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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, § 6.102 (b) (1), (2), and (3), and § 6.112 (b) (1), (2), and (3), are revoked, and the positions listed below in the Departments of State, Commerce and Labor are excepted from the competitive service under Schedule C.

§ 6.302 *Department of State*—(a) *Office of the Secretary*. * * *

(3) Five Special Assistants.
(4) Special Assistant for Atomic Energy.

(5) Foreign Affairs Officer (Atomic Energy).

(6) Special Assistant for Mutual Security Affairs.

(7) Two Confidential Assistants and two Private Secretaries to the Secretary.

(8) Chauffeur to the Secretary.

(9) Three Special Assistants to the Under Secretary.

(10) Special Assistant (Fisheries) to the Under Secretary.

(11) Two Confidential Assistants and one Private Secretary to the Under Secretary.

(12) Two Special Assistants and one Confidential Assistant to the Deputy Under Secretary.

* * *

(n) *Executive Secretariat*. (1) Director.

(2) Deputy Director.

(c) *Policy Planning Staff*. (1) Director.

(2) Deputy Director.

(3) Special Assistant to the Director.

(4) Executive Secretary.

(5) Special Assistant (National Security Council).

(6) Ten Members.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary*. * * *

(2) Six Confidential Assistants to the Secretary.

(3) Two Private Secretaries to the Secretary.

(4) One Confidential Assistant and one Private Secretary to the Under Secretary.

(5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.

(6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.

(7) One Confidential Assistant and one Private Secretary to the Assistant Secretary for International Affairs.

(8) One Confidential Assistant and one Private Secretary to the General Counsel.

(9) One Private Secretary to the Deputy Under Secretary for Transportation.

(10) Administrator, Defense Air Transport Administration.

(11) One Private Secretary to the Administrator, Defense Air Transport Administration.

(12) Deputy General Counsel.

(13) One Private Secretary to the Deputy General Counsel.

(14) Director of Public Information.

(15) One Chauffeur for the Secretary.

* * *

(e) *Business Services Administration*. * * *

(3) One Private Secretary to the Director, Field Service.

§ 6.313 *Department of Labor*. * * *

(e) *Bureau of Labor Statistics*. * * *

(2) Deputy Commissioner.

* * *

(j) *Office of International Labor Affairs*. (1) Executive Director.

(2) Two Associate Directors.

(k) *Veterans Employment Service*.

(1) Chief.

(l) *Bureau of Veterans Reemployment Rights*. (1) Director.

(m) *Bureau of Employees' Compensation*. (1) Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-8539; Filed, Oct. 6, 1953; 8:48 a. m.]

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Chapter V—The International Organizations Employees Loyalty Board

PART 501—OPERATIONS OF THE INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

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AUTHORITY: §§ 501.1 to 501.16 issued under E. O. 10422, Jan. 9, 1953, 18 F. R. 239, as amended by E. O. 10459, June 2, 1953, 18 F. R. 3183.

§ 501.1 *Name.* This Board shall be known as the International Organizations Employees Loyalty Board, and any reference to the "Board" in this part shall mean such International Organizations Employees Loyalty Board.

§ 501.2 *Officers.* The officers of the Board shall consist of a chairman, a vice-chairman to be designated by the chairman, and an executive secretary to be appointed by the Board.

§ 501.3 *Duties of officers—(a) The Chairman.* The chairman shall perform all the duties usually pertaining to the office of chairman, including presiding at Board meetings, supervising the administrative work of the Board, and conducting its correspondence. He shall be authorized to call special meetings of the Board, when in his judgment, such meetings are necessary and shall call such meetings at the written request of three members of the Board. The time and place of such meetings shall be fixed by the chairman. The chairman shall constitute such panels of the Board as may be necessary or desirable to render advisory determinations and to conduct hearings, and he is authorized to appoint such committees as from time to time may be required to handle the work

of the Board. The chairman may request the vice-chairman to assume the duties of the chairman in event of the absence of the chairman or his inability to act.

(b) *The Vice-Chairman.* The duties of the vice-chairman, when acting in the place of the chairman, shall be the same as the duties of the chairman.

(c) *The Executive-Secretary.* The executive-secretary shall perform all of the duties customarily performed by an executive-secretary. He shall have immediate charge of the administrative duties of the Board under the direction of the chairman and shall have general responsibility for advising and assisting the Board members and exercising executive direction over the staff.

§ 501.4 *Hearings.* No adverse determination shall be made without the opportunity for a hearing.

§ 501.5 *Panels of the Board.* All hearings shall be held by panels of the Board, the determinations of which shall be the determinations of the Board. Such panels of the Board shall consist of not less than three members designated by the chairman. The chairman shall designate the Board member who shall be the presiding member and it shall be the duty of such presiding member to make due report to the Board of all acts and proceedings of the said panel.

§ 501.6 *Quorum.* A majority of all the members of the Board shall constitute a quorum of the Board. Minutes shall be kept of the transactions of the Board in its meetings.

§ 501.7 *Authority and responsibility of the Board.* The Board shall have the authority and responsibility to make rules and regulations, not inconsistent with the provisions of Executive Order 10422, as amended, for the execution of its functions and for making available to the Secretary General of the United Nations and the executive heads of other public international organizations certain information concerning United States citizens employed or being considered for employment by the United Nations or other public international organizations of which the United States is a member.

§ 501.8 *Grounds for determinations of the Board—(a) Standard.* The standard to be used by the Board in making an advisory determination relating to the loyalty of a United States citizen who is an employee of, or is being considered for employment in, a public international organization of which the United States is a member, shall be whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

(b) *Activities and associations.* Among the activities and associations of the employee or person being considered for employment which may be considered in connection with a determination of disloyalty may be one or more of the following:

(1) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.

(2) Treason or sedition or advocacy thereof.

(3) Advocacy of revolution or force or violence to alter the constitutional form of Government of the United States.

(4) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of United States documents or United States information of a confidential or non-public character obtained by the person making the disclosure as a result of his previous employment by the Government of the United States or otherwise.

(5) Performing or attempting to perform his duties, or otherwise acting, while an employee of the United States Government during a previous period, so as to serve the interests of another government in preference to the interests of the United States.

(6) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, or group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

§ 501.9 *Cases reviewable by the Board.* All cases in which an investigation has been made under Executive Order 10422, as amended, shall be referred to and reviewed by the Board in accordance with the Executive order and the rules and regulations of the Board.

§ 501.10 *Consideration of reports of investigation—(a)* In all cases the Board shall consider the reports of investigation in the light of the standard as set forth in § 501.8 and shall determine whether such reports warrant a finding favorable to the individual or appear to call for further processing of the case with a view to a possible unfavorable determination.

(b) If the Board reaches a favorable conclusion in a case involving a question of loyalty, it shall make a determination that on all the evidence there is not a reasonable doubt as to the individual's loyalty.

(c) If the Board determines that the reports do not warrant a finding favorable to the individual, or the Board determines that the evidence is of such a nature that a hearing may be required before a final decision is made, the Board shall send by registered mail, or in such other manner as the Board in a particular case may decide, a written interrogatory to the individual. Such interrogatory shall state the nature of the evidence against him, setting forth with particularity the facts and circumstances involved, in as much detail as security conditions permit, in order to enable him to submit his answer, defense or explanation and to submit affidavits. It will also inform the applicant or employee, of his opportunity to reply to the interrogatory in writing, under oath or

affirmation, within ten (10) calendar days of the date of receipt by him of the interrogatory or such longer time as the Board in specific cases may prescribe, and of his opportunity for a hearing on the issues before the Board or a panel of the Board, including his right to appear personally at such hearing, to be represented by counsel or a representative of his own choosing, to present evidence in his own behalf, and to cross-examine witnesses offered in support of the derogatory information.

§ 501.11 *Consideration of complete file before hearing.* (a) Following delivery to the applicant or employee of the interrogatory and after expiration of the time limit for filing an answer to the interrogatory, the Board shall proceed to consider the case on the complete file, including the answer, if any, to the interrogatory.

(b) If, upon such consideration, the Board concludes that a finding favorable to the individual may be made, no hearing shall be required.

(c) If, upon such consideration, the Board concludes that a determination favorable to the individual cannot be made on the basis of the information in the file, it shall set a time and place for a hearing and shall give notice thereof to the individual.

§ 501.12 *Obtaining further information.* At any stage in its review and consideration of a case, if the Board deems it advisable or necessary to obtain information or clarification of any matter, the Board may request further investigation, or submit a written questionnaire to the individual whose case is before the Board, or request such individual to furnish information in an oral interview.

§ 501.13 *Conduct of hearings—*(a) Not less than three members of a panel of the Board shall be present at all hearings. The Board shall conduct its hearings in such manner as to protect from disclosure information affecting the national security. The chairman of the panel shall preside and be responsible for the maintenance of decorum and order in the hearing.

(b) Attendance at hearings shall be limited to the applicant or employee, his attorney or representative, the panel of the Board assigned to the case, Board members, Board staff employees participating in the case, the witness who is testifying, and such other persons as in the opinion of the panel are required for the proper presentation of the case. Representation for an applicant or employee shall be limited to one attorney or representative and one bona fide assistant, both representing the applicant or employee only.

(c) Hearings shall begin with the reading of the interrogatory. The applicant or employee shall thereupon be informed of his right to participate in the hearing, to be represented by counsel, to present witnesses and other evidence in his behalf, and to cross-examine witnesses offered in support of the derogatory information.

(d) Testimony shall be given under oath or affirmation.

(e) Strict legal rules of evidence shall not be applied at the hearings, but reasonable bounds shall be maintained as to competency, relevancy, and materiality and due allowance shall be made for the effect of any nondisclosure to the individual of information or the absence of any opportunity to cross-examine persons who supplied information but who do not appear and testify. Both the Government and the applicant or employee may introduce such evidence as the panel may deem proper in the particular case.

(f) A complete verbatim stenographic transcript shall be made of the hearing, and the transcript shall constitute a permanent part of the record.

§ 501.14 *Decision of the Board.* After the employee or person being considered for employment has been given a hearing, the Board shall promptly make its decision. The determination of the Board shall be in writing and shall be signed by the members of the panel. It shall state the action taken, together with the reasons therefor, and shall be made a permanent part of the file in every case.

§ 501.15 *Transmission of determination to the Secretary of State.* The Board shall transmit its determination in each case to the Secretary of State for transmission to the Secretary General of the United Nations, or the executive head of any other public international organization concerned. In each case in which the Board determines that, on all the evidence, there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States, it shall also transmit a statement of the reasons for the Board's determination in as much detail as the Board deems that security considerations permit.

§ 501.16 *Notification of individual concerned.* A copy of the determination of the Board, but not of the statement of reasons, shall be furnished in each case to the person who is the subject thereof.

INTERNATIONAL ORGANIZATIONS EMPLOYEES
LOYALTY BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] PIERCE J. GERETY,
Chairman.

[F. R. Doc. 53-8554; Filed, Oct. 6, 1953;
8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Peanuts-54)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1954 CROP

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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AUTHORITY: §§ 729.510 to 729.530 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 359, 361-368, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1383.

GENERAL

§ 729.510 *Basis and purpose.* The regulations contained in §§ 729.510 to 729.530 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 1954. The purpose of the regulations in §§ 729.510 to 729.530 is to provide the procedure for allocating the 1954 State peanut acreage allotments among farms, for establishing allotments for farms on which peanuts were not picked or threshed in 1951, 1952, or 1953, but on which peanuts are to be picked or threshed in 1954, and for determining farm normal yields per acre for peanuts. Prior to preparing the regulations in §§ 729.510 to 729.530, public notice (18 F. R. 3802) 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.

§ 729.511 *Definitions.* As used in §§ 729.510 to 729.530 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) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator

tor for Production of the Production and Marketing Administration of the United States Department of Agriculture.

(b) "Committees." (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (Part 713 of this chapter).

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the Secretary's regulations governing the selection and functions of Production and Marketing Administration county and community committees (Part 713 of this chapter).

(3) "State committee" means the persons designated in a State by the Secretary as the State committee of the Production and Marketing Administration.

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

(d) "Cropland" means farm land which in 1953 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.

(e) "Director" means the Director, or Acting Director of the Fats and Oils Branch of the Production and Marketing Administration of the 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 farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) (i) 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.

(ii) 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 § 729.519 or § 729.522.

(i) "Farm peanut acreage" means the acreage on the farm planted to peanuts

in 1954, as determined in accordance with instructions issued by the Assistant Administrator, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county office manager that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however, That:*

(1) 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;

(2) 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 (1) 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 such manner that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further, That* the maximum acreage limit prescribed in this subparagraph or subparagraph (1) of this paragraph 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 1954, but on which no peanuts were picked or threshed in 1951, 1952, or 1953.

(k) "Old farm" means any farm on which peanuts were picked or threshed in 1951, 1952, or 1953; including also any farm for which 1953 farm allotments were established or which were eligible for 1953 old farm allotments, if peanuts were planted for harvest on any such farm in any year 1951, 1952, or 1953 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 PMA 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 1954, 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 1954 acreage allotments established for other crops for the farm.

(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 1953 farm peanut allotments for all old farms in the county (or community). The sum of the 1953 farm peanut allotments shall be determined pursuant to instructions issued by the Assistant Administrator.

§ 729.512 *Rule of fractions.* 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.

§ 729.513 *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 as are necessary, for carrying out the regulations in §§ 729.510 to 729.530. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.514 *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 1951, 1952, and 1953.

(6) The 1953 peanut acreage allotment for the farm.

(7) Such other information and data as may be necessary in establishing farm allotments in accordance with §§ 729.510 to 729.530.

(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.

§ 729.515 *Apportionment of State peanut allotment to farms.* Adjusted acreages for all old farms in the State shall be determined in accordance with § 729.517. 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 1954 State peanut acreage allotment (minus the acreage reserve for late allotments and corrections pursuant to § 729.518 and the acreage reserve for adjustments pursuant to § 729.517 (b) (5) if allotment adjustments are to be made after adjusted acreages have been determined). Farm allotments shall be determined pursuant to § 729.519.

§ 729.516 *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 1953 peanut acreage allotment for the farm; the 1951, 1952, and 1953 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: *Provided, however,* That in establishing farm allotments pursuant to §§ 729.510 to 729.530, the following acreages shall not be taken into consideration: The peanut acreage determined as harvested in excess of the farm allotments established for each of the years 1951, 1952, and 1953; the peanut acreage harvested on the farm in 1951 as a result of allotments made under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts (16 F. R. 3275); the acreage allotment made to the farm under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the peanut acreage harvested on the farm in 1952 as a result of allotments made under §§ 729.326 and 729.328 of the marketing regulations for the 1952 crop of peanuts; the acreage allotment made to the farm under §§ 729.326 and 729.328 of the marketing quota regulations for the 1952 crop of peanuts; the peanut acreage harvested on the farm in 1953 as a result of allotments made under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 crop of peanuts; and the acreage allotment made to the farm under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 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 1951, 1952, and 1953, unless the county committee determines from available information that more than one acre of peanuts will be harvested on the farm in 1954.

§ 729.517 *Determination of adjusted acreages.* 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 1951, 1952, and 1953, unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in 1954) as follows:

(a) If peanuts were produced on a farm in 1953 for the first time since 1949, but no 1953 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 1953 farm peanut acreages and establish adjusted acreages as provided herein:

(1) The county committee shall examine the 1953 farm peanut acreage and if abnormal conditions affected such acreage, the 1953 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 1953 farm allotment established for the farm.

(2) If a farm allotment was not established for 1953 for a farm on which peanuts were produced in any one or more of the years 1950, 1951, or 1952, the county committee shall determine an acreage for the farm which shall be considered the 1953 farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the regulations contained in §§ 729.410 to 729.432 of the marketing quota regulations for the 1953 crop of peanuts.

(3) The county committee shall compare the 1953 farm peanut acreage for each farm with the 1953 farm allotment for each farm. If the 1953 farm peanut acreage for a farm was less than 75 percent of the 1953 farm allotment, a total of the farm peanut acreages for 1951, 1952, and 1953 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 1951, the total shall be divided by 2, or if the farm did not receive a farm allotment in 1951 and 1952, 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 1953 farm allotment, for the purpose of determining the adjusted acreage for the farm the average of the farm peanut acreages shall be considered as the 1953 farm allotment.

(4) The county committee shall examine the 1953 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 1951-53 average peanut acreage for the farm.

(5) An acreage not in excess of 5 percent of the peanut acreage allotted to all old farms in the State in 1953 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 1953 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 acreages established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1951, 1952, and 1953; 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 acreages, 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 1951, 1952, or 1953: *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 1951, 1952, and 1953, 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 average for each old farm in the county shall be the 1953 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.

§ 729.518 *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 1954 allotments for old farms on which one acre or less of peanuts was picked or threshed in each year 1951, 1952, and 1953, but on which more than one acre of peanuts will be picked and threshed in 1954 and (b) for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1954 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.

§ 729.519 *Allotments for old farms.* (a) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.517 (b) (5) the preliminary allotments determined pursuant to § 729.515 shall be the 1954 farm allotments.

(b) If the State committee determines, as provided in § 729.517 (b) (5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, the county committee shall examine the 1954 preliminary farm allotment for each farm and may adjust such preliminary allotment upward if it determines that such adjustment is necessary to obtain a 1954 farm allotment for the farm which is comparable with the 1954 allotments established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1951, 1952, and 1953; 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 the tillable acreage available for the farm by the tillable acreage factor or (2) the largest farm peanut acreage for the farm for the years 1951, 1952, and 1953: *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 1951, 1952, and 1953, 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 1954 farm allotment shall be the preliminary allotment for the farm determined in accordance with § 729.515 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 § 729.517 (b) (5).

§ 729.520 *Allotments for farms divided or combined—(a) Divisions.* If

land operated as a single farm in 1953 will be operated in 1954 as two or more farms, the 1954 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 1954 consists of two or more tracts which were separate and distinct farms before being combined for 1951, 1952, or 1953, 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 recommendation 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 1954 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 1954 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 1953 are combined and operated as a single farm for 1954, the 1954 allotment shall be the sum of the 1954 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.521 *Normal yields for old farms.* The normal yield for an old farm for the 1954 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

§ 729.522 *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, 1954, or later than February 15, 1954.

(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 into 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 for 1954.

(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 such 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 county and State committees does not exceed one-half of one percent of the State's share of the 1954 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 county and State 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; and

(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 received 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.

(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 the factors specified in paragraph (a) of this section, for farms on which no peanuts were picked or threshed in 1951, 1952, or 1953, 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, 1954.

(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 1954.

§ 729.523 Normal yields for new farms. The normal yield for a new farm for the 1954 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

§ 729.524 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 1954 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 1954 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 1954 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 1954 farm allotment shall be that percentage 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 satisfac-

tory 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.

§ 729.525 Release and reapportionment—(a) Release of acreage allotments. Any part of the acreage allotted for 1954 to an individual farm in any county under the provisions of §§ 729.519 and 729.522 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, 1954, shall be deducted from the allotment to such farm in accordance with instructions issued by the Assistant Administrator. If any part of the farm allotment is permanently released (i. e., for 1954 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 1954 farm allotment is permanently released, the farm shall not thereafter be eligible for a 1954 farm allotment as either an old farm or as a new farm, and the farm peanut acreages and farm allotments for 1954 and prior years shall not be considered in establishing an allotment for the farm for 1954 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, in accordance with instructions issued by the Assistant Administrator, 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 (1954) 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, 1954.

(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 1954 only.* The release for 1954 only, of any part of the acreage allotted for 1954 to individual farms, pur-

suant 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 1955 because peanuts were not picked or threshed on the farm in 1952, 1953, or 1954. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1954 for the farm to which the acreage is reapportioned.

§ 729.526 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.

§ 729.527 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 1954, 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 1951, 1952, and 1953 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.

§ 729.528 Approval of determinations and notice of farm allotment. The State committee shall review farm allotments and normal yields and the State committee may correct or require the correction of any determination made in connection therewith pursuant to §§ 729.510 to 729.530. 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 (1954), 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 § 729.524 shall be mailed to operators by registered mail.

§ 729.529 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 or quota reviewed. Farm allotments and marketing quotas shall be reviewed by a review committee in accordance with the the marketing quota review regulations issued by the Secretary (Part 711 of this chapter), a copy of which is available at the office of the county committee.

§ 729.530 Redellegation of authority. Any authority delegated to the State committee by the regulations in §§ 729.510 to 729.530 may be redelegated by the State committee.

Done at Washington, D. C., this 1st day of October 1953. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 53-8541; Filed, Oct. 6, 1953; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 185]

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

LIMITATION OF SHIPMENTS

§ 933.636 Grapefruit Regulation 185—
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended

marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 7, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 7, 1953, the recommendation and supporting information for continued regulation subsequent to October 6 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 2; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Grapefruit Regulation 184 (7 CFR 933.634; 18 F. R. 5725) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., October 7, 1953, and ending at 12:01 a. m., e. s. t., October 19, 1953, no handler shall ship:

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

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with

the requirements of a standard pack, in a standard nailed box;

(v) Any seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "variety," and "ship," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193; 17 F. R. 7408).

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

Done at Washington, D. C., this 5th day of October 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-8604; Filed, Oct. 6, 1953;
8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket 6009]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PERRY SALES CO. AND PERRY HALSETH

Subpart—Using, selling or supplying lottery devices: § 3.2475 Devices for lottery selling; § 3.2480 In merchandising. In connection with the offering for sale, sale and distribution of cameras, radios, pens, dolls, cutlery, bedspreads or other articles of merchandise in commerce, (1) supplying to or placing in the hands of others push cards or any other lottery device or devices which are designed or intended to be used in selling or distributing said merchandise to the public by means of games of chance, gift enterprises, or lottery schemes; (2) shipping, mailing or transporting to agents or distributors, or to members of the purchasing public, push cards or any other lottery device or devices which are designed or intended to be used in the sale or distribution of respondent's merchandise to the public by means of games of chance, gift enterprises or lottery schemes; or (3) selling or otherwise disposing of any merchandise by means of or under a plan involving a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Perry Halseth t. a. Perry Sales Company, Chicago, Ill., Docket 6009, September 14, 1953]

In the Matter of Perry Halseth, Individually and Trading as Perry Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 16, 1952, issued and subsequently served its complaint in this proceeding upon respondent Perry Halseth, individually and trading as Perry Sales Company, charging him with the use of unfair acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested, and said hearing examiner, on February 9, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, respondent filed an appeal from said initial decision and the Commission, after duly considering said appeal and the record herein, issued its order denying said appeal.

The Commission is of the opinion, however, that the initial decision of the hearing examiner is deficient in certain respects, principally in that the order therein is inconsistent with the form of order which the United States Court of Appeals for the District of Columbia Circuit has determined is appropriate in cases where the facts are essentially similar to those in this case. *Hamilton Manufacturing Co. v. Federal Trade Commission*, 194 F. 2d 346, and *U. S. Printing & Novelty Co. v. Federal Trade Commission*, CCH Trade Reg. Serv. Par. 67,502 (June 4, 1953). Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,¹ conclusions drawn therefrom, and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent Perry Halseth, trading as Perry Sales Company or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of cameras, radios, pens, dolls, cutlery, bedspreads or other articles of merchandise in commerce, as "commerce" is defined

¹ Filed as part of the original document.

in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards or any other lottery device or devices which are designed or intended to be used in selling or distributing said merchandise to the public by means of games of chance, gift enterprises, or lottery schemes.

2. Shipping, mailing or transporting to agents or distributors, or to members of the purchasing public, push cards or any other lottery device or devices which are designed or intended to be used in the sale or distribution of respondent's merchandise to the public by means of games of chance, gift enterprises or lottery schemes.

3. Selling or otherwise disposing of any merchandise by means of or under a plan involving a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 14, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-8540; Filed, Oct. 6, 1953;
8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SUR- VIVORS INSURANCE (1950 —)

COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Regulations No. 4 (20 CFR, Cum. Supp., 404.1 et seq.) are further amended as follows:

1. Paragraph (b) of § 404.1255 is amended to read as follows:

(b) For periods prior to date of execution of agreement. If the agreement provides for the coverage of employees performing services in employment for the State or any of its political subdivisions at the time the agreement is executed for calendar quarters during which such employees were in the employ of the State or any of its political subdivisions prior to the date of execution of the agreement, including the calendar quarter in which the agreement is executed, any contribution returns or wage reports for such prior calendar quarters shall be filed not more than 90 days after date of execution of the agreement. The Secretary, for good cause shown, may, upon application by a State, allow such further time for the filing of contribution returns and wage reports for periods prior to the date of execution of the agreement (or modifica-