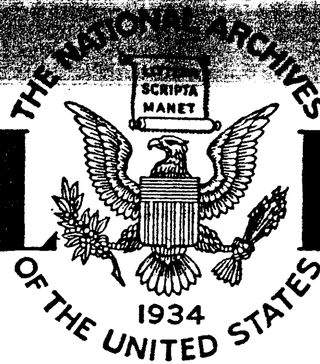

FEDERAL REGISTER

VOLUME 19 NUMBER 159

Washington, Tuesday, August 17, 1954

TITLE 7—AGRICULTURE

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

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.317 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of 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 of the Industry 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 Tokay grapes, 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 18, 1954. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 10, 1954; recommendation as to the need for, and the extent of, grade and size regulation was made at the meeting of said committee on August 10, 1954, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department; shipments of the current crop of such grapes are expected to begin on or about August 18, 1954, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation 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 18, 1954, and ending at 12:01 a. m., P. s. t., January 1, 1955, no shipper shall ship:

(i) Any Tokay grapes produced in the Florin District which do not meet the grade and size specifications of U. S. No. 1 Table Grapes; or

(ii) Any Tokay grapes produced in the Lodi District which do not meet the grade and size specifications of U. S. No. 1 Table Grapes and the following additional requirements:

(*a*) Each bunch of such grapes shall have at least 65 percent, by count, of berries which are fairly well colored;

(*b*) Of the 25 percent, by count, of the berries of each such bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall be fairly well colored; and

(*c*) In lieu of the tolerances for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of 6 percent, by weight, of the Tokay Grapes contained in any container may fail to meet the requirements of U. S. No. 1 Table Grapes.

(2) Application of tolerance: In connection with the grade requirements and tolerances established in subparagraph (1) of this paragraph, the application of tolerances to individual packages provided in the U. S. Standards for Table Grapes shall apply except that no container of Tokay grapes shall have more than one-half of one percent, by weight, of berries affected by decay.

(Continued on p. 5167)

CONTENTS

	Page
Agricultural Marketing Service	
Proposed rule making:	
Milk handling in the Appalachian marketing area	5180
Rules and regulations:	
Tokay grapes grown in San Joaquin and Sacramento Counties in California; regulation by grades and sizes	5165
Agriculture Department	
See Agricultural Marketing Service.	
Army Department	
Reservation of certain public lands in Iowa for use of Department (*see* Land Management Bureau).	
See also Engineers Corps.	
Rules and regulations:	
Army Reserve; miscellaneous amendments	5168
National Guard regulations; claims for damages involving the National Guard and the Air National Guard	5168
Business and Defense Services Administration	
Rules and regulations:	
Copper and copper-base alloys; amount of production capacity to be reserved	5167
Civil Aeronautics Administration	
Rules and regulations:	
Standard instrument approach procedures; procedure alterations	517[illegible]
Civil Aeronautics Board	
Notices:	
Hearings, etc.:	
Continental Air Lines, Inc., et al	5195
Service to Newport, Vt	5194
Western-Inland mail case reopened	5194
Commerce Department	
See Civil Aeronautics Administration; Business and Defense Services Administration; National Shipping Authority.	
Customs Bureau	
Rules and regulations:	
Customs bonds; General Term Bond for Entry of Merchandise	5167

CODIFICATION GUIDE—Con.

	Page
Title 26	
Chapter I	5167
Title 32	
Chapter V:	
Part 561	5168
Chapter XI:	
Part 1101	5168
Title 32A	
Chapter VI (BDSA):	
M-11A	5167
Chapter XVIII (NSA):	
OPR-6	5168
Title 33	
Chapter II:	
Part 207	5170
Title 39	
Chapter I:	
Part 127	5177
Title 43	
Chapter I:	
Part 244	5178
Appendix C (Public land orders):	
988	5179
989	5179
990	5179
Title 49	
Chapter I:	
Part 91	5170

(3) Definitions: As used in this section, "handler," "shipper," "ship," "Lodi District," "Florin District," "bunch," and "size" shall have the same meaning as when used in the amended marketing agreement and order; and "U. S. No. 1 Table Grapes," "fairly well colored berries," and "decay," shall have the same meaning as when used in the United States Standards for Table Grapes (§§ 51.880 to 51.911 of this title).

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

Dated: August 13, 1954.

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

[F. R. Doc. 54-6406; Filed, Aug. 16, 1954; 8:58 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53553]

PART 25—CUSTOMS BONDS

GENERAL TERM BOND FOR ENTRY OF MERCHANDISE

Section 25.3 (a) (3) of the Customs Regulations requires that an application for permission to file a General Term Bond for Entry of Merchandise on customs Form 7595 shall be filed with the collector and transmitted to the Bureau for approval. It has been determined that approval of this bond would be expedited with an appreciable saving of man hours if authority to approve the application were delegated to collectors.

For the reason stated, the word "collector" is hereby substituted for the word "Bureau" in the first sentence of § 25.3 (a) (3) and the second sentence thereof is amended to read as follows: "A principal desiring to execute this form of bond shall file with a collector at any headquarters port to be named in the bond an application, in duplicate, for permission to file the bond."

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U. S. C. 1623, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 10, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6355; Filed, Aug. 16, 1954; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6091]

PRESCRIBING STOPGAP REGULATIONS UNDER THE INTERNAL REVENUE CODE OF 1954; ELECTIONS OR OTHER ACTS

In order to permit a proper administration of the Internal Revenue Code of 1954 (herein referred to as "the Code"), it is hereby prescribed in furtherance of the purposes of sections 7807 and 7851 (b) of the Code that—

PARAGRAPH 1. All regulations (including all Treasury decisions) prescribed by, or under authority duly delegated by, the Secretary of the Treasury, or jointly by the Secretary and the Commissioner of Internal Revenue, or by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, or jointly by the Commissioner of Internal Revenue and the Commissioner of Customs or the Commissioner of Narcotics with the approval of the Secretary of the Treasury, applicable under any provision of law in effect on the date of enactment of the Code, to the extent such provision of law is repealed by the Code, are hereby prescribed under and made applicable to the provisions of the Code corresponding to the provision of law so repealed insofar as any such regulation is not inconsistent with the Code. Such regulations shall become effective as regulations under the various provisions of the Code as of the dates the corresponding provisions of law are repealed by the Code, until superseded by regulations issued under the Code.

PAR. 2. With respect to any provision of the Code which depends for its application upon the promulgation of regulations or which is to be applied in such manner as may be prescribed by regulations, all instructions or rules in effect immediately prior to the enactment of the Code, to the extent such instructions or rules could be prescribed as regulations under authority of such provision of the Code, shall be applied as regulations under such provision insofar as such instructions or rules are not inconsistent with the Code. Such instructions or rules shall be applied as regulations under the applicable provision of the Code as of the date such provision takes effect.

PAR. 3. If any election made or other act done pursuant to any provision of the Internal Revenue Code of 1939 or prior internal revenue laws would (except for the enactment of the Code) be effective for any period subsequent to such enactment, and if corresponding provisions are contained in the Code, such election or other act shall be given the same effect under the corresponding provisions of the Code to the extent not inconsistent therewith. The term "act" includes, but is not limited to, an allocation, identification, declaration, agreement, option, waiver, relinquishment, or renunciation.

PAR. 4. The limits of the various internal revenue districts have not been changed by the enactment of the Code. Furthermore, delegations of authority made pursuant to the provisions of Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952 (as well as redelegations thereunder), including those governing the authority of the Commissioner of Internal Revenue, the Regional Commissioners of Internal Revenue, or the District Directors of Internal Revenue, are applicable to the provisions of the Code to the extent consistent therewith.

Because this Treasury decision merely provides for the continuance of existing rules pending further action, it is hereby found that it is impracticable and contrary to the public interest to incur the delay which would result if this Treasury decision were issued with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

AUGUST 16, 1954.

[F. R. Doc. 54-6437; Filed, Aug. 16, 1954; 12:29 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A (Formerly NPA Order M-11A), Amdt. 5 of August 13, 1954]

M-11A—COPPER AND COPPER-BASE ALLOYS

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A) as amended, by changing the amount of production capacity which producers of copper controlled materials must reserve for the acceptance of authorized controlled material orders. Paragraph (b)

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