or more crops are not established for the farm prior to the determination of the tillable acreage available and it has been announced that acreage allotments for such crops will be in effect in 1956, the farm acreage allotments established for such crops for the last year allotments were in effect shall be used.

(r) "Tillable acreage factor" means the factor determined for the county (or for each community in a county, if the county committee determines that there is a wide variation between communities in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the 1955 farm peanut allotments for all old farms in the county (or community)

§ 729.712 *Rule of fractions.* (a) Farm allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

(b) Farm peanut acreages shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre

shall be dropped. For example 8.09 would be 8.0.

§ 729.713 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in §§ 729.710 to 729.731. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.714 *Determination of farm data.* (a) The county committee shall obtain the following information and data for each old farm.

(1) The name and address of the operator.

(2) The total acreage of all land in the farm.

(3) The acreage of cropland in the farm.

(4) The tillable acreage available for the farm.

(5) The farm peanut acreage for each year 1953, 1954, and 1955.

(6) The 1955 peanut acreage allotment for the farm.

(7) Such other information and data as may be necessary in establishing farm allotments in accordance with §§ 729.710 to 729.731.

(b) The information and data provided for in this section shall be obtained from acreage measurements and other records in the office of the county committee, if not available from these sources, these data and information may be obtained from reports made by operators or other interested persons or may be appraised or determined by the county committee on the basis of production and marketing records or other available information.

§ 729.715 *Apportionment of State peanut allotment to farms.* Adjusted acreages for all old farms in the State shall be determined in accordance with § 729.717. Preliminary acreage allotments for old farms shall be calculated by multiplying the adjusted acreage for each old farm by a factor obtained by dividing the total of the adjusted acreages for all old farms in the State into the 1956 State peanut acreage allotment (minus the acreage reserve for late allotments and corrections pursuant to § 729.718 and the acreage reserve for adjustment pursuant to § 729.717 (b) (5) if allotment adjustments are to be made after adjusted acreage have been determined). Farm allotments shall be determined pursuant to § 729.719.

§ 729.716 *Basis of farm allotment.* A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: the 1955 peanut acreage allotment for the farm, the 1953, 1954, and 1955 farm peanut acreages; abnormal conditions affecting farm peanut acreage; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: *Pro-*

vided, however That in establishing farm allotments pursuant to §§ 729.710 to 729.731, the following acreage shall not be taken into consideration: The peanut acreage determined as harvested in excess of the farm allotments established for each of the years 1953, 1954, and 1955; the peanut acreage harvested on the farm in 1953 as a result of allotments made under §§ 729.427 and 729.429 of the marketing regulations for the 1953 crop of peanuts; the acreage allotment made to the farm under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 crop of peanuts; the peanut acreage harvested on the farm in 1954 as a result of allotments made under § 729.525 of the marketing quota regulations for the 1954 crop of peanuts; the acreage allotment made to the farm under § 729.525 of the marketing quota regulations for the 1954 crop of peanuts; the peanut acreage harvested on the farm in 1955 as a result of allotment made under § 729.625 of the marketing quota regulations for the 1955 crop of peanuts; and the acreage allotment made to the farm under § 729.625 of the marketing quota regulations for the 1955 crop of peanuts: *And provided further* That an allotment shall not be determined for any farm on which one acre or less of peanuts was harvested in each of the years 1953, 1954, and 1955; unless the county committee determines from available information that more than one acre of peanuts will be harvested on the farm in 1956.

§ 729.717 *Determination of adjusted acreage.* The county committee shall determine an adjusted acreage for each old farm in the county (excluding farms on which one acre or less of peanuts was harvested in each year 1953, 1954, and 1955 unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in 1956) as follows:

(a) If peanuts were produced on a farm in 1955 for the first time since 1951, but no 1955 peanut acreage allotment was established for the farm, the county committee shall, on the basis of tillable acreage available; labor and equipment available for the production of peanuts, crop-rotation practices; and soil and other physical factors affecting the production of peanuts, determine an adjusted acreage for the farm which is fair and equitable in comparison with the adjusted acreages for other farms in the community which are similar with respect to such factors.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust 1955 farm peanut acreages and establish adjusted acreages as provided herein:

(1) The county committee shall examine the 1955 farm peanut acreage and if abnormal conditions affected such acreage, the 1955 farm peanut acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased shall not exceed the 1955 farm allotment established for the farm.

(2) If a farm allotment was not established for 1955 for a farm on which peanuts were produced in any one or more of the years 1952, 1953, or 1954 the county committee shall determine an acreage for the farm which shall be considered the 1955 farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the regulation contained in §§ 729.610 to 729.631 of the marketing quota regulations for the 1955 crop of peanuts.

(3) The county committee shall compare the 1955 farm peanut acreage for each farm with the 1955 farm allotment for each farm. If the 1955 farm peanut acreage for a farm was less than 70 percent of the 1955 farm allotment, a total of the farm peanut acreages for 1953, 1954, and 1955 shall be determined. The total acreage so determined shall be divided by 3, except that if the farm did not receive a farm allotment in 1953, the total shall be divided by 2, or if the farm did not receive a farm allotment in 1953, and 1954 the total shall be divided by 1. If the average of the farm peanut acreages for the farm, determined in accordance with this subparagraph is less than the 1955 allotment for the purpose of determining the adjusted acreage for the farm, the average of the farm peanut acreages shall be considered as the 1955 farm allotment.

(4) The county committee shall examine the 1955 farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotments downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the 1953-55 average peanut acreage for the farm.

(5) An acreage not in excess of 10 percent of the 1955 State peanut acreage allotment shall be made available to county committees by the State committee for making upward adjustments. The State committee shall determine if upward adjustments are to be made prior to or subsequent to determining adjusted acreages. If upward adjustments are to be made prior to determining adjusted acreages, the county committee shall examine the 1955 farm allotment for each farm after adjustments, if any, have been made under subparagraphs (3) and (4) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1953, 1954, and 1955; tillable acreage available; labor and equipment available for the production of peanuts; crop-

rotation practices; and the soil and other physical factors affecting the production of peanuts. If upward adjustments are to be made prior to determining adjusted acreage, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest farm peanut acreage for the farm for the years 1953, 1954, or 1955: *Provided, however* That such limitation shall not be applicable if the State and county committees find that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut acreages for 1953, 1954, and 1955, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

(6) The adjusted acreage for each old farm in the county shall be the 1955 farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraphs (4) and (5) of this paragraph.

(c) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.718 *County reserves for late allotments and corrections.* The county committee shall estimate the acreage that will be needed in the county (a) to establish late 1956 allotments for old farms on which one acre or less of peanuts was picked or threshed in each year 1953, 1954, and 1955, but on which more than one acre of peanuts will be picked and threshed in 1956 and (b) for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1956 farm allotments. The reserve for late allotments and corrections recommended by the county committee shall be subject to adjustment by the State committee and shall be held as a State reserve.

§ 729.719 *Allotments for old farms.* (a) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.717 (b) (5), the preliminary allotments determined pursuant to § 729.715 shall be the 1956 farm allotments.

(b) If the State committee determines, as provided in § 729.717 (b) (5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, the county committee shall examine the 1956 preliminary farm allotment for each farm and may adjust such preliminary allotment upward if it determines that such adjustment is necessary to obtain a 1956 farm allotment for the farm which is comparable with the 1956 allotments established for other similar old farms in the community. Upward adjustments

shall be made on the basis of the farm peanut acreage for 1953, 1954, and 1955; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying tillable acreage available for the farm by the tillable acreage factor or (2) the largest farm peanut acreage for the farm for the years 1953, 1954, and 1955. *Provided, however* That such limitation shall not be applicable if the State and county committees find that the allotment as determined under such limitations is relatively smaller in relation to the farm peanut acreage for 1953, 1954, and 1955, and the tillable acreage available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with respect to such factors. The 1956 farm allotment shall be the preliminary allotment for the farm determined in accordance with § 729.715 plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.717 (b) (5)

§ 729.720 *Allotments for farms divided or combined*—(a) *Divisions*. If land operated as a single farm in 1955 will be operated in 1956 as two or more farms, the 1956 allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland available for the production of peanuts for each such divided farm bears to the cropland available for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1956 consists of two or more tracts which were separate and distinct farms before being combined for 1953, 1954, or 1955, be apportioned among the tracts in the same proportion that each contributed to the farm allotment for the year for which combined: *Provided*, That with the recommendations of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the 1955 farm allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms: *Provided further* That if a farm is to be divided for 1956 in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such basis as the State committee determines will result in equitable allotments.

(b) *Combinations*. If two or more tracts which were operated as separate farms in 1955 are combined and operated as a single farm for 1956, the 1956 allot-

ment shall be the sum of the 1956 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.721 *Normal yields for old farms*. The normal yields for an old farm for the 1956 crop of peanuts shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee on the basis of the data which are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 729.722 *Allotments for new farms*. (a) The farm allotment for a new farm shall be that acreage which the county committee, subject to the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producers on the farm, the tillable acreage available, labor and equipment available for the production of peanuts on the farm, crop-rotation practices, and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1956, or later than February 15, 1956.

(2) A producer on the farm shall have had experience in growing peanuts either as a share cropper, tenant, or as a farm operator or farm owner during at least two of the past five years: *Provided, however*, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry in the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established in 1956.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish fair and reasonable allotments and reserves for old farms in any State is less than the State allotment, the balance of each State allotment shall, upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the State and county committees does not exceed one-half of one percent of the State's share of the 1956 national peanut acreage allotment, as determined by the Director, no adjustment will be made in the new farm allotments determined by the county and State committees;

(2) For any State for which the total of the new farm allotments determined by the State and county committees exceeds one-half of one percent of the State's share of the national acreage allotment, as determined by the Director, there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The farm allotments determined by the county and State committees for new farms which receive acreage under subparagraph (2) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms; and

(4) If the total of the acreage required to establish fair and reasonable allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in § 729.722 (a) for farms on which no peanuts were

picked or threshed in 1953, 1954, or 1955, if each of the following conditions has been met:

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee which shall not be later than March 1, 1956.

(ii) The applicant is largely dependent on the farm for his livelihood.

(iii) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for 1956.

(5) Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

§ 729.723 *Normal yields for new farms.* The normal yield for a new farm for the 1956 crop of peanuts shall be that yield per acre which the county committee determines is normal for the farm, as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

MISCELLANEOUS

§ 729.724 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If peanuts were marketed or were permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments established for both such farms for 1956 shall be reduced, as hereinafter provided, except that such reduction for any farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketings.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all peanuts produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the allotment for the farm shall be reduced, except that if the operator establishes to the satisfaction of the county and State committees that failure to furnish proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1956 farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season for the county in which the farm is located, as determined by the State committee. If the reduction cannot be made effective with respect to the 1956 crop, such reduction shall be made with respect to the farm allotment next established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1956 farm allotment shall be that per-

centage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting seasons, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided*, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee multiplied by the farm allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of peanuts for which satisfactory proof of disposition of peanuts on the farm is not known, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 729.725 *Release and reapportionment—(a) Release of acreage allotments.* Any part of the acreage allotted for 1956 to an individual farm in any county under the provisions of §§ 729.719 and 729.722 on which peanuts will not be produced and which the owner or operator of the farm voluntarily surrenders in writing to the county committee by the closing date established by the State committee, which shall not be later than July 1, 1956 shall be deducted from the allotment to such farm. If any part of the farm allotment is permanently released (i. e., for 1956 and all subsequent years) such release shall be in writing and signed by both the owner and the operator of the farm. If the entire 1956 farm allotment is permanently released, the farm shall not thereafter be eligible

for a 1956 farm allotment as either an old farm or as a new farm, and the farm peanut acreages and farm allotments for 1956 and prior years shall not be considered in establishing an allotment for the farm for 1957 or any subsequent year.

(b) *Reapportionment of released acreage allotment.* The farm allotments released under paragraph (a) of this section shall be reapportioned by the county committee, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on Form MQ-30 Peanuts (1956) by the farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not later than July 15, 1956.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for 1956 only.* The release for 1956 only of any part of the acreage allotted for 1956 to individual farms, pursuant to paragraph (a) of this section shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1957 because peanuts were not picked or threshed on the farm in 1954, 1955, or 1956. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1956 for the farm to which the acreage is reapportioned.

§ 729.726 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm by the owner of the farm

at the time of its acquisition by the Federal, State, or other agency (2) any peanuts produced on such farm have not been accounted for as required by the Secretary or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.727 *Additional acreage allotment for farms producing types of peanuts in short supply.* (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1956 less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any of the three years 1953, 1954, 1955, on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.728 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may revise or require the revision of any determination made in connection therewith pursuant to §§ 729.710 to 729.731. Farm allotments shall be approved by the State committee and official notice of the farm allotment on Form MQ-24 shall not be issued for a farm until such allotment has been so approved. A Form MQ-24 Peanuts (1956) Notice of Farm Acreage Allotment and Marketing Quota for Peanuts, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ-24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.724 shall be mailed to operators by certified mail.

§ 729.729 *Application for review.* Any producer who is dissatisfied with the farm allotment or marketing quota established for his farm, may within fifteen days after mailing of the official notice, file application with the county committee which issued such notice to have such allotment of quota reviewed. Farm allotments and marketing quotas shall be reviewed by a review committee in accordance with the marketing quota review regulation issued by the Secretary (Part 711 of this chapter) a copy of which is available at the office of the county committee.

§ 729.730 *Right to appeal normal yield determination.* Any producer who is dissatisfied with the normal yield estab-

lished for his farm may file an appeal for reconsideration of the determination. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and post-marked or delivered to the county committee within fifteen days after the date of mailing the notice of farm normal yield. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within fifteen days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within fifteen days after the date of mailing of the notice of the decision of the State committee, appeal to the Deputy Administrator for Production Adjustment whose decision shall be final.

§ 729.731 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.710 to 729.731 may be redelegated by the State committee.

Done at Washington, D. C., this 16th day of August 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-6746; Filed, Aug. 18, 1955;
8:46 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8, Supp. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MONTANA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260) as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Montana State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 50,980 acres established for Montana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 211 North Grand Avenue, Bozeman, Montana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Montana. The bases and procedures incorporate the following:

§ 850.12 *Montana*—(a) *Proportionate share areas.* Montana shall be divided into three proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: American Crystal, Great Western and

Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce," with pro rata adjustments to a total of 50,980 acres. Acreage allotments computed as aforesaid are established as follows: American Crystal Area—4,629 acres, Great Western Area—24,303 acres, and Holly Area—22,048 acres.

(b) *Set asides of acreage.* Set asides of acreage shall be made from each area allotment of not less than 1 percent for new producers, not less than 1 percent for appeals, and for making adjustments in initial proportionate shares as follows: American Crystal Area—none, Great Western Area—3,097.3 acres, and Holly Area—651.8 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases, except that a request may be accepted by the ASC State Committee after that date where the failure to timely file was not the fault of the operator.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* For each farm, a farm base shall be established at the average planted sugar beet acreage of the farm for the crops of 1950 through 1954 (total planted acreage divided by 5 in each case) as a measure of both "past production" and "ability to produce"

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm base in each proportionate share area on a prorata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides, provided that the initial proportionate share for each farm with a base of 5 acres or less, shall not be less than such base.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration ability to produce, availability and suitability of land, adequacy of drainage, availability of production and marketing facilities, availability of irrigation water, area of available fields, and the production experience of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined

in § 850.8) by taking into consideration the area of available fields, the availability of equipment for sugar beet growing, the availability of irrigation water, the suitability of land, the production experience of the operator, and the availability of production and marketing facilities.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm. (Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: June 23, 1955.

[SEAL] FRANK A. CLELAND,
Chairman, Agricultural Stabilization and Conservation
Montana State Committee.

Approved: August 15, 1955.

LAWRENCE MYERS,
Director Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-6749; Filed, Aug. 18, 1955; 8:47 a. m.]

[Sugar Determination 850.8, Supp. 5]

PART 850—DOMESTIC BEET SUGAR
PRODUCING AREA

WYOMING PROPORTIONATE SHARE AREAS AND
FARM PROPORTIONATE SHARES FOR 1955
CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260) as amended (20 F. R. 1635) the Agricultural Stabilization and Conservation Wyoming State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares

from the allocation of 34,645 acres established for Wyoming by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 345 East Second Street, Casper, Wyoming, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wyoming. The bases and procedures incorporate the following:

§ 850.13 *Wyoming*—(a) *Proportionate share areas.* Wyoming shall be divided into six proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Lovell, Lyman-Gering, Wheatland, Worland, Torrington, and Sheridan. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce" with a floor of 93.2 percent of the 1953-54 average acreage and with pro rata adjustments to a total of 34,645 acres. Acreage allotments computed as aforesaid are established as follows: Lovell Area—6,660 acres, Lyman-Gering Area—751 acres, Wheatland Area—2,201 acres, Worland Area—9,487 acres, Torrington Area—14,938 acres, and Sheridan Area—608 acres.

(b) *Set asides of acreage.* Set asides of acreage shall be made from each area allotment of 1 percent for new producers and 1 percent for appeals. In addition, set asides for making adjustments in initial proportionate shares shall be made as follows: Lovell Area—129.9 acres, Lyman-Gering Area—1.6 acres, Wheatland Area—149.2 acres, Worland Area—15.6 acres, Torrington Area—0.2 acre, and Sheridan Area—116.7 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* Farm bases shall be established as follows:

(i) *Lovell and Lyman-Gering areas.* For each farm in the Lovell or the Lyman-Gering area, the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954 (total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm and area, as follows:

| | Lovell | Lyman-Gering |
|---|---------|--------------|
| | Percent | Percent |
| Planted acreage for all 5 crops..... | 100 | 68 |
| Planted acreage only for last 4 crops..... | 88 | 67 |
| Planted acreage only for 4 crops other than last 4 consecutive crops..... | 83 | 83 |
| Planted acreage only for last 3 crops..... | 74 | 72 |
| Planted acreage only for 3 crops other than last 3 consecutive crops..... | 72 | 70 |
| Planted acreage only for last 2 crops..... | 68 | 69 |
| Planted acreage only for 2 crops other than last 2 consecutive crops..... | 62 | 60 |
| Planted acreage only for 1954 crop..... | 40 | 40 |
| Planted acreage only for 1 crop other than 1954 crop..... | 18 | 18 |

(ii) *Wheatland, Worland, Torrington and Sheridan areas.* For each farm in the Wheatland, Worland, Torrington or Sheridan area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 25 percent to the largest acreage of the crops of 1950-54, as a measure of "ability to produce."

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each of the Wheatland, Worland, Torrington and Sheridan areas on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides. In each of the Lovell and Lyman-Gering areas, the farm bases as computed in subparagraph (1) (i) of this paragraph shall constitute the initial proportionate shares.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the suitability and area of available land, availability of equipment for the production of sugar beets, availability of irrigation water, adequacy of drainage, availability of marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments

shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "Revised."

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm proportionate shares in Wyoming in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The division of Wyoming into general areas as served by beet sugar companies provides a reasonable subdivision of the State, in relation to geographical locations, the operation of sugar beet processing plants and the use of advisory committees comprising grower and processor representatives. The formula used in subdividing the State acreage allocation among these areas is similar to that used by the Department of Agriculture in establishing State allocations. The formula used in subdividing the area allotments into individual farm proportionate shares in four of the proportionate share areas also employs the same base period and weightings. For the Lovell and Lyman-Gering areas, special formulas were developed to recognize a larger number of categories and to give greater weight to length of production and recent production. The percentage factors used in these two areas reflect adjustments made in order that the total acreage of farm bases in each area equalled the area allotment less the prescribed set-asides.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be fol-

lowed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: June 16, 1955.

[SEAL] R. L. HENDERSON,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved: August 15, 1955.

LAWRENCE MYERS,
Director Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-6750; Filed, Aug. 18, 1955; 8:47 a. m.]

[Sugar Determination 850.8, Supp. G]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

UTAH PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260) as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 30,545 acres established for Utah by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 222 S. W. Temple Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Utah. The bases and procedures incorporate the following:

§ 850.14 *Utah*—(a) *Proportionate share areas.* Utah shall be divided into seven proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Garland, West Jordan, Gunnison, Cache, Ogden, Layton and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 97.4 percent of the 1953-54 average acreage and with pro rata adjustments to a total of 30,545 acres. Acreage allotments computed as aforesaid are established as follows: Garland Area—7,036 acres, West Jordan Area—8,032 acres, Gunnison Area—6,132 acres, Cache Area—3,744 acres, Ogden Area—2,029 acres, Layton Area—2,825 acres, and Holly Area—747 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of not less than 1 percent for new producers, not less than 1 percent for appeals, and for making adjustments in initial proportionate shares as follows: Garland Area—0 acres; West Jordan Area—638 acres; Gunnison Area—273.2 acres; Cache Area—296.7 acres; Ogden Area—53.5 acres; Layton Area—61.9 acres, and Holly Area—0 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* For each farm, a farm base shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the average acreage of the crops of 1953-54, as a measure of "ability to produce"

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm basis in each proportionate share area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. To give effect to production experience, adjustments shall be permissible to the level of the acreages resulting from the application of the percentage weightings set forth in subparagraph (1) of this paragraph to the personal sugar beet production record of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. And to give effect to production experience, first consideration

shall be given to a farm operator who was a sugar beet producer as a tenant during the base period and who is an owner-operator in 1955 on land without sugar beet production history in the base period.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares in accordance with paragraph (h) (2) of § 850.8.

(7) *Notification of farm operators.* The farm operators shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "Revised."

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets for the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm proportionate shares in Utah in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The division of Utah into general areas as served by beet sugar companies provides a reasonable subdivision of the State, in relation to the operation of sugar beet processing plants and the use of advisory committees comprising grower and processor representatives. The formula used in subdividing the State acreage allocation among these areas is similar to that used by the Department of Agriculture in establishing State allocations. The formula used in subdividing the area allotments into individual farm proportionate shares employs identical percentage weightings, but "ability to produce" is measured by the 1953-54 average acreage rather than the largest acreage of any of the crops of 1950 through 1954.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: June 20, 1955.

[SEAL] J. TAYLOR ALLEN,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: August 15, 1955.

LAWRENCE MYERS,
Director Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-6754; Filed, Aug. 18, 1955; 8:47 a. m.]

[Sugar Determination 850.8, Supp. 8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

SOUTH DAKOTA FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260) as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation South Dakota State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 5,365 acres established for South Dakota by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 56 Third Street SE., Huron, South Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of South Dakota. The bases and procedures incorporate the following:

§ 850.16 *South Dakota*—(a) *Set asides of acreage.* From the State allocation there is set aside 1 percent for use in establishing farm proportionate shares for new producers and 1 percent for adjusting individual farm proportionate shares under appeals.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(c) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* For each farm in South Dakota, the farm base shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 40 percent to the average acreage for the crops of 1952 through 1954, as a measure of "past production" and a weighting of 60 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce."

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases on a pro rata basis so that the total of the

farm shares equals the State allocation less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the State allocation from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season on a pro rata basis for the farms whereon additional acreage may be planted.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "revised"

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation South Dakota State Committee for determining farm proportionate shares in South Dakota in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The establishment of individual farm proportionate shares directly from the State allocation, without subdividing the State into proportionate share areas, is

reasonable considering that the sugar beet producing region of the State is relatively small and only one beet sugar company contracts for acreage in South Dakota.

Since the 1954 acreage in the State was the largest in recent years and the 1952-54 average acreage was larger than the 1950-54 acreage, the use of a 1952-54 base period and a 60 percent weighting for the largest acreage in the 1952-54 period in establishing individual farm shares reflects recent production trends.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm:

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: June 16, 1955.

[SEAL] CARL J. SCHAEFER,
Chairman, Agricultural Stabilization
and Conservation South
Dakota State Committee.

Approved: August 15, 1955.

LAWRENCE MYERS,
Director Sugar Division, Com-
modity Stabilization Service.

[F. R. Doc. 55-6751; Filed, Aug. 18, 1955;
8:47 a. m.]

[Sugar Determination 850.8, Supp. 9]

PART 850—DOMESTIC BEET SUGAR
PRODUCING AREA

MINNESOTA PROPORTIONATE SHARE AREAS AND
FARM PROPORTIONATE SHARES FOR 1955
CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635) the Agricultural Stabilization and Conservation Minnesota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 66,035 acres established for Minnesota by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 1104 Main Post Office Building, St. Paul, Minnesota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Minnesota. These bases and procedures incorporate the following:

§ 850.17 *Minnesota*—(a) *Proportionate share areas*. Minnesota shall be divided into two proportionate share areas comprising the East Grand Forks-Crookston-Moorhead and the Chaska-Mason City factory districts of the State. These areas shall be designated the "Northwestern Area" and the "Southern Area" respectively. Acreage allotments

for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 90 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 10 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce" with pro rata adjustments to a total of 66,035 acres. Acreage allotments computed as aforesaid are established as follows: Northwestern Area—53,320 acres, and Southern Area—12,715 acres.

(b) *Set asides of acreage*—(1) *Northwestern area*. From the Northwestern area allotment there is set aside 533.2 acres for use in establishing farm proportionate shares for new producers, 590.7 acres for adjusting individual farm proportionate shares under appeals, and 117.5 acres for adjusting individual farm proportionate shares pursuant to paragraph (h) (1) of § 850.8.

(2) *Southern area*. From the Southern area allotment there is set aside 286.4 acres for use in establishing farm proportionate shares for new producers and 127.0 acres for adjusting individual farm proportionate shares under appeals.

(c) *Requests for proportionate shares*. A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases*. Farm bases shall be established as follows:

(i) *Northwestern area*. For each farm in the Northwestern area whose operator is not a tenant in the 1955-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1955-crop season, the farm base shall be established from the planted sugar beet acreage record of the operator, provided that if both the person who was a crop-share tenant of land on which beets were planted in any year of such period and the person who was the owner of the same land file requests for proportionate shares, the acreage history of such land shall be divided between such tenant and owner on the basis of the effective crop shares. Such farm base shall be computed by giving a weighting of 75 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce", with minimum acreages as follows:

(a) If sugar beets were planted in all 3 years of the 1952-54 period, the larger of 90 percent of the 1953-54 average acreage and 75 percent of the 1954 acreage;

(b) If sugar beets were planted in 1953 and 1954 only, the larger of 85 percent of the 1953-54 average acreage and 75 percent of the 1954 acreage; and

(c) If sugar beets were planted in 1952 and 1954 or 1954 only, 75 percent of the 1954 acreage.

(ii) *Southern area*. For each farm in the Southern area whose operator is not a tenant in the 1955-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1955-crop season, the farm base shall be established from the planted sugar beet acreage record of the operator, provided that if both the person who was a crop-share tenant of land on which beets were planted in any year of such period and the person who was the owner of the same land file requests for proportionate shares, the acreage history of such land shall be divided between such tenant and owner on the basis of the effective crop shares. Such farm base shall be computed by giving a weighting of 50 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production" and a weighting of 50 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce" with minimum acreages as follows:

(a) If sugar beets were planted in 1952 or 1953 only, 50 percent of the acreage for such one year; and

(b) If sugar beets were planted in 1954 only, 75 percent of the 1954 acreage.

(2) *Initial proportionate shares*. Initial proportionate shares shall be established from the farm bases in each proportionate share area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares*. Within the acreage available from the set-aside for adjustments and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(4) *Proportionate shares for new producers*. Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals*. Within the acreage set aside for making adjustments under appeals and any

other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "Revised."

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Minnesota State Committee for determining farm proportionate shares in Minnesota in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The division of Minnesota into two general areas is reasonable considering geographical locations, the operation of sugar beet processing plants and the use of advisory committees comprising grower and processor representatives. The formula used in dividing the State acreage allocation between these areas is similar to that used by the Department of Agriculture in establishing State allocations, except that 90-10 percentage weightings are used rather than 75-25 percentage weightings.

The formulas used in subdividing the area allotments into individual farm proportionate shares reflect differences in the two areas. The formula used in the Northwestern Area is designed especially to recognize production trends. Since sugar beet production in Minnesota is organized around tenant-operators rather than around units of land, the personal production records of the farm operators are considered generally in establishing individual farm proportionate shares.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order

that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpretations or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: June 29, 1955.

[SEAL] CLARENCE D. PALMBY,
Chairman, Agricultural Stabilization and Conservation Minnesota State Committee.

Approved: August 15, 1955.

LAWRENCE MYERS,
Director Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-6753; Filed, Aug. 18, 1955; 8:47 a. m.]

[Sugar Determination 850.3, Supp. 10]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

COLORADO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260) as amended (20 F. R. 1635) the Agricultural Stabilization and Conservation Colorado State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 130,715 acres established for Colorado by the Determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the New Custom House, Denver, Colorado, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Colorado. These bases and procedures incorporate the following:

§ 850.18 *Colorado*—(a) *Proportionate share areas.* Colorado shall be divided into three proportionate share areas comprising the parts of the State included in the factory districts of the Great Western Sugar Company, the Rocky Ford-Sugar City-Swink factory districts, and the Delta factory district. These areas shall be designated Northern Area, Southern Area, and Western Area, respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce" with pro rata adjustments to a total of 130,715 acres. Acreage allotments computed as aforesaid are established as follows: Northern Area—106,742 acres, Southern Area—19,027 acres, and Western Area—4,946 acres.

(b) *Set asides of acreage.* Set asides of acreage shall be made from each area allotment of 1 percent for new producers and 1 percent for appeals. In addition set asides for making adjust-

ments in initial farm proportionate shares shall be made as follows: Northern Area—2,602.9 acres, Southern Area—1,579.5 acres, and Western Area 611.8 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and published through local news releases.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* Farm bases shall be established as follows:

(i) *Northern area.* For each farm in the Northern area the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954 (total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm and area, as follows:

| | Percent |
|---|---------|
| Planted acreage for all 5 crops----- | 90 |
| Planted acreage only for last 4 crops-- | 83 |
| Planted acreage only for 4 crops other than last 4 consecutive crops----- | 75 |
| Planted acreage only for last 3 crops-- | 60 |
| Planted acreage only for 3 crops other than last 3 consecutive crops----- | 54 |
| Planted acreage only for last 2 crops-- | 40 |
| Planted acreage only for 2 crops other than last 2 consecutive crops----- | 31 |
| Planted acreage only for 1954 crop--- | 24 |
| Planted acreage only for 1 crop other than 1954 crop----- | 10 |

(ii) *Southern and Western areas.* For each farm in the Southern or Western area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage of the crops of 1953 and 1954, as a measure of "ability to produce"

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm base in each of the Southern and Western areas on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides. In the Northern area, the farm bases as computed in subparagraph (1) (i) of this paragraph shall constitute the initial proportionate shares.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy

of drainage, availability of production and marketing facilities and the production experience of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "Revised"

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Colorado State Committee for determining farm proportionate shares in Colorado in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The Division of Colorado into three general areas is reasonable considering geographical locations, the operation of sugar beet processing plants and the use of advisory committees comprising grower and processor representatives. The formula used in subdividing the State acreage allocation among these areas is similar to that used by the Department of Agriculture in establishing State allocations. The formula used in subdividing the Southern and Western area allotments into individual farm proportionate shares also employs the same base period and similar weightings. For the Northern Area a special formula

was developed to recognize a larger number of categories and to give greater weight to length of production and recent production. The percentage factors used in this area reflect adjustments made in order that the total acreage of farm bases equalled the area allotment less the prescribed set-asides.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: July 6, 1955.

[SEAL] HARRY CLARK,
Chairman, Agricultural Stabilization and Conservation Colorado State Committee.

Approved: August 15, 1955.

LAWRENCE MYERS,
Director Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-6752; Filed, Aug. 18, 1955; 8:47 a. m.]

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

PART 912—MILK IN THE DUBUQUE, IOWA, MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act" and of the order (No. 12) as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area, hereinafter referred to as the "order" it is hereby found and determined that the provisions of § 912.6 (b) (2) of the order no longer tend to effectuate the declared policy of the act.

A public hearing was held at Dubuque, Iowa, on June 29, and July 13 and 14, 1955, to consider, among other things, a proposal to terminate § 912.6 (b) (2). Notice of the hearing was published in the FEDERAL REGISTER (20 F. R. 2060, 2733, 4092). The evidence received at the hearing indicates that immediate termination of this provision is necessary and should not be delayed pending full consideration of the other amendments considered at such hearing. All parties of record at the hearing agreed to the necessity of prompt action with respect to the termination of these provisions.

It is hereby found and determined that additional notice of proposed rule making and public procedure thereon is impractical, unnecessary and contrary to the public interest, in that (1) all parties of interest were advised of the aforementioned hearing, (2) both handlers and producers have requested such emergency action, (3) this action relieves certain handlers of a currently in-

creasing obligation, and (4) this action is necessary to facilitate and maintain the orderly marketing of milk between regulated markets. The changes caused by this termination order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the provisions of § 912.6 (b) (2) of the order (No. 12) as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area be and they hereby are terminated.

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

Done at Washington, D. C., this 15th day of August 1955, to become effective immediately.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-6742; Filed, Aug. 18, 1955; 8:46 a. m.]

[Pear Order 7]

PART 939—BEURRE D'ANJOU, BEURRE BOSQ, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 939.307 Pear Order 7—(a) Findings.

(1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939) regulating the handling of the Beurre d'Anjou, Beurre Bosq, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, 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 and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, 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.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 20, 1955. A reasonable determination as to the composition of the available supplies of such pears, and

therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendations as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 27, 1955, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until August 11, 1955; shipments of the current crop of such pears are expected to begin on or about August 20, 1955, and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., August 20, 1955, and ending at 12:01 a. m., P. s. t., July 1, 1956, no handler shall ship:

(i) Any Beurre d'Anjou pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size: *Provided*, That Beurre d'Anjou pears which grade at least U. S. No. 1 may be shipped in sizes smaller than size 165 but not smaller than size 180: *And provided further* That Beurre d'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenth of one inch in diameter or depth, as the case may be, if they otherwise grade at least U. S. No. 1, and are of a size not smaller than the 165 size;

(ii) Any Beurre Bosc pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size; *Provided*, That Beurre Bosc pears which grade at least U. S. No. 1 may be shipped in sizes smaller than size 165 but not smaller than size 180;

(iii) Any Doyenne du Comice pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size;

(iv) Any Winter Nelis pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 210 size;

(v) Any Beurre Easter pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size; or

(vi) Any Beurre Clairgeau pears unless such pears grade at least U. S. No. 1 and are of a size not smaller than the 165 size.

(2) As used in this section, "pears," "handler," "ship," and "shipped," shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 1," and "U. S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties, as reclassified (§§ 51.1300 to 51.1321 of this title; 18 F. R. 7120) and "165 size," "180 size," and "210 size" shall mean that the pears are of a size which, as indicated by the

size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 165, 180, or 210 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep)

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

Dated: August 16, 1955.

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

[F. R. Doc. 55-6748; Filed, Aug. 18, 1955;
8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

| Federal Reserve Bank of— | Rate | Effective |
|--------------------------|------|---------------|
| Boston..... | 2 | Aug. 4, 1955 |
| New York..... | 2 | Aug. 6, 1955 |
| Philadelphia..... | 2 | Do. |
| Cleveland..... | 2½ | Aug. 4, 1955 |
| Richmond..... | 2 | Aug. 12, 1955 |
| Atlanta..... | 2 | Aug. 4, 1955 |
| Chicago..... | 2 | Do. |
| St. Louis..... | 2 | Aug. 8, 1955 |
| Minneapolis..... | 2 | Aug. 6, 1955 |
| Kansas City..... | 2 | Aug. 6, 1955 |
| Dallas..... | 2 | Do. |
| San Francisco..... | 2 | Do. |

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b)* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

| Federal Reserve Bank of— | Rate | Effective |
|--------------------------|------|---------------|
| Boston..... | 2½ | Aug. 4, 1955 |
| New York..... | 2½ | Aug. 5, 1955 |
| Philadelphia..... | 2½ | Do. |
| Cleveland..... | 2½ | Aug. 4, 1955 |
| Richmond..... | 2½ | Aug. 12, 1955 |
| Atlanta..... | 2½ | Aug. 4, 1955 |
| Chicago..... | 2½ | Do. |
| St. Louis..... | 2½ | Aug. 8, 1955 |
| Minneapolis..... | 2½ | Aug. 6, 1955 |
| Kansas City..... | 2½ | Aug. 6, 1955 |
| Dallas..... | 2½ | Do. |
| San Francisco..... | 2½ | Do. |

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

| Federal Reserve Bank of— | Rate | Effective |
|--------------------------|------|---------------|
| Boston..... | 3 | Apr. 16, 1955 |
| New York..... | 3 | Jan. 16, 1953 |
| Philadelphia..... | 3 | Apr. 22, 1955 |
| Cleveland..... | 3 | Aug. 17, 1953 |
| Richmond..... | 3 | Jan. 23, 1953 |
| Atlanta..... | 3½ | Feb. 9, 1954 |
| Chicago..... | 3 | Apr. 22, 1955 |
| St. Louis..... | 3 | May 18, 1953 |
| Minneapolis..... | 3 | Jan. 20, 1953 |
| Kansas City..... | 3½ | Aug. 6, 1955 |
| Dallas..... | 3½ | Do. |
| San Francisco..... | 3 | Jan. 20, 1953 |

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (1), Interpret or apply sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357)

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

[F. R. Doc. 55-6740; Filed, Aug. 18, 1955;
8:45 a. m.]

TITLE 50—WILDLIFE

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

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By Notice of Proposed Rule Making published on July 6, 1955 (20 F. R. 4775), the public was invited to submit views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 21, 1955, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds. Amendments to these regulations pub-

(6) Mississippi Flyway States¹

MIGRATORY WATERFOWL, COOTS, AND WILSON'S SNIPES

| Ducks | Geese | Coots | Wilson's snipe (jackknipe) | |
|-------|-------|-------|----------------------------|---|
| | | | 14 | 8 |
| 14 | 25 | 10 | 10 | 8 |
| 18 | 35 | 10 | 10 | 8 |

Seasons in: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, Wisconsin

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 70 consecutive days, or two seasons aggregating 63 full days, beginning on or after Oct. 1, 1955, and ending not later than Jan. 16, 1956, will be prescribed and published)

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 60 consecutive days, or two seasons aggregating 53 full days, beginning on or after Oct. 1, 1955, and ending not later than Jan. 16, 1956, will be prescribed and published)

¹ Wood ducks and mergansers: Daily bag and possession limits may include 1 wood duck and 1 hooded merganser. American and red breasted mergansers are to be included in the daily bag and possession limits on other ducks.

² Geese: Such limit may not include more than (a) 2 Canada geese or its subspecies; (b) 2 white fronted geese; or (c) 1 Canada goose or its subspecies and 1 white fronted goose

(7) Central Flyway States

MIGRATORY WATERFOWL COOTS, AND WILSON'S SNIPES

| Ducks | Coots | Geese (except Ross geese) | Wilson's snipe (jackknipe) | |
|-------|-------|---------------------------|----------------------------|---|
| | | | 15 | 8 |
| 15 | 10 | 15 | 15 | 8 |
| 10 | 10 | 15 | 15 | 8 |

Seasons in: Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wyoming

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 75 consecutive days, or two seasons aggregating 63 full days, beginning on or after Oct. 1, 1955, and ending not later than Jan. 16, 1956, will be prescribed and published)

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 60 consecutive days, or two seasons aggregating 53 full days, beginning on or after Oct. 1, 1955, and ending not later than Jan. 16, 1956, will be prescribed and published)

¹ Wood ducks and mergansers: Daily bag and possession limits may include 1 wood duck and 1 hooded merganser. American and red breasted mergansers are to be included in the daily bag and possession limits on other ducks.

² Geese: Such limit may not include more than (a) 2 Canada geese or its subspecies; (b) 2 white fronted geese; or (c) 1 Canada goose or its subspecies and 1 white fronted goose. No open season on snow geese in Beaverhead, Cascade, and Madison Counties in Montana, or in Colorado and Wyoming. No open season in Colorado on blue geese, or on Canada geese in Johnson and Sheridan Counties, Wyoming or within the drainage of the Wind River Basin or in any other basin in Wyoming

³ Geese: No open season on black bellied tree duck

¹ Shooting hours for waterfowl, coots and Wilson's snipe (jackknipe) in these States are one half hour before sunrise to one half hour before sunset

lished on July 26, 1955 (20 F R 5326), prescribed daily bag and possession limits and closing the earliest opening and latest closing dates within which the several State Game Departments might select specific open seasons for hunting rails, gallinules, woodcocks and mourning (turtle) doves. The regulation amendments cited also prescribed seasons and daily bag and possession limits on waterfowl, coots and Wilson's snipe in the Territory of Alaska. Subsequent to the regulation amendments published on July 26, 1955, and in accordance therewith, the State Game Departments have furnished information concerning the hunting dates selected by them for rails, gallinules, woodcock and doves and the selections so made have been incorporated in additional amendments to the schedules forming a part of section 6.4 (e) which relate to these species

It is deemed desirable, at this time, in addition to effecting certain other amendments in these regulations, to prescribe daily bag and possession limits for migratory waterfowl, coots and Wilson's snipe (jackknipe) and to announce the earliest opening and latest closing dates within which the several State

Game Departments may make selections of their seasons for hunting these birds. After due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State Game Departments, and from other sources and under authority contained in the statutory provision cited above, the regulations under the Migratory Bird Treaty Act are amended as follows:

1 Paragraph (a.) of § 6.4 is amended to read as follows:

§ 6.4 Open seasons, bag limits, and possession of certain migratory game birds (a) Migratory game birds may be taken from one-half hour before sunrise to sunset during the open seasons prescribed except as hereinafter provided in this section

2 The schedules designated as subparagraphs (5) Atlantic Flyway States, (6) Mississippi Flyway States, (7) Central Flyway States, and (8) Pacific Flyway States, of § 6.4 (e) are amended to read as follows:

(5) Atlantic Flyway States

MIGRATORY WATERFOWL, COOTS, AND WILSON'S SNIPES

| Ducks | Geese (except snow geese) | Coots | Brant | Wilson's snipe (jackknipe) | |
|-------|---------------------------|-------|-------|----------------------------|---|
| | | | | 2 | 8 |
| 14 | 2 | 10 | 0 | 0 | 8 |
| 18 | 4 | 10 | 0 | 0 | 8 |

Seasons in: Connecticut, Delaware, District of Columbia (no open season), Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Puerto Rico

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 70 consecutive days, or two seasons aggregating 63 full days, beginning on or after Oct. 1, 1955, and ending not later than Jan. 16, 1956, will be prescribed and published)

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 60 consecutive days, or two seasons aggregating 53 full days, beginning on or after Oct. 1, 1955, and ending not later than Jan. 16, 1956, will be prescribed and published)

Dec 16-Feb 12 No open season

¹ Wood ducks and mergansers: Daily bag limit may include one wood duck, possession limit 2. Daily bag and possession limits may include one hooded merganser only. American and red breasted mergansers are to be included in the daily bag and possession limits on other ducks

(8) Pacific Flyway States

MIGRATORY WATERFOWL COOTS AND WILSON'S SNIPES

| Ducks | Geese (except Ross' geese) | Coots | Brant | Wilson's snipe (Jacksnipe) |
|-------|----------------------------|-------|-------|----------------------------|
| (1) | 26 | 25 | 3 | 8 |
| (2) | 26 | 25 | 3 | 8 |

Seasons in: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington

(On the basis of recommendations to be submitted by the several State Game Departments, open seasons of 15 consecutive days beginning on or after Oct. 1, 1955, and ending not later than Jan. 15, 1956, will be prescribed and published.)

No open season Dec. 6-Feb. 10. No open season Dec. 1-Feb. 10. No open season Dec. 1-Feb. 10.

1 Ducks: Daily bag and possession limit of 7, which may be increased to 10, provided such limit contains not less than 3 pintails, 3 widgeons or 3 of these species in the aggregate of both kinds; or a daily bag limit of 6, possession limit 12, which such limits may be increased to 9 and 16, respectively, provided such limits contain not less than 3 pintails, 3 widgeons or 3 of these species in the aggregate of both kinds. Wood ducks and mergansers: Daily bag and possession limits may include 1 wood duck and 1 hooded merganser. American and red breasted mergansers are to be included in the daily bag and possession limits on other ducks.

2 Geese: Not more than 3 of the dark species of geese may be included in the daily bag and possession limit: Proved, that in the counties of Yuma and Mohave, Arizona; the counties of Bear Lake, Carbon, and Bonneville, Idaho; the counties of Yamhill, Polk, Benton, Lane and Linn Oregon; and in the entire State of Utah, the daily bag and possession limit may not include more than 2 Canada geese. Provided further, That in California, Fish and Game District No. 22 (as defined in the California Fish and Game Code) the daily bag and possession limit may not include more than 1 Canada goose.

3 Idaho: No open season on Snow geese in the counties of Clark, Fremont, Madison and Teton.

3 A new paragraph (f) is added to § 64 reading as follows:

(f) Whenever the Director of the Fish and Wildlife Service shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any migratory game bird is permitted and that a compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season the hunting season for the birds so affected may, subject to all other provisions of this subchapter be extended or reopened by the Director upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The Director of the Fish and Wildlife Service shall fix the length of the extended or reopened season, which in no event shall exceed the number of days during which hunting has been so prohibited and he shall publicly announce the extended or reopened season.

(Sec 8, 40 Stat 755 as amended; 16 U. S. C. 704 Interprets or applies E. O. 10250 16 F. R 5385 3 CFR 1951 Supp)

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER

Issued at Washington, D. C. and dated August 12, 1955

CLARENCE A DAVIS
Acting Secretary of the Interior

[F. R. Doc 55-6709; Filed Aug 18 1955; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration Part 21—VOCATIONAL REHABILITATION AND EDUCATION

PROVISIONAL REGULATIONS

A new § 21.2902 is added as follows:

§ 21.2902 Authorization of education and training allowance for veterans pursuing institutional on-farm training in-

prior to June 1, 1955 the authorization of education and training allowances will reflect the appropriate reductions prior to October 1, 1955, in accordance with regulations applicable to Public Law 550, 82d Congress and an adjustment of education and training allowance effective October 1, 1955

(3) Reentrances into training processed after receipt of this instruction, and prior to October 1, 1955 (1) When the veteran will have completed a total period of less than four months of institutional on-farm training as of October 1, 1955 the basic rate of education and training allowance will be authorized for a 12-month period less the period of training which will have been completed by October 1, 1955 The rate of education and training allowance for each subsequent period will be as shown in Table I

(ii) In all other cases the veteran will be re-entered into training at the rate of education and training allowance provided by regulations applicable to Public Law 550, 82d Congress, and an adjustment of education and training allowance effective October 1, 1955

der Public Law 550 82d Congress as amended—(a) Application—(1) Adjustment of cases of veterans in training as of date of receipt of this instruction All cases of veterans pursuing institutional on-farm training under Public Law 550, 82d Congress as amended will be identified and appropriate adjustments of the education and training allowance will be accomplished Where the beginning date of the allowance was subsequent to June 1, 1955, the effective date of the adjustment will be as of the date four months following the original beginning date of the allowance In all other cases the effective date of the adjustment will be October 1, 1955

(2) Original entrances into training processed after receipt of this instruction (1) In those cases of original entrance into training where the effective beginning date for payment of benefits is on or after June 1, 1955, the rate of education and training allowance to be authorized for each period is shown in Table I

(ii) In those cases of original entrance into training where the effective beginning date for payment of benefits is

TABLE I—RATES OF EDUCATION AND TRAINING ALLOWANCE FOR INSTITUTIONAL ON-FARM TRAINING, PUBLIC LAW 550, 82D CONGRESS, AS AMENDED EFFECTIVE OCT 1, 1955

| Period of enrollment | Dependency | Monthly rates of education and training allowance for each period of training | | | | | | |
|----------------------|------------|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| | | First 12 months | 13-16 months, inclusive | 17-20 months, inclusive | 21-24 months, inclusive | 25-28 months, inclusive | 29-32 months, inclusive | 33-36 months, inclusive |
| 12 months | S (1) | 95 00 | | | | | | |
| | S (2) | 110 00 | | | | | | |
| 16 months | S (1) | 95 00 | 62 50 | | | | | |
| | S (2) | 110 00 | 70 00 | | | | | |
| 20 months | S (1) | 95 00 | 73 33 | 61 67 | | | | |
| | S (2) | 110 00 | 83 33 | 66 67 | | | | |
| 24 months | S (1) | 95 00 | 96 67 | 78 75 | 62 50 | | | |
| | S (2) | 110 00 | 105 00 | 80 00 | 62 50 | | | |
| 28 months | S (1) | 95 00 | 105 00 | 82 00 | 69 00 | 43 00 | | |
| | S (2) | 110 00 | 110 00 | 82 00 | 69 00 | 43 00 | | |
| 32 months | S (1) | 95 00 | 110 00 | 84 17 | 73 33 | 50 00 | 17 54 | |
| | S (2) | 110 00 | 113 33 | 84 67 | 73 33 | 50 00 | 17 54 | 40 25 |
| 36 months | S (1) | 95 00 | 113 33 | 86 67 | 76 67 | 53 33 | 20 83 | 42 25 |
| | S (2) | 110 00 | 116 67 | 87 17 | 77 17 | 53 33 | 20 83 | 42 25 |
| | S (1) | 100 00 | 116 71 | 101 43 | 77 17 | 53 33 | 20 83 | 42 25 |
| | S (2) | 130 00 | 116 71 | 101 43 | 77 17 | 53 33 | 20 83 | 42 25 |

Code: S—self; (1)—one dependent; (2)—two or more dependents.

(Instruction 1, Public Law 280, 84th Congress.)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697-697d, 697f, g, 971 ch. 12A)

This regulation is effective August 11, 1955.

[SEAL] R. C. FABLE, Jr.,
Assistant Deputy Administrator

[F. R. Doc. 55-6744; Filed, Aug. 18, 1955;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 301]

PROCEDURE AND ADMINISTRATION

INTEREST

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. These proposed regulations relate to the administrative provisions under chapter 67 of Subtitle F of the Internal Revenue Code of 1954. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805)

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

The following regulations relating to interest are prescribed under chapter 67 of the Internal Revenue Code of 1954:

INTEREST

INTEREST ON UNDERPAYMENTS

- Sec.
301.6601 Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.
- 301.6601-1 Interest on underpayments.
- 301.6602 Statutory provisions; interest on erroneous refund recoverable by suit.
- 301.6602-1 Interest on erroneous refund recoverable by suit.

INTEREST ON OVERPAYMENTS

- 301.6611 Statutory provisions; interest on overpayments.
- 301.6611-1 Interest on overpayments.

No. 162—3

Sec.
301.6612 Statutory provisions; cross references.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

INTEREST

INTEREST ON UNDERPAYMENTS

§ 301.6601 *Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.*

Sec. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax—(a) General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at the rate of 6 percent per annum shall be paid for the period from such last date to the date paid.

(b) *Extensions of time for payment of estate tax.* If the time for payment of an amount of tax imposed by chapter 11 is extended as provided in section 6161 (a) (2) or if postponement of the payment of an amount of such tax is permitted by section 6163 (a), interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a).

(c) *Last date prescribed for payment.* For purposes of this section, the last date prescribed for payment of the tax shall be determined under chapter 63 with the application of the following rules:

(1) *Extensions of time disregarded.* The last date prescribed for payment shall be determined without regard to any extension of time for payment.

(2) *Installment payments.* In the case of an election under section 6152 (a) to pay the tax in installments—

(A) The date prescribed for payment of each installment of the tax shown on the return shall be determined under section 6152 (b), and

(B) The last date prescribed for payment of the first installment shall be deemed the last date prescribed for payment of any portion of the tax not shown on the return.

(3) *Jeopardy.* The last date prescribed for payment shall be determined without regard to any notice and demand for payment issued, by reason of jeopardy (as provided in chapter 70), prior to the last date otherwise prescribed for such payment.

(4) *Last date for payment not otherwise prescribed.* In the case of taxes payable by stamp and in all other cases in which the last date for payment is not otherwise prescribed, the last date for payment shall be deemed to be the date the liability for tax arises (and in no event shall be later than the date notice and demand for the tax is made by the Secretary or his delegate).

(d) *Suspension of interest in certain income, estate, and gift tax cases.* In the case of a deficiency as defined in section 6211 (relating to income, estate, and gift taxes), if a waiver of restrictions under section 6213 (d) on the assessment of such deficiency has been filed, and if notice and demand by the Secretary or his delegate for payment of such deficiency is not made within 30 days after the filing of such waiver, interest shall not be imposed on such deficiency for the period beginning immediately after such 30th day and ending with the date of notice and demand.

(e) *Income tax reduced by carrybacks.* If the amount of any tax imposed by subtitle A is reduced by reason of a carryback of a net operating loss, such reduction in tax shall not affect the computation of interest under this section for the period ending

with the last day of the taxable year in which the net operating loss arises.

(f) *Applicable rules.* Except as otherwise provided in this title—

(1) *Interest treated as tax.* Interest prescribed under this section on any tax shall be paid upon notice and demand, and shall be assessed, collected, and paid in the same manner as taxes. Any reference in this title (except subchapter B of chapter 63, relating to deficiency procedures) to any tax imposed by this title shall be deemed also to refer to interest imposed by this section on such tax.

(2) *No interest on interest.* No interest under this section shall be imposed on the interest provided by this section.

(3) *Interest on penalties, additional amounts, or additions to the tax.* Interest shall be imposed under subsection (a) in respect of any assessable penalty, additional amount, or addition to the tax only if such assessable penalty, additional amount, or addition to the tax is not paid within 10 days from the date of notice and demand therefor, and in such case interest shall be imposed only for the period from the date of the notice and demand to the date of payment.

(4) *Payments made within 10 days after notice and demand.* If notice and demand is made for payment of any amount, and if such amount is paid within 10 days after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.

(g) *Exception as to estimated tax.* This section shall not apply to any failure to pay estimated tax required by section 6153 (or section 59 of the Internal Revenue Code of 1939) or section 6154.

(h) *No interest on certain adjustments.* For provisions prohibiting interest on certain adjustments in tax, see section 6205 (a).

§ 301.6601-1 *Interest on underpayments—(a) General rule.* Interest at the rate of 6 percent per annum shall be paid on any unpaid amount of tax from the last date prescribed for payment of the tax (determined without regard to any extension of time for payment) to the date on which payment is received.

(b) *Exception to the general rule.* In the case of an estate tax:

(1) If an extension of time has been granted, in accordance with section 6161 (a) (2) for paying any portion of the tax shown on an estate tax return, or

(2) If the time for payment of the portion of the tax attributable to a reversionary or remainder interest is postponed in accordance with the provisions of section 6163 (a)

such portion shall bear interest at the rate of 4 percent per annum from the expiration of 15 months after the date of the decedent's death to the date of the expiration of the period of the extension or postponement or to the date on which payment is received, whichever is earlier. If any part of such portion is paid before the date of the expiration of the period of the extension or postponement, such part shall bear interest only to the date of payment. If, however, the full amount of the tax to which the extension or postponement applies is not paid on or before the date of the expiration of the period of the extension or postponement, the unpaid amount shall bear interest at the rate of 6 percent per annum from the date of the expiration of the period of the extension or post-

ponement to the date on which payment is received.

(c) *Last date prescribed for payment.* The term "last date prescribed for payment", as used in section 6601 and this section, means the last date prescribed for payment as determined under the provisions of chapter 62 and the following rules:

(1) In determining the last date prescribed for payment, any extension of time granted for payment of tax (including any postponement elected under section 6163 (a)) shall be disregarded. The granting of an extension of time for the payment of tax does not relieve the taxpayer from liability for the payment of interest thereon during the period of the extension. Thus, except as provided in paragraph (b) of this section, interest at the rate of 6 percent per annum is payable on any unpaid portion of the tax for the period during which such portion remains unpaid by reason of an extension of time for the payment thereof.

(2) (i) If a tax is payable in installments in accordance with an election made under section 6152 (a) the last date prescribed for payment of any installment of such tax shall be determined under the provisions of section 6152 (b) and interest shall run on any unpaid installment from such last date to the date on which payment is received. However, in the event installment privileges are terminated by the district director for failure to pay an installment when due as provided by section 6152 (d) and the time for the payment of any remaining installment is accelerated by the issuance of a notice and demand therefor, interest shall run on such unpaid installment from the date of the notice and demand to the date on which payment is received. But see section 6601 (f) (4)

(ii) If the tax shown on a return is payable in installments, interest will run on any tax not shown on the return from the last date prescribed for payment of the first installment. If a deficiency is prorated to any unpaid installments, in accordance with section 6152 (c) interest shall run on such prorated amounts from the date prescribed for the payment of the first installment to the date on which payment is received.

(3) If, by reason of jeopardy, a notice and demand for payment of any tax is issued before the last date otherwise prescribed for payment, such last date shall nevertheless be used for the purpose of the interest computation, and no interest shall be imposed for the period commencing with the date of the issuance of the notice and demand and ending on such last date. If the tax is not paid on or before such last date, interest will automatically accrue from such last date to the date on which payment is received.

(4) In the case of taxes payable by stamp and in all other cases where the last date for payment of the tax is not otherwise prescribed, such last date for the purpose of the interest computation shall be deemed to be the date on which the liability for the tax arose. However, such last date shall in no event be later than the date of issuance by the district

director of a notice and demand for the tax.

(d) *Suspension of interest; waiver of restrictions on assessment.* In the case of a deficiency determined by a district director (or an assistant regional commissioner, appellate) with respect to any income, estate, or gift tax, if the taxpayer files with such internal revenue officer an agreement waiving the restrictions on assessment of such deficiency, and if notice and demand for payment of such deficiency is not made by the district director within 30 days after the filing of such waiver, no interest shall be imposed on the deficiency for the period beginning immediately after such 30th day and ending on the date notice and demand is made by the district director. In the case of an agreement with respect to a portion of the deficiency, the rules as set forth in this paragraph are applicable only to that portion of the deficiency to which the agreement relates.

(e) *Income tax reduced by carryback.* (1) The carryback of a net operating loss shall not affect the computation of interest on any income tax for the period commencing with the last date prescribed for the payment of such tax and ending with the last day of the taxable year in which the loss occurs. For example, if the carryback of a net operating loss to a prior taxable period eliminates or reduces a deficiency in income tax for that period, the full amount of the deficiency will nevertheless bear interest at the rate of 6 percent per annum from the last date prescribed for payment of such tax until the last day of the taxable year in which the loss occurred.

(2) Where an extension of time for payment of income tax has been granted under section 6164 to a corporation expecting a carryback, interest is payable at the rate of 6 percent per annum on the amount of such unpaid tax from the last date prescribed for payment thereof without regard to such extension.

(f) *Applicable rules.* (1) Any interest prescribed by section 6601 shall be assessed and collected in the same manner as tax and shall be paid upon notice and demand by the district director. Any reference in the Internal Revenue Code of 1954 (except in subchapter B of chapter 63, relating to deficiency procedures) to any tax imposed by such Code shall be deemed also to refer to the interest imposed by section 6601 on such tax. Interest on a tax may be assessed and collected at any time within the period of limitation on collection after assessment of the tax to which it relates. For rules relating to the period of limitation on collection after assessment, see section 6502.

(2) No interest under section 6601 shall be payable on any interest provided by such section.

(3) Interest shall not be imposed on any assessable penalty, addition to the tax, or additional amount unless such assessable penalty, addition to the tax, or additional amount is not paid within 10 days from the date of notice and demand therefor. If interest is imposed, it shall be imposed only for the period from the

date of the notice and demand to the date on which payment is received.

(4) If notice and demand is made for any amount and such amount is paid within 10 days after the date of such notice and demand, interest shall not be imposed for the period after the date of such notice and demand.

(5) No interest shall be imposed for failure to pay estimated tax as required by section 59 of the Internal Revenue Code of 1939 or section 6153 or 6154 of the Internal Revenue Code of 1954.

§ 301.6602 *Statutory provisions; interest on erroneous refund recoverable by suit.*

Sec. 6602. *Interest on erroneous refund recoverable by suit.* Any portion of an internal revenue tax (or any interest, assessable penalty, additional amount, or addition to tax) which has been erroneously refunded, and which is recoverable by suit pursuant to section 7405, shall bear interest at the rate of 6 percent per annum from the date of the payment of the refund.

§ 301.6602-1 *Interest on erroneous refund recoverable by suit.* Any portion of an internal revenue tax (or any interest, assessable penalty, additional amount, or addition to tax) which has been erroneously refunded, and which is recoverable by a civil action pursuant to section 7405, shall bear interest at the rate of 6 percent per annum from the date of the payment of the refund.

INTEREST ON OVERPAYMENTS

§ 301.6611 *Statutory provisions; interest on overpayments.*

Sec. 6611. *Interest on overpayments.* (a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 percent per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date (to be determined by the Secretary or his delegate) preceding the date of the refund check by not more than 30 days, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(c) *Additional assessment defined.* As used in this section, the term "additional assessment" means a further assessment for a tax of the same character previously paid in part, and includes the assessment of a deficiency (as defined in section 6211).

(d) *Advance payment of tax, payment of estimated tax, and credit for income tax withholding.* The provisions of section 6613 (except the provisions of subsection (c) thereof), applicable in determining the date of payment of tax for purposes of determining the period of limitation on credit or refund, shall be applicable in determining the date of payment for purposes of subsection (a).

(e) *Income tax refund within 45 days of due date of tax.* If any overpayment of tax imposed by subtitle A is refunded within 45 days after the last date prescribed for

filing the return of such tax (determined without regard to any extension of time for filing the return), no interest shall be allowed under subsection (a) on such overpayment.

(f) *Refund of income tax caused by carryback.* For purposes of subsection (a), if any overpayment of tax imposed by subtitle A results from a carryback of a net operating loss, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such net operating loss arises.

(g) *Prohibition of administrative review.* For prohibition of administrative review, see section 6406.

§ 301.6611-1 *Interest on overpayments*—(a) *General rule.* Except as otherwise provided, interest shall be allowed on any overpayment of any tax at the rate of 6 percent per annum from the date of overpayment of the tax.

(b) *Date of overpayment.* Except as provided in section 6401 (a) relating to assessment and collection after the expiration of the applicable period of limitation, there can be no overpayment of tax until the entire tax liability has been satisfied. Therefore, the dates of overpayment of any tax are the date of payment of the first amount which (when added to previous payments) is in excess of the tax liability (including any interest, addition to the tax, or additional amount) and the dates of payment of all amounts subsequently paid with respect to such tax liability. For rules relating to the determination of the date of payment in the case of an advance payment of tax, a payment of estimated tax, and a credit for income tax withholding, see paragraph (d) of this section.

(c) *Examples.* The application of paragraph (b) may be illustrated by the following examples:

Example (1). Corporation X files an income tax return on March 15, 1955, for the calendar year 1954 disclosing a tax liability of \$1,000 and elects to pay the tax in installments. Subsequent to payment of the final installment, the correct tax liability is determined to be \$900.

| <i>Tax liability</i> | |
|------------------------|---------|
| Assessed..... | \$1,000 |
| Correct liability..... | 900 |
| Overassessment..... | 100 |

| <i>Record of payments</i> | |
|---------------------------|-----|
| Mar. 15, 1955..... | 500 |
| June 15, 1955..... | 500 |

Since the correct liability in this case is \$900, the payment of \$500 made on March 15, 1955, and \$400 of the payment made on June 15, 1955, are applied in satisfaction of the tax liability. The balance of the payment made on June 15, 1955 (\$100), constitutes the amount of the overpayment, and the date on which such payment was made would be the date of the overpayment from which interest would be computed.

Example (2). Corporation Y files an income tax return for the calendar year 1954 on March 15, 1955, disclosing a tax liability of \$50,000, and elects to pay the tax in installments. On October 15, 1956, a deficiency in the amount of \$10,000 is assessed and is paid in equal amounts on November 15 and November 26, 1956. On April 15, 1957, it is determined that the correct tax liability of the taxpayer for 1954 is only \$35,000.

| <i>Tax liability</i> | |
|----------------------------|----------|
| Original assessment..... | \$50,000 |
| Deficiency assessment..... | 10,000 |
| Total assessed..... | 60,000 |
| Correct liability..... | 35,000 |
| Overassessment..... | 25,000 |

| <i>Record of payments</i> | |
|---------------------------|----------|
| Mar. 15, 1955..... | \$25,000 |
| June 15, 1955..... | 25,000 |
| Nov. 15, 1956..... | 5,000 |
| Nov. 26, 1956..... | 5,000 |

Since the correct liability in this case is \$35,000, the entire payment of \$25,000 made on March 15, 1955, and \$10,000 of the payment made on June 15, 1955, are applied in satisfaction of the tax liability. The balance of the payment made on June 15, 1955 (\$15,000), plus the amounts paid on November 15 (\$5,000), and November 26, 1956 (\$5,000), constitute the amount of the overpayment. The dates of the overpayments from which interest would be computed are as follows:

| <i>Date:</i> | <i>Amount of overpayment</i> |
|--------------------|------------------------------|
| June 15, 1955..... | \$15,000 |
| Nov. 15, 1956..... | 5,000 |
| Nov. 26, 1956..... | 5,000 |

(d) *Advance payment of tax, payment of estimated tax, and credit for income tax withholding.* In the case of an advance payment of tax, a payment of estimated income tax, or a credit for income tax withholding, the provisions of section 6513 (except the provisions of subsection (c) thereof) applicable in determining the date of payment of tax for purposes of the period of limitations on credit or refund, shall apply in determining the date of overpayment for purposes of computing interest thereon.

(e) *Refund of income tax caused by carryback.* If any overpayment of tax imposed by subtitle A results from a carryback of a net operating loss, such overpayment, for purposes of this section, shall be deemed not to have been made prior to the end of the taxable year in which such loss occurs.

(f) *Period for which interest allowable in case of refunds.* If an overpayment of tax is refunded, interest shall be allowed from the date of the overpayment to a date determined by the district director, which shall be not more than 30 days prior to the date of the refund check. The acceptance of a refund check shall not deprive the taxpayer of the right to make a claim for any additional overpayment and interest thereon, provided the claim is made within the applicable period of limitations. However, if a taxpayer does not accept a refund check, no additional interest on the amount of the overpayment included in such check shall be allowed.

(g) *Period for which interest allowable in case of credits*—(1) *General rule.* If an overpayment of tax is credited, interest shall be allowed from the date of overpayment to the due date (as determined under subparagraph (2) of this paragraph) of the amount against which such overpayment is credited.

(2) *Determination of due date*—(1) *In general.* The term "due date", as used in this section, means the last day fixed

by law or regulations for the payment of the tax (determined without regard to any extension of time) and not the date on which the district director makes demand for the payment of the tax. Therefore, the due date of a tax (other than an additional assessment of such tax) is the date fixed for the payment of the tax or the several installments thereof.

(ii) *Tax payable in installments*—(a) *In general.* In the case of a credit against a tax, where the taxpayer had properly elected to pay the tax in installments, the due date is the date prescribed for the payment of the installment against which the credit is applied.

(b) *Delinquent installment.* If the taxpayer is delinquent in payment of an installment of tax and the district director has issued a notice and demand for the payment of the delinquent installment and the remaining installments, the due date of each remaining installment shall then be the date of such notice and demand.

(iii) *Tax or installment not yet due.* If a taxpayer agrees to the crediting of an overpayment against tax or an installment of tax and the schedule of allowance is signed prior to the date on which such tax or installment would otherwise become due, then the due date of such tax or installment shall be the date on which such schedule is signed.

(iv) *Additional assessment.* In the case of a credit against an additional assessment, as defined in subparagraph (3) of this paragraph, the due date is the date of the additional assessment.

(v) *Assessed interest.* In the case of a credit against assessed interest, the due date is the date of the assessment of such interest.

(vi) *Additional amount, addition to the tax, or assessable penalty.* In the case of a credit against an amount assessed as an additional amount, addition to the tax, or assessable penalty, the due date is the date of the assessment.

(vii) *Estimated income tax for succeeding year.* If the taxpayer elects to have all or part of the overpayment shown by his return applied to his estimated tax for his succeeding taxable year, no interest shall be allowed on such portion of the overpayment credited and such amount shall be applied as a payment on account of the estimated tax for such year or the installments thereof.

(3) *Definition of additional assessment.* For purposes of this section, the term "additional assessment" means a further assessment of a tax of the same character previously paid in part, and includes the assessment of a deficiency as defined in section 6211.

(h) *Refund within 45 days.* If an overpayment of tax imposed by subtitle A is refunded within 45 days after the last date prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) no interest shall be allowed on such overpayment.

§ 301.6612 *Statutory provisions; cross references.*

Sec. 6612. *Cross references*—(a) *Interest on judgments for overpayments.* For interest on judgments for overpayments, see 28 U. S. C. 2411 (a).

(b) *Adjustments.* For provisions prohibiting interest on certain adjustments in tax, see section 6413 (a).

(c) *Other restrictions on interest.* For other restrictions on interest, see section 2011 (c) (relating to refunds due to credit for State taxes), 2014 (e) (relating to refunds attributable to foreign tax credits), 6412 (relating to floor stock refunds), 6413 (d) (relating to taxes under the Federal Unemployment Tax Act), 6416 (relating to certain taxes on sales and services), and 6419 (relating to the excise tax on wagering).

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

Sec. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title:

(6) Subtitle F

(A) *General rule.* The provisions of subtitle F (inc. chapter 67, relating to interest) shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

[F. R. Doc. 55-6745; Filed, Aug. 18, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO 23 A15]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the President Hotel, 14th and Baltimore Streets, Kansas City Missouri, at 10 a. m., c. s. t., September 7, 1955, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Greater Kansas City marketing area have been proposed as enumerated below:

Proposal No. 1 to extend the marketing area raises the issue as to whether the provisions of the present order would tend to effectuate the declared policy of

the act if applied to the marketing area as proposed to be extended, and if not, what modifications of the provisions of the order, as amended, are appropriate to effectuate the declared policy of the act. Proposal No. 2 to change pool plant qualifications raises the issue as to whether the payment provisions of § 913.61 would be appropriate if such changes were adopted, and if not, what modifications of § 913.61 are appropriate. Proposal No. 5 to change the basis for determining mileages used in computing differentials pursuant to 913.81 raises the issue as to whether similar changes are appropriate in the basis for computing differentials pursuant to § 913.53.

By the Pure Milk Producers Association of Greater Kansas City, Inc.

1. Delete § 913.6 and substitute therefor the following:

§ 913.6 *Greater Kansas City Marketing Area.* "Greater Kansas City Marketing Area" hereinafter called "marketing area" means all the territory in Jackson County, Missouri; the city of Platte City, Missouri, and all of that part of Platte and Clay Counties in Missouri south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U. S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County thence east along the north section lines of section 26 and section 25 in Washington Township to the boundary line of Clay and Ray Counties; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships East of the 95th principal meridian in Leavenworth County Kansas.

2. Amend § 913.10 by deleting (a) and (b) substituting therefor the following, and changing (c) to (b)

§ 913.10 *Pool plant.* "Pool plant" means any approved plant other than that of a producer handler.

(a) (1) During any delivery period of March, April, May or June within which such plant disposes of as Class I milk an amount equal to 30 percent or more of such plant's total receipts of milk from approved dairy farmers; and disposes of as Class I milk on routes in the marketing area, an amount equal to 20 percent or more of such plant's total receipts of milk from approved dairy farmers.

(2) During any delivery period of July, August, September, October, or November, which such plant disposes of as Class I milk, an amount equal to 45 percent or more of such plant's total receipts of milk from approved dairy farmers; and disposes of as Class I milk on routes in the marketing area, an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers.

(3) During any delivery period of December, January or February within which such plant disposes of as Class I milk an amount equal to 35 percent or more of such plant's total receipts of milk from approved dairy farmers; and

disposes of as Class I milk on routes in the marketing area, an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers: *Provided*, That an approved plant which operates routes disposing of Class I milk in the marketing area shall add to such Class I milk the Class I milk disposed of through contractual sales of bottled products to handlers in the marketing area when calculating the percentages provided for in this paragraph: *And provided further* That a plant which qualifies as a pool plant by complying with the percentages in this paragraph during any month shall be a pool plant during the following month,

By Bates County Milk Producers Association:

3. Amend § 913.81 as follows:

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, by the shortest highway distance as determined by the market administrator, and which is classified as Class I milk, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

By Country Club Dairy, Mines Farm Dairy Company, Borden's Milk and Ice Cream Company, and Meyer Sanitary Milk Company:

4. Amend § 913.44 (c) by changing the mileage referred to in the first clause from 150 miles to 200 miles so that the beginning of the clause will read as follows: "As Class I milk if transferred in the form of milk, skimmed milk or cream to a non-pool plant, located more than 200 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream as transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labelled or tagged with a certificate of the transferor that such cream is sold as 'Grado C cream for manufacturing only', may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make."

5. Amend § 913.81 so that it will read as follows:

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a) for milk received at a pool plant located more than 50 air miles from the main Post Office in Kansas City, Missouri, as determined by the Market Administrator, there shall be deducted 16¢ per hundredweight of milk for distance of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

By the Dairy Division, Agricultural Marketing Service:

6. Make such changes as may be required to make the entire order, as amended, conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 3808 Broadway, 2nd Floor, Kansas City 11, Missouri, or from the

Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: August 16, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-6747; Filed, Aug. 18, 1955;
8:47 a. m.]

Tariff: Supplement 83 to Agent Hinsch's I. C. C. 4367.

FSA No. 30963: Grain and products between Ohio and Mississippi River crossings. Filed by F. C. Kratzmeir, agent, for interested rail carriers. Rates on grain, grain products, seeds and related articles, carloads, between New Orleans, La., on one hand, and Memphis, Tenn., Cairo, Ill., East St. Louis, Ill., and St. Louis, Mo., on the other.

Grounds for relief: Circuitous routes. Tariff: Supplement 48 to Agent Kratzmeir's I. C. C. 3940.

FSA No. 30964. *Merchandise from Martins Ferry, Ohio, to Georgia and Tennessee.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on merchandise, viz., freight all kinds, carloads from Martins Ferry, Ohio, to Atlanta and Rome, Ga., Chattanooga and Nashville, Tenn.

Grounds for relief: Carrier competition and circuitry.

Tariff: Agent H. R. Hinsch's tariff I. C. C. 4671.

FSA No. 30965: *Clay from, to, and between points in the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from specified points in Alabama, Florida, Georgia, and North Carolina to specified points in North Carolina, South Carolina, and Mississippi, as described in the application.

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

Tariff: Supplement 86 to Agent C. A. Spaninger's I. C. C. 1323.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-6743; Filed, Aug. 18, 1955;
8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket Nos. G-2217, G-2505]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER ACCEPTING TARIFF IN
SUBSTITUTION FOR RATE SCHEDULES

AUGUST 15, 1955.

Notice is hereby given that on August 2, 1955, the Federal Power Commission issued its order adopted July 27, 1955, accepting tariff as satisfactory compliance with order and in substitution for rate schedules heretofore allowed to become effective following a period of suspension in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6737; Filed, Aug. 18, 1955;
8:45 a. m.]

[Docket No. G-2493]

CITIES SERVICE GAS CO.

NOTICE OF ORDER DENYING REQUEST FOR
ORAL ARGUMENT

AUGUST 15, 1955.

Notice is hereby given that on August 8, 1955, the Federal Power Commission issued its order adopted July 27, 1955, denying request for oral argument and affirming decision of Presiding Examiner in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6738; Filed, Aug. 18, 1955;
8:45 a. m.]

[Project No. 2158]

RONALD D. TAFT

NOTICE OF ORDER ISSUING PRELIMINARY
PERMIT

AUGUST 15, 1955.

Notice is hereby given that on July 29, 1955, the Federal Power Commission issued its order adopted July 27, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6739; Filed, Aug. 18, 1955;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 16, 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. 30958: Pipe or tubing—Orange, Tex., to central territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe and tubing, iron or steel, wrought, welded or seamless, straight or mixed carloads from Orange, Tex., to specified points in Indiana, Michigan and Ohio.

Grounds for relief: Carrier competition and circuitry.

FSA No. 30959: Classes and commodities between points in California. Filed by J. P. Haynes, Agent, for interested rail carriers. Rates on commodities on which class rates are applied between points in California over interstate routes.

Grounds for relief: Competition of California intrastate rates and circuitry.

FSA No. 30960: Beer—Houston, Tex., to Monroe, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on beer, carloads, from Houston, Tex., to Monroe, La.

Grounds for relief: Circuitous routes. Tariff: Supplement 11 to Agent Kratzmeir's I. C. C. 4161.

FSA No. 30961. Asphalt filler—Chattsworth, Ga., to Pittsburgh, Pa., group. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler, carloads, from Chattsworth, Ga., to Pittsburgh, Pittsburgh (west end) Neville Island, South Carnegie, Carnegie, Gladden, Treveskyn and Verona, Pa.

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

Tariff: Supplement 133 to Agent Spaninger's I. C. C. 1324.

FSA No. 30962: Benzene hexachloride—West Virginia to New Orleans, La. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on benzene, hexachloride, in packages, carloads, from Charleston and Natrium, W Va., to New Orleans, La.

Grounds for relief: Market competition and circuitry.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3396]

YANKEE ATOMIC ELECTRIC CO. AND NEW
ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING REGARDING ISSUANCE AND SALE BY NEW COMPANY OF COMMON STOCK AND SHORT-TERM PROMISSORY NOTES AND ACQUISITION THEREOF BY CERTAIN COMPANIES AND REQUESTS FOR EXEMPTION PURSUANT TO SECTION 3

AUGUST 15, 1955.

Notice is hereby given that New England Electric System ("NEES") a registered holding company New England Power Company ("Nepco") a public-utility subsidiary of NEES; The Connecticut Light and Power Company, ("Connecticut"), a public-utility company and an exempt holding company The Hartford Electric Light Company ("Hartford") a public-utility company and an affiliate of a public-utility company Western Massachusetts Companies ("Western Massachusetts") an exempt holding company Public Service Company of New Hampshire ("New Hampshire") a public-utility company and an exempt holding company Mon-

taup Electric Company ("Montaup") a public-utility subsidiary of Eastern Utilities Associates, a registered holding company and Yankee Atomic Electric Company ("Yankee") have filed a joint application-declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated sections 3 (a), 6 (b) 7, 9 (a), 10 and 12 (f) of the Act, and Rules C-42 and C-50 (a) (4) thereunder, as applicable to the proposed transactions, which are summarized as follows:

Yankee was recently organized as an electric company under the laws of Massachusetts by twelve New England utilities ("sponsoring companies") for the purpose of constructing and operating an atomic power plant. The joint application-declaration is concerned with an interim financing program designed to provide Yankee with funds for preliminary expenditures. Pursuant to this program, Yankee proposes to issue for cash \$500,000 aggregate par value of initial capital stock to the sponsoring companies as set forth below:

| Company | Number of shares | Consideration | Percent of total |
|--|------------------|---------------|------------------|
| Nepco..... | 1,500 | \$150,000 | 30.0 |
| Connecticut..... | 750 | 75,000 | 15.0 |
| Boston Edison Co..... | 475 | 47,500 | 9.5 |
| Central Maine Power Co..... | 475 | 47,500 | 9.5 |
| Hartford..... | 450 | 45,000 | 9.0 |
| Western Massachusetts Electric Co..... | 350 | 35,000 | 7.0 |
| New Hampshire..... | 350 | 35,000 | 7.0 |
| Montaup..... | 225 | 22,500 | 4.5 |
| Central Vermont Public Service Corp..... | 175 | 17,500 | 3.5 |
| New Bedford Gas & Edison Light Co..... | 125 | 12,500 | 2.5 |
| Cambridge Electric Light Co..... | 100 | 10,000 | 2.0 |
| The Connecticut Power Co..... | 25 | 2,500 | .5 |
| Total..... | 5,000 | 500,000 | 100.0 |

Yankee further proposes to issue for cash, from time to time prior to December 31, 1955, unsecured non-interest bearing notes maturing not more than one year from the date of issue which notes will not in the aggregate exceed \$500,000 principal amount. Such notes will be sold to the sponsoring companies in amounts proportionate, as far as practicable, to the stock interest of such companies in Yankee.

According to the filing, Yankee was organized to provide a means for a cooperative effort by the sponsoring companies to build and operate a pioneering 100,000 kilowatt commercial-scale atomic plant. The applicants-declarants represent that the area in New England served by the sponsoring companies is remote from any natural deposits of conventional fuel and that the development of an atomic powered plant promises, from a long range view, lower fuel costs; that the essential purpose of Yankee is to provide the sponsoring companies with first-hand knowledge of the operating problems and future possibilities of an atomic powered plant while keeping the risks to each individual company involved in the experimental venture at a minimum and the costs to a manageable amount; that a period of experimentation and development will

be required; that the systems of the sponsoring companies have long been interconnected for the interchange of power and provide a suitable base to absorb the output of an atomic power plant; that the plant will be located in western Massachusetts and will have a capital cost to be financed by Yankee of approximately \$24,000,000; that Yankee has filed with the Atomic Energy Commission its plans to build a pressurized water thermal converter reactor and associated generating equipment; that the proceeds to be derived from the proposed initial issue of Yankee stock and notes will provide funds for organizational purposes and to finance detailed engineering and design studies and other preliminary expenses; and that the future financing program cannot be arranged until further progress has been made on the detailed engineering studies and more precise cost estimates have been developed.

Yankee seeks authority under Sections 6 and 7 of the Act to issue its stock and notes. Nepco, Connecticut, Hartford, Western Massachusetts, New Hampshire and Montaup seek an order under Sections 9 (a) and 10 of the Act authorizing the acquisition by them of the stock and notes of Yankee. Nepco's parent, NEES, has joined in the filing and seeks approval of its indirect acquisition of the Yankee stock and notes. Nepco and Connecticut, each of which proposes to acquire more than 10 percent of the capital stock of Yankee, also request an order pursuant to section 3 (a) (2) of the Act exempting them from the provisions of the Act applicable to holding companies.

The fees and expenses in connection with the transactions proposed herein are estimated by the applicants-declarants not to exceed \$1,000 for Yankee and \$10,000 in the aggregate for the other companies which joined in the filing.

The issuance of capital stock by Yankee and the acquisition of such stock and of the short-term notes by the participating companies organized in Massachusetts are subject to the jurisdiction of the Massachusetts Department of Public Utilities. The issuance of the stock by Yankee has been expressly authorized by the Massachusetts Department of Public Utilities and that Commission has also approved the acquisition of the Yankee stock and notes by Nepco, Boston Edison Company, Western Massachusetts Electric Company, Montaup, New Bedford Gas and Edison Light Company and Cambridge Electric Light Company. The filing states that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The applicants-declarants request that the Commission's order herein become effective upon issuance.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the joint application-declaration and that such application-declaration shall not be granted or permitted to become effective, except pursuant to the further order of the Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the Rules of the Commission, be held on September 13, 1955, at 10:00 a. m. at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission on or before September 9, 1955, a request relative thereto as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell or any other officer of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed issue and sale of common stock and notes by Yankee are in accordance with the applicable standards of the act, particularly section 6 (b) or section 7 thereof;

2. Whether the proposed acquisitions of Yankee's stock and notes by the respective applicants are in accordance with the applicable standards of the Act, particularly Section 10 thereof, and specifically whether such acquisitions will tend toward interlocking relations or the concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers and whether each of such acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system,

3. Whether Nepco and Connecticut after their proposed acquisitions of Yankee stock and notes will each be predominantly a public-utility company whose operations as such do not extend beyond the State in which it is organized and States contiguous thereto and whether the granting, in whole or in part, of the exemptions requested by Nepco and Connecticut will be detrimental to the public interest or the interest of investors or consumers;

4. Whether all fees, commissions, or other remuneration to be incurred in connection with the proposed transactions are reasonable;

5. Whether the proposed accounting entries to record the transactions are proper, conform with sound accounting principles, and meet the requirements of the Act;

6. Generally, whether the proposed transactions are in all respects in ac-

cordance with the standards of the Act, and whether, in the event that the application-declaration should be granted and permitted to become effective, it is necessary or appropriate to impose any terms or conditions to insure compliance with the Act or in the public interest or for the protection of investors and consumers;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the said hearing by mailing copies of this Notice and Order by registered mail to the applicants-declarants, each sponsoring company, the Federal Power Commission, The Massachusetts Department of Public Utilities Commission of Connecticut, the Public Utilities Commission of New Hampshire, the Public Utilities Commission of Maine, the Public Service Commission of Vermont, and the Atomic Energy Commission, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-6741; Filed, Aug. 18, 1955;
8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 57]

NORTH CAROLINA

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about August 12, 1955, because of the disastrous effects of hurricane, damage resulted to residences and business property located in certain areas in the State of North Carolina; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated

in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Beaufort, Brunswick, Carteret, Craven, Hyde, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender.

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Virginia.

Small Business Administration Branch Office, Independence Building, Room 1315, 102 West Trade Street, Charlotte, North Carolina.

2. Special field offices will be established at City Hall, New Bern, North Carolina, and Wilmington Chamber of Commerce, 321 Princess Street, Wilmington, North Carolina, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to February 29, 1956.

Dated: August 15, 1955.

W. NORBERT ENGLER,
Deputy Administrator.

[F. R. Doc. 55-6781; Filed, Aug. 17, 1955;
3:02 p. m.]

[Declaration of Disaster Area 58]

SOUTH CAROLINA

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about August 12, 1955, because of the disastrous effects of hurricane, damage resulted to residences and business property located in certain areas in the State of South Carolina; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Horry County (including any areas adjacent to Horry County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Virginia.

Small Business Administration Branch Office, Independence Building, Room 1315, 102 West Trade Street, Charlotte, North Carolina.

2. A special field office will be established at Wilmington Chamber of Commerce, 321 Princess Street, Wilmington, North Carolina, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to February 29, 1956.

Dated: August 15, 1955.

W. NORBERT ENGLER,
Deputy Administrator.

[F. R. Doc. 55-6782; Filed, Aug. 17, 1955;
3:02 p. m.]

[Declaration of Disaster Area 59]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of March 1955, because of the disastrous effects of unseasonable freeze, damage resulted to plant and shrub growers located in the State of Arkansas; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from plant and shrub growers whose property situated in the following Counties in the State of Arkansas suffered damage or other destruction as a result of the catastrophe above referred to:

Counties: Benton, Boone, Carroll, Crawford, Madison, Washington, Conway, Lonoke, Pope, Pulaski, Sebastian, White.

Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas.

Small Business Administration Branch Office, U. S. O. Building, 217 Main Street, Little Rock, Arkansas.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to February 29, 1956.

Dated: August 15, 1955.

W. NORBERT ENGLER,
Deputy Administrator.

[F. R. Doc. 55-6783; Filed, Aug. 17, 1955;
3:02 p. m.]

