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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Under authority of § 6.1 (a) and (d) of Executive Order 9830, and at the request of the Department of Agriculture, the Commission has determined that the exception of temporary, intermittent enumerators and supervisors in the Bureau of Agricultural Economics and the Bureau of Human Nutrition and Home Economics should be extended to the Department of Agriculture generally. Effective upon publication in the FEDERAL REGISTER, paragraphs (d) (1) and (n) (1) of § 6.111 are revoked and a new subparagraph added to § 6.111 (a) as follows:

§ 6.111 *Department of Agriculture*—(a) *General.* * * *

(14) NC/PD. Temporary, intermittent field enumerators and supervisors at salaries not exceeding entrance rate of CAF–5 or its equivalent, for not to exceed 180 working days a year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 49–8710; Filed, Oct. 28, 1949; 8:48 a. m.]

TITLE 7—AGRICULTURE

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

[Grapefruit Reg. 119]

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

LIMITATION OF SHIPMENTS

§ 933.450 *Grapefruit Regulation 119*—(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 thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 31, 1949. Shipments of grapefruit, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 12, 1949, and will so continue until October 31, 1949; the recommendation and supporting information for continued regulation subsequent to October 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 25; 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 thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated

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among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 31, 1949, and ending at 12:01 a. m., e. s. t., November 14, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

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

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (7 CFR 51.191).

(48 Stat. 31, as amended; 7 U. S. C. and Sup. 601 et seq.; 7 CFR, Part 933)

Done at Washington, D. C., this 27th day of October 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-8749; Filed, Oct. 28, 1949; 10:50 a. m.]

[Orange Reg. 172]

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

LIMITATION OF SHIPMENTS

§ 933.451 *Orange Regulation 172*—(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 oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 31, 1949. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 12, 1949, and will so continue until October 31, 1949; the recommendation and supporting information for continued regulation subsequent to October 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 25; 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 thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 31, 1949, and ending at 12:01 a. m., e. s. t., November 14, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (7 CFR 51.192).

(48 Stat. 31, as amended; 7 U. S. C. and Sup. 601 et seq.; 7 CFR, Part 933)

Done at Washington, D. C., this 27th day of October 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-8750; Filed, Oct. 28, 1949; 10:50 a. m.]

[Tangerine Reg. 85]

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

LIMITATION OF SHIPMENTS

§ 933.452 *Tangerine Regulation 85*—(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 tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because, 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 October 31, 1949. The committee held an open meeting on October 25, 1949, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 31, 1949, and ending at 12:01 a. m., e. s. t., November 14, 1949, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2" and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (7 CFR 51.416).

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 933)

Done at Washington, D. C., this 27th day of October 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-8781; Filed, Oct. 28, 1949; 10:17 a. m.]

PART 966—ORANGES GROWN IN CALIFORNIA OR ARIZONA

On September 22, 1949, a notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 5781, 5881), pursuant to the Administrative Procedure Act (5 U. S. C. 1001 et seq.), regarding the administrative rules proposed by the Orange Administrative Committee, established under Order No. 66, as amended (7 CFR 966.1 et seq., 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters, including the proposals set forth in the aforesaid notice and data, views, and arguments filed in connection therewith, the following rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of these rules and regulations until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that certain amendments to the aforesaid order, issued by the Secretary on June 29, 1949 (14 F. R. 3614), become effective on November 1, 1949, and these rules and regulations, which will replace the rules and regulations presently in effect (7 CFR 966.103–966.109), are necessary to effectuate such amendments.

Sec.
966.103 Definitions.
966.104 Nomination procedure.
966.105 Delinquent assessments.
966.106 Prorate bases and size regulations.
966.107 Prorate districts.
966.108 Oranges not subject to regulation.
966.109 Reports.

AUTHORITY: §§ 966.103 to 966.109 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR 966.1 et seq.; 14 F. R. 3614.

§ 966.103 *Definitions.* The terms used in the rules and regulations in this part shall have the same meaning as are set forth in the definitions in § 966.3 of the order of the Secretary, as amended, regulating the handling of oranges grown in the States of California and Arizona, hereinafter referred to as "Orange Order No. 66." In addition, the following terms shall have the following meanings:

(a) "Oranges in fresh form" means oranges and their component parts, including fresh orange juice, which are fit for human consumption, and which have not been treated by a recognized commercial process in such a manner as to preserve their edible qualities.

(b) "Handling of oranges for conversion into by-products" means the handling of oranges for treatment by any recognized commercial process in such a manner as to preserve their edible qualities. The conversion of oranges into fresh juice shall not be considered conversion into by-products.

(c) "Early maturity oranges" means any oranges that have reached maturity as measured by applicable State law in the State of production, in advance of general maturity of oranges of the same variety and in the same prorate district.

(d) "General maturity" shall have been reached for any variety in any district at such time as the committee determines that allotment shall be distributed to all handlers, and none is withheld for distribution to handlers of early maturity oranges.

(e) "Short life oranges." A handler shall be considered to have short life oranges when he has oranges which historically are known to lack keeping qualities which will permit him to market, during the same marketing period, the same proportion of his oranges as other oranges of the same variety and in the same prorate district.

§ 966.104 *Nomination procedure.* (a) The time of nominating grower and handler members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee, and the manner of nominating members and alternate members of said committee shall be as follows:

(1) Any cooperative marketing organization which marketed more than 50 percent of the total volume of oranges marketed in fresh form, during the fiscal year preceding the date on which nominations for members and alternate members of the committee are submitted, shall, by resolution adopted by its board of directors, nominate not less than six growers for three grower members and six growers for three alternate grower members of the committee, and not less than four handlers for two handler members, and four handlers for two alternate handler members of the committee.

(2) A meeting shall be held at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations which market oranges in fresh form, other than such cooperative marketing organization which marketed more than 50 percent of the total volume of oranges marketed in fresh fruit form, during the fiscal year preceding the date on which nominations for members and alternate members of the committee are submitted, shall nominate not less than two growers for one grower member and two growers for one alternate grower member, and not less than two handlers for one handler member and two handlers for one alternate handler member of the committee. The vote of each such organization shall be weighted by the quantity of oranges which it handled in fresh form during the fiscal year (as defined in § 966.3 of Orange Order No. 66), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary, written evidence of his authority to vote for such an organization.

(3) Not less than seven and not more than 15 meetings shall be held at such times and places (throughout the orange producing areas in California and Arizona) as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate not less than two growers and one handler. The number of ballots to be cast in selecting the three nominees for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(4) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant to this section.

§ 966.105 *Delinquent assessments.* (a) If an assessment is not paid within 30 days after formal demand by the committee, approval of the Secretary will be requested to file a suit in the name of the committee to enforce the payment of any and all assessments then due and payable by such handler.

(b) If suit is instituted for payment of delinquent assessments, the handler shall pay, in addition to the amount of the delinquent assessments, interest thereon from the due dates at the rate of 6 percent per annum, and costs of suit.

§ 966.106 *Prorate bases and size regulation*—(a) *Application to be filed.* Each person who has oranges available for current shipment shall submit to the committee on the form prescribed by the committee, an application for a prorate base. Such application shall be submitted on or before such date as the committee shall from time to time designate, or as soon thereafter as a person acquires oranges available for current shipment. Such application shall contain the information required in §§ 966.6 (d) (2) and (3) of Orange Order No. 66, and in addition shall be executed before a notary public and contain a certification to the United States Department of Agriculture and the committee as to its truthfulness.

(b) *Control of oranges.* In order to control oranges within the meaning of §§ 966.6 (d) (3) (i) and (iii) of Orange Order No. 66, a handler must have executed a written agreement with a grower, which shall contain all of the basic requirements of a legal contract, including:

(1) Legal consideration, such as mutual promises, which are enforceable by either party in an action at law;

(2) Certainty as to parties, the quantity of oranges involved, and the amount to be received for the fruit. The agreement will be sufficiently definite as to the quantity of fruit if it specifies all the oranges of a described acreage, and as to the amount to be received for the fruit, if it specifies a definite amount or sets forth an enforceable method of determining the amount to be paid;

(3) The agreement shall have been entered into by both parties in good faith. The purpose of the agreement must be to give absolute control of the oranges to the handler, and any agreement which (i) has as its primary purpose the giving of the prorate base allotment to the handler, or (ii) is subject to some other written or oral agreement or understanding altering its terms, or (iii) is subject to an oral or written agreement or understanding that neither of the parties will enforce the agreement, or (iv) contains a statement which permits termination thereof without legal liability, will be considered evidence of lack of good faith;

(4) The agreement shall give the handler exclusive, unconditional, and unlimited authority to handle the oranges. This authority must be for such period of time as may be necessary to move the oranges covered by the agreement.

(c) *Loss of control of oranges.* If a person loses control of oranges and has handled a quantity thereof less than the quantity that could have been handled under allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom a quantity of oranges equivalent to the quantity upon which allotments were issued, but which were not utilized thereon. The quantity so determined shall be deducted during such period as shall be determined by the committee, not to exceed a 4-week period as far as practicable (or balance of the season if the balance of the season is less than 4 weeks): *Provided however,* That in no instance shall the amount of deduction exceed one-half of the current allotment issued to such handler, and, if necessary to comply with this requirement, the 4-week period may be extended to accomplish that purpose.

(d) *Adjustment of prorate bases.* (1) The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies as provided in Orange Order No. 66, during a period determined by the committee, not to exceed 4 weeks as far as practicable (or balance of season if the balance of the season is less than 4 weeks): *Provided however,* That in no instance should the amount of adjustment in any weekly period exceed one-half of the current allotment issued to such handler, and if necessary to comply with this requirement, the 4-week period may be extended to accomplish that purpose.

(2) When a handler has moved all of the oranges under his control in a particular district of the variety being regulated, and has received allotment sufficient to repay any additional allotments received by him under the provisions of § 966.6 (h) of Orange Order No. 66, such handler shall be removed from the prorate base schedule and shall thereupon receive no further allotments for such oranges. If such handler during the same marketing season again acquires control of oranges of the same variety in the same prorate district, he shall notify the committee in accordance with § 966.6 (d) of Orange Order No. 66, and the handler shall thereupon be restored to the prorate base schedule and the prorate base of such handler shall be adjusted as in the case of any other handler.

(e) *Allotment loans.* Adjustment of allotment loan transactions shall be as follows:

(1) *Borrowing handler with insufficient allotment.* If on the payback date specified in the loan agreement, the borrowing handler has insufficient allotment (in the prorate district and of the variety involved) to repay such loan, he shall repay such loan as soon after the payback date as he has allotments available to him for that purpose.

(2) *All oranges moved prior to payback date.* If prior to the payback date specified in the loan agreement the borrowing handler has moved all the oranges (in the prorate district and of the variety involved), the loan shall thereupon become immediately repayable and the borrowing handler shall repay the loan from the first allotment available to him for such purpose.

(f) *Early maturity and short life allotments.* Allotments issued for early maturity and short life oranges shall be considered as current weekly allotment under the provisions of § 966.6 (j) of Orange Order No. 66.

(1) *Early maturity*—(i) *Applications to be filed.* On or before 12 o'clock noon of the Monday preceding a meeting of the committee, any handler having early maturity oranges who desires to receive allotment therefor, must file with the committee at any of its designated offices, an application on the forms prescribed by the committee, which will show the name and address of the applicant; the location of the early maturity oranges for which he desires allotment; by whom and to what extent tests of such oranges have been made to determine their maturity; the total quantity of early maturity oranges available for shipment during the week for which the committee may make recommendations for regulation at the aforesaid meeting; the number of boxes of allotment desired during the week for which the committee may make recommendations for regulation at the aforesaid meeting; and such other information as the committee may from time to time request. Requests for early maturity allotment shall not exceed the total quantity of early maturity oranges each handler has available for current shipment. Oranges covered by undershipment of allotment shall not be included in requests for early maturity allotment.

(ii) *Investigation by Field Department.* As soon as an application for allotment for handling of oranges of early maturity is filed with the committee, as provided in the preceding paragraph, it shall be referred to the committee's Field Department for investigation. The Field Department shall then make an investigation and report to the committee at its next regular meeting.

(iii) *Distribution of early maturity allotment.* Allotment for the handling of early maturity oranges of each variety and within each prorate district shall be equally distributed to all handlers applying therefor, on the basis of the relation of the quantity of allotment requested by each handler for use during the week covered by the application of such handler to the total quantity of allotment requested by all handlers for use during such week.

(iv) *Payback of early maturity allotment.* After a handler who has received

early maturity allotment has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of such variety, as provided in § 966.6 (k) of Orange Order No. 66, allotment thereafter due such handler shall be allocated to handlers from whom early maturity allotment has been withheld. This shall be accomplished by allotting the allotment due such handler among the other handlers on the prorate base schedule.

(2) *Short life*—(i) *Application to be filed.* Each handler having short life oranges who desires to obtain additional allotment therefor shall file with the committee at the beginning of each varietal season, an application for such allotment on forms prescribed by the committee for that purpose. The application must be filed two weeks in advance of the meeting of the committee at which action is to be taken thereon. The application must contain the following information: Name and address of applicant; location of grove or groves having short life oranges; a record over a period of at least ten years showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when short life oranges covered by the application would be marketed; the estimated additional allotment necessary to complete the marketing of such oranges on that date; and a showing satisfactory to the committee that short life oranges controlled by the handler cannot be marketed through appropriate adjustments within the handler's packing house.

(ii) *Investigation by Field Department.* As soon as an application for additional allotment for the handling of short life oranges is received by the committee, it shall be referred to the committee's Field Department for investigation. The Field Department shall then make an investigation and report to the committee at its next regular meeting.

(iii) *Distribution of short life allotment.* Upon having determined the extent to which a handler needs additional allotment for the handling of short life oranges, the committee shall allocate such additional allotment to such handler in uniform weekly amounts over a shortened marketing period as shall in the opinion of the committee be necessary to permit such handler to handle as large a proportion of such short life oranges as the average of that variety and in that prorate district as will be handled by all handlers.

(iv) *Payback of short life allotment.* Immediately following the end of the marketing period of a handler's short life oranges, allotments thereafter due such handler shall be distributed among all other handlers on the prorate base schedule. This shall be accomplished by alloting the allotment due such handler among the other handlers on the prorate base schedule.

(g) *Size regulation; standard size measurements.* For the purpose of determining size regulations which shall be recommended to the Secretary, the following number of oranges per standard packed box are hereby adopted as standard sizes by the committee and shall be used whenever size regulations are made effective. They shall apply to all shipments regardless of the container in which the oranges are packed.

Number oranges per packed box	Average diameter	Diameter limits	
		Minimum	Maximum
	Inches	*Inches*	*Inches*
540	1.920	1.87	1.95
490	1.980	1.96	2.02
420	2.070	2.03	2.10
392	2.150	2.11	2.19
344	2.250	2.20	2.30
288	2.375	2.31	2.43
252	2.500	2.44	2.55
220	2.625	2.56	2.66
200	2.720	2.67	2.77
176	2.840	2.78	2.91
150	3.000	2.92	3.08
126	3.170	3.09	3.29
100	3.420	3.30	3.55
80	3.680	3.56	3.72
64	3.970	3.73	4.17
48	4.370	4.18	4.57

In order to allow for variation incident to proper packing, except as otherwise provided in size regulations issued by the Secretary, the following tolerances are provided: Not more than 5 percent, by count, of the oranges in any one container may be not in excess of one size smaller than the minimum size permitted under the then current regulation when a minimum regulation is in effect, or may be not in excess of one size larger than the maximum size permitted under the then current regulation when a maximum regulation is in effect; no more than 3 percent of the containers in any one lot may fail to meet the size requirements specified above; all sizes referred to are those prescribed herein.

(h) *Exemption from size regulation*—(1) *Application to be filed.* Each grower entitled to be exempted from the provisions of any size regulation established by the Secretary, may file with the committee an application for an exemption certificate on the form provided. Such application shall be filed with the committee, on forms prescribed by the committee, one week in advance of the meeting of the committee at which action is to be taken thereon and shall contain the following information: (i) Name and address of applicant; (ii) location of oranges which the grower wishes covered by the exemption certificate; (iii) the estimated size of the oranges contained in the applicant's groves and the percentage of each; (iv) the size tests or other facts upon which such estimates are based, showing the number of oranges per tree tested and the total number of oranges tested per acre; (v) the number of boxes which applicant estimates will be needed to be exempted from size regulation to permit applicant to ship the equivalent of the average shipped by all handlers of the same variety in the same prorate district; (vi) the variety of the oranges on which applicant desires exemption certificates; and (vii) the name of the packing house through which applicant's oranges are marketed.

(2) *Investigation by Field Department.* Immediately upon receiving an application for an exemption certificate, the committee shall refer such application to its Field Department for investigation. The Field Department shall conduct an investigation and shall report its findings to the committee at its next regular meeting.

(3) *Determination by the committee.* If the committee determines that the information submitted in the application for exemption certificate is inadequate, it may require the submission of additional information, including additional size tests. Based on all available information, the committee may authorize the issuance of a certificate of exemption which will permit the applicant to have as large a proportion of his oranges handled as the average proportion of the same variety that will be handled by all other producers in the same prorate district.

(4) *Exemption certificate.* If volume regulation is in effect at the time exemption certificates are issued, such exemption certificates may be used only to the extent that allotment has been issued under volume regulations for the oranges covered thereby. Upon authorization of the committee, the manager shall issue to growers who have applied therefor exemption certificates which shall contain the following information: (i) Name and address of person to whom issued; (ii) location of grove; (iii) quantity of oranges of each size permitted to be handled without regard to existing size regulation; and (iv) period covered by the exemption certificate. The exemption certificate shall be issued in quadruplicate, one copy to be retained by the committee, and three copies to be issued to the grower. The grower is to retain one copy and turn over to the packing house to whom allotment has been issued for such grower's oranges the remaining two copies. The packing house shall then retain one copy and return to the committee one copy after having shipped the oranges covered thereby. Exemption certificates issued hereunder shall be transferable only with the oranges covered thereby.

§ 966.107 *Prorate districts.* The following prorate districts are hereby established:

(a) *Prorate District No. 1.* That portion of California which is north of a line drawn due east and west through the Tehachapi Mountains.

(b) *Prorate District No. 2.* That portion of California which is south of a line drawn due east and west through the Tehachapi Mountains, but excluding Imperial County and that portion of Riverside County east of a line drawn due north and south through San Jacinto Peak.

(c) *Prorate District No. 3.* Arizona, and that portion of California which is outside Prorate Districts Nos. 1 and 2.

§ 966.108 *Oranges not subject to regulation*—(a) *Authorized by-products manufacturers.* Any person who desires to buy, as an approved by-products manufacturer, oranges for conversion into by-products, as defined in the regulations in this part shall, prior thereto, submit to the committee an application on the form prescribed by the committee, which shall contain the following information: (1) Name and address of applicant; (2) proposed type of by-product to be made

or derived from oranges; (3) approximate quantity of oranges used each month; (4) a statement that the oranges obtained for conversion into by-products will be used for that purpose only and will not be resold or disposed of as oranges in fresh form as defined herein; and (5) an agreement to submit such reports as are required by the committee. Such application shall be referred to the committee's Compliance Department for investigation. The Compliance Department shall make an investigation of such applicant and shall report back to the committee at its next regular meeting. Based upon the report of the Compliance Department, and other available information, the committee shall approve or disapprove the application. If the application is approved, the applicant's name shall be placed upon the approved list of by-products manufacturers.

(b) *Sale of by-product oranges.* Oranges shall be handled as by-products, under § 966.8 of Orange Order No. 66, only to approved by-products manufacturers.

(c) *Certificate by by-products manufacturers.* Each approved by-products manufacturer shall submit to the committee, on forms prescribed by the committee, on or before the 10th day of January, April, July, and October, a report of by-product oranges used during the three months preceding such dates. Each certificate shall contain a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(d) *Armed forces shipments.* Oranges delivered to the armed forces of the United States which are strapped and marked for export purposes and which are shipped to destinations for export shall be considered as export shipments.

§ 966.109 *Reports*—(a) *Weekly reports.* Weekly reports shall be submitted by all handlers to the committee each Monday, and shall contain the information as is set forth in § 966.9 (a) of Orange Order No. 66.

(b) *Manifest reports.* Within 24 hours after shipment is made all handlers shall submit to the committee, on a form or forms prescribed by the committee, a manifest report of all oranges handled. Such report shall show the rail car number or the serial number of the certificate of assignment of allotment for each shipment, together with the quantity by sizes and varieties per standard packed box, or its equivalent, of each shipment made within the United States, or to Canada, or to Alaska. If the shipment was made under a size regulation and was covered by an exemption certificate, the certificate number shall also be shown.

(c) *Loose oranges.* The quantity and sizes of loose oranges shall be reported to the committee as computed from the following conversion table: 77 pounds of loose oranges shall be considered one standard packed box.

(d) *Assignment of allotment.* In connection with the handling of all oranges, other than shipments by rail car, each handler at the time of handling of each lot of oranges shall issue to the purchaser or his agent, an assignment of allotment covering each quantity of oranges so handled. Such assignment of allotment shall be on the form prescribed by the committee, and shall contain the following information: (1) Current weekly regulation period; (2) name and address of consignee; (3) variety and number of standard packed boxes of oranges; (4) prorate district in which such oranges were produced; (5) name of the person to whom such oranges were sold; (6) the license number of the truck transporting such oranges from handler's place of business; (7) the sizes of the oranges covered thereby; (8) the date of issue; and (9) the name of the person or firm issuing the assignment of allotment. Such assignment shall also contain a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon.

(e) *Orange diversion report.* Each handler diverting oranges to by-products, to charitable organizations, or eliminating oranges from the channels of human consumption, shall report to the committee, on a form prescribed by the committee: (1) Name and address of the by-products plant or charitable organization to which oranges were diverted; (2) the prorate district in which the oranges were produced; (3) variety and number of boxes diverted to (i) by-products, (ii) charitable organizations, (iii) elimination; (4) net weight of such oranges; and (5) if oranges were eliminated, the place and means of elimination. The diversion report shall be prepared in quadruplicate. One copy signed by the handler shall be submitted to the committee immediately upon diversion of the oranges covered thereby, one copy shall be retained by the handler, and two copies shall be forwarded by the handler to the approved by-products manufacturer or charitable organization with the understanding that the approved by-products manufacturer and charitable organization will retain one copy thereof, inserting on the other copy the actual net weight or number of standard packed boxes of oranges received and forward such copy to the committee.

Done at Washington, D. C., this 25th day of October 1949, to be effective on and subsequent to 12:01 a. m., P. s. t., November 1, 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-8706; Filed, Oct. 28, 1949; 8:47 a. m.]

[Orange Reg. 299]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.445 *Orange Regulation 299*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 30, 1949, and ending at 12:01 a. m., P. s. t., November 6, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of October 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Oct. 30, 1949, to 12:01 a. m. Nov. 6, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0000
A. F. G. Corona	.0000
A. F. G. Fullerton	1.1325
A. F. G. Orange	.5018
A. F. G. Riverside	.1417
A. F. G. San Juan Capistrano	.7622
A. F. G. Santa Paula	.6286
Hazeltine Packing Company	.5507
Placentia Pioneer Valencia Growers Association	.8207
Signal Fruit Association	.0000
Azusa Citrus Association	.6133
Damerel-Allison Co	1.0271
Glendora Mutual Orange Association	.4514
Puente Mutual Orange Association	.0000
Valencia Heights Orchard Association	.0000
Covina Citrus Association	.6617
Covina Citrus Growers Association	.8511
Glendora Citrus Association	.0000
Glendora Heights Orange & Lemon Growers Association	.0000
Gold Buckle Association	.0000
La Verne Orange Association	.7916
Anaheim Citrus Fruit Association	1.7141
Anaheim Valencia Orange Association	1.3629
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	2.1293
La Habra Citrus Association	.0000
Orange County Valencia Association	.5032
Orangethorpe Citrus Association	1.0609
Placentia Cooperative Orange Association	.0000
Yorba Linda Citrus Association, The	.8839
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0000
Citrus Fruit Association	.2196
Cucamonga Citrus Association	.1245
Rialto Heights Orange Association	.0681
Upland Citrus Association	.2260
Upland Heights Orange Association	.0000
Consolidated Orange Growers	2.6397
Frances Citrus Association	1.3523
Garden Grove Citrus Association	2.0929
Goldenwest Citrus Association	1.5299
Irvine Valencia Growers	3.2749
Olive Heights Citrus Association	2.4272
Santa Ana-Tustin Mutual Citrus Association	1.1480
Santiago Orange Growers Association	5.3548
Tustin Hills Citrus Association	2.2060
Villa Park Orchards Association, The	2.4430
Bradford Bros., Inc	.8709
Placentia Mutual Orange Association	2.4073
Placentia Orange Growers Association	.0000
Yerba Orange Growers Association	.7432
Call Ranch	.0746
Corona Citrus Association	.7309
Jameson Co	.0629
Orange Heights Orange Association	.6453
Crafton Orange Growers Association	.0000
East Highlands Citrus Association	.0000
Fontana Citrus Association	.1551
Highland Fruit Growers Association	.0328
Redlands Heights Groves	.3095
Redlands Orangedale Association	.3124

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Break & Sons, Allen	0.0000
Bryn Mawr Fruit Growers Association	.0000
Mission Citrus Association	.2070
Redlands Cooperative Fruit Association	.3759
Redlands Orange Growers Association	.2555
Redlands Select Groves	.2726
Rialto Citrus Association	.2554
Rialto Orange Co	.2052
Southern Citrus Association	.1955
United Citrus Growers	.1677
Zilen Citrus Co	.0909
Andrews Bros. of California	.0000
Arlington Heights Citrus Co	.1433
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1767
Highgrove Fruit Association	.0988
Krinard Packing Co	.2467
McDermont Fruit Co	.2394
Monte Vista Citrus Association	.0000
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0655
Sierra Vista Packing Association	.0000
Victoria Avenue Citrus Association	.0000
Claremont Citrus Association	.1927
College Heights Orange & Lemon Association	.5000
Indian Hill Citrus Association	.2466
Pomona Fruit Growers Exchange	.4687
Walnut Fruit Growers Association	.5856
West Ontario Citrus Association	.4338
El Cajon Valley Citrus Association	.0000
San Dimas Orange Growers Association	.5403
Canoga Citrus Association	.9807
Covina Valley Orange Co	.0913
North Whittier Heights Citrus Association	1.0204
San Fernando Fruit Growers Association	.6966
San Fernando Heights Orange Association	1.1389
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	2.0464
Fillmore Citrus Association	4.7011
Mupu Citrus Association	2.5536
Ojai Orange Association	1.5450
Piru Citrus Association	2.8153
Rancho Sespe	.9882
Santa Paula Orange Association	1.4223
Tpao Citrus Association	1.2410
Ventura County Citrus Association	.3063
Limoneira Co	.7174
East Whittier Citrus Association	.0000
El Ranchito Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	1.7506
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	.7095
Foothill Citrus Union, Inc	.0432
Fullerton Cooperative Orange Association	.3936
Garden Grove Orange Cooperative, Inc	1.0966
Golden Orange Groves, Inc	.3177
Highland Mutual Groves, Inc	.0312
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.1161
Mentone Heights Association	.0000
Olive Hillside Groves, Inc	.5986
Orange Cooperative Citrus Association	1.5643
Redlands Foothill Groves	.6015

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Mutual Orange Association	0.1951
Riverside Citrus Association	.0000
Ventura County Orange and Lemon Association	1.2359
Whittier Mutual Orange and Lemon Association	.0000
Associated Growers Cooperative	.0000
Babijuice Corporation of California	.4999
Banks, L. M	.7174
Borden Fruit Co	1.1136
California Associated Growers	.5995
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc	.1885
Chess Co., Meyer W	.3976
Evans Bros. Packing Co	.2772
Furr Co., N. C	.0470
Gold Banner Association	.2630
Granada Hills Packing Co	.0000
Granada Packing House	2.3451
Hill Packing House, Fred A	.0000
Knapp Packing Co., John C	.3250
Orange Belt Fruit Distributors	2.4368
Panno Fruit Co., Carlo	.1847
Paramount Citrus Association	.6483
Placentia Orchard Co	.6076
San Antonio Orchard Co	.3853
Synder & Sons Co., W. A	1.2306
Stephens, T. F	.2105
Wall, E. T	.0000
Western Fruit Growers, Inc	.5997

[F. R. Doc. 49-8800; Filed, Oct. 28, 1949; 11:34 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area

a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during July 1949 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 975.1 (n) and substitute therefor the following:

(n) "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plant in excess of the total amount received at the latter pool plant from producers.

2. Delete § 975.5 (b) and substitute therefor the following:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes of utilization:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk; skim milk or buttermilk (except for livestock feed); flavored milk or flavored milk drinks; or eggnog;

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(iii) Accounted for as any item not listed under subdivision (i) of this subparagraph or as Class II milk or Class III milk; or

(iv) Such shrinkage on milk received from producers computed pursuant to paragraph (c) (4) of this section which is in excess of 2 percent of such receipts.

(2) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream; any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce butter; butter oil; cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed;

(ii) In actual shrinkage of milk received from producers computed pursuant to paragraph (c) (4) of this section, but not in excess of 2 percent of such receipts; and

(iii) In actual shrinkage of other source milk computed pursuant to paragraph (c) (4) of this section.

3. Delete § 975.5 (d) and substitute therefor the following:

(d) *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(1) As Class I milk if transferred as any item listed in paragraph (b) (1) (i) of this section, and as Class II milk if transferred as cream, to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided,* That if either or both pool plants have received other source milk, such transfers shall be classified by the market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further,* That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(2) As Class I milk if transferred as any item listed in paragraph (b) (1) (i) of this section, and as Class II milk if transferred as cream, to a nonpool plant (except a plant described in paragraph (b) (1) (ii) of this section), unless (i) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (ii) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (iii) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided,* That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in paragraph (b) of this section were applicable to such nonpool plants; or

(3) As Class I milk if transferred as bulk milk and as Class II milk if transferred as bulk cream to (i) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (ii) any retail establishment which disposes of milk in fluid form.

4. Delete § 975.5 (e) (2) and substitute therefor the following:

(2) Any skim milk or butterfat classified (except that classified pursuant to paragraph (b) (1) (ii) of this section) in one class shall be reclassified if used or reused by such handler or by another handler in another class: *Provided,* That skim milk and butterfat used to produce cream may be reclassified to Class III milk if such cream is disposed of to a nonhandler and used by such nonhandler in the manufacture of butter and the receiver complies with the requirements of paragraph (d) (2) (ii) and (iii) (except the proviso) of this section.

5. Delete § 975.6 and substitute therefor the following:

§ 975.6 *Minimum prices*—(a) *Basic formula price to be used in determining prices of Class I milk.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to paragraph (b) of this section, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2) and (3) of this paragraph.

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the follow-

ing plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market.

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the delivery period.

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price of butter as computed in subparagraph (2) (i) of this paragraph, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(b) *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July, August	1.00
January, February, September, October, November, December	1.15

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price of butterfat computed pursuant to paragraph (c) (1) of this section.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows as computed by the market administrator:

(1) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (a) (2) (i) of this section multiplied by 125.

(2) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during the delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to paragraph (a) (2) (i) of this section multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to § 975.5 (b) (3) (ii) shall be such price less $5.00.

(2) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided*, That in any month when the price computed pursuant to paragraph (a) (1) of this section is more than 8 cents above an amount computed by adding together 0.035 times the amount computed pursuant to subparagraph (1) of this paragraph and 0.965 times the amount computed in this subparagraph, in each case prior to the application of the proviso, the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be determined by subtracting from the price computed pursuant to paragraph (a) (1) of this section less 8 cents, 0.035 times the price of butterfat computed prior to the proviso in subparagraph (1) of this paragraph, and dividing the resulting amount by 0.965.

6. Delete the last proviso in § 975.7 (a) and substitute therefor the following: "*And provided also*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations."

7. In § 975.9 delete the cross-reference "§ 975.5 (c)", substitute therefor the cross-reference "§ 975.7 (c)", substitute a colon for the period at the end of the section, and add the following proviso: "*Provided*, That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area."

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 951; 5 U. S. C. 133y–16)

Issued at Washington, D. C., this 26th day of October 1949, to be effective as of the 1st day of December 1949.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 49–8728; Filed, Oct. 28, 1949; 8:51 a. m.]

PART 977—MILK IN PADUCAH, KENTUCKY, MARKETING AREA

ORDER AMENDING ORDER

§ 977.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of 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), a public hearing was held July 6 and 7, 1949, upon a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, milk marketing area. The recommended decision (14 F. R. 6046) was made by the Assistant Administrator of the Production and Marketing Administration on September 28, 1949. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that a pro rata assessment on handlers at a rate of 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts by the handler, during the delivery period, of milk from producers (including such handler's own production) and other source milk other than sour cream used in the production of butter, upon which payment is required pursuant to § 977.9 of this order, will provide the funds necessary for the maintenance and functioning of the market administrator in the administration of this order.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order effective not later than November 1, 1949. Any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Paducah, Kentucky marketing area. The need for the said order is also disclosed by the aforesaid decision of the Secretary of Agriculture which was executed on October 21, 1949. The provisions of the said order are well known to handlers—the public hearing having been held on July 6–7, 1949, the recommended decision having been published in the FEDERAL REGISTER (14 F. R. 6046) October 4, 1949, and the final decision (14 F. R. 6530) having been executed by the Secretary on October 21, 1949. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1949, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order which is marketed within the Paducah, Kentucky, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Paducah, Kentucky, marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1949), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended as follows:

1. Amend § 977.3 by adding a new paragraph to read as follows:

(c) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

2. Delete § 977.5 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.50 for the delivery periods of August, September, October, November, and December; $0.90 for the delivery periods of January, February, and March; and $0.50 for the delivery periods of April, May, June, and July.

3. Delete the period at the end of the first sentence of § 977.9 and substitute therefor the following: "other than sour cream used in the production of butter."

4. Amend the order by adding a new section to read as follows:

§ 977.15 *Termination of obligations.* The provisions of this section shall apply to any obligations under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section

8c (15) (A) of the act, a petition claiming such money.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 951; 5 U. S. C. 133y–16)

Issued at Washington, D. C., this 26th day of October 1949, to be effective on and after November 1, 1949.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 49-8726; Filed, Oct. 28, 1949; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 648—POTATOES, IRISH

SUBPART—PRICE SUPPORT IN CALIFORNIA (EXCEPT MODOC AND SISKIYOU COUNTIES)

Correction

In F. R. Document 49–8591, appearing at page 6556 of the issue for Thursday, October 27, 1949, change the word "not" in the 22d line of paragraph 2 to read "no."

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 15]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.13–1, as follows:

1. The China Lake, California, listing is amended by changing the "Time of Designation" column to read: "Daily, from ½ hour after sunrise to ½ hour before sunset."

2. The Scenic, South Dakota, listing is amended by changing the "Using Agency" column to read: "Kearney AFB, Nebraska, and Rapid City AFB, South Dakota."

3. A Fort Bliss, Texas, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Fort Bliss (Roswell Chart).	Beginning at lat. 32°25′00″ N, long. 105°50′00″ W; thence S to lat. 32°03′00″ N, long. 105°53′00″ W; WSW to lat. 32°00′30″ N, long. 106°02′00″ W; due W to long. 106°10′30″ W; northerly to lat. 32°05′20″ N, long. 106°09′20″ W; westerly to the Southern Pacific Railroad at lat. 32°06′00″ N, long. 106°15′30″ W; northeasterly following the railroad to lat. 32°28′00″ N, long. 106°02′00″ W; ESE to lat. 32°25′00″ N, long. 105°50′00″ W, point of beginning.	Surface to 69,000 feet.	Daily, sunrise to sunset.	Fort Bliss, Tex.

4. A Kahuku, Island of Oahu, Territory of Hawaii, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Kahuku, Island of Oahu (Hawaiian Islands Chart).	Beginning at lat. 21°41′08″ N, long. 157°59′40″ W; S to lat. 21°40′00″ N, long. 157°59′59″ W; SE to lat. 21°36′59″ N, long. 157°56′02″ W; NE to lat. 21°37′38″ N, long. 157°55′31″ W; NW to lat. 21°40′23″ N, long. 157°57′42″ W; WNW to lat. 21°41′08″ N, long. 157°59′40″ W, point of beginning.	Surface to 21,000 ft.	Daylight and darkness as indicated in notices to airmen.	Army Ground Forces, Pacific.

5. A Schofield, Island of Oahu, Territory of Hawaii, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Schofield, Island of Oahu (Hawaiian Islands Chart).	Beginning at lat. 21°29′03″ N, long. 158°08′02″ W; ENE to lat 21°29′57″ N, long. 158°05′03″ W; N to lat. 21°31′00″ N, long. 158°05′07″ W; NW to lat. 21°32′39″ N, long. 158°06′17″ W; SW to lat. 21°29′03″ N, long. 158°08′02″ W, point of beginning.	Surface to 12,000 feet.	Daylight and darkness, as indicated in notices to airmen.	Army Ground Forces, Pacific.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; 62 Stat. 1217; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on November 1, 1949.

[SEAL] E. M. STURHAHN,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-8698; Filed, Oct. 28, 1949; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 54]

PART 371—GENERAL LICENSES

PART 379—EXPORT CLEARANCE

GENERAL IN-TRANSIT LICENSE AND SHIPPER'S EXPORT DECLARATION

1. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

Paragraph (a) *General provisions* is amended to read as follows:

(a) *General provisions*—(1) *Scope.* There is hereby established a general license designated GIT authorizing, subject to the other provisions of this section, the exportation from the United States of commodities which originate in and are destined to any foreign country: *Provided*, That such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(2) *Exception from foreign-origin requirement.* Notwithstanding the provisions of subparagraph (1) of this paragraph, automobile manufacturers located in Canada may export, under the provisions of this general in-transit license GIT, automotive replacement parts of U. S. origin which were originally exported from the United States to Canada as stock parts for new vehicles of Canadian manufacture, and

which are moving from Canada in transit through the United States to a foreign destination: *Provided, however,* That such automotive replacement parts are for repair or replacement only for passenger cars and commercial trucks not exceeding 10,000 pounds gross vehicle weight, and not for assembly of new vehicles outside of Canada.

2. Section 379.3 *Shipper's export declaration; miscellaneous* is amended in the followng particulars:

Paragraph (c) *In-transit goods* is amended by deleting the note following this paragraph and by amending said paragraph to read as follows:

(c) *In-transit goods.* The following additional information shall be set forth on Shipper's Export Declaration for In-Transit Goods, Commerce Form 7513:

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1–6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1–6, one of the following statements must be made, whichever is appropriate:

(i) *For in-transit shipments of foreign merchandise.* "The merchandise described herein is of foreign origin."

NOTE: For definition of foreign origin see § 371.9 (a) of this chapter.

(ii) *For in-transit shipments of domestic (U. S.) merchandise.* "The merchandise described herein is of the growth, production, or manufacture of the United States."

(iii) *In-transit shipments of commodities of U. S. origin excepted under § 371.19 (a) (2) of this chapter.* "The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9 (a) (2) of this chapter."

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective October 21, 1949.

Dated: October 17, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-8714; Filed, Oct. 28, 1949; 8:48 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. 55]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

BUNKER FUEL AND SHIPS STORES

1. Section 372.14 *Bunker fuel and ship stores* is amended by deleting the note following this section and by amending said section to read as follows:

§ 372.14 *Ship stores, plane stores, supplies, and equipment*—(a) *Exportations requiring validated license.* The provisions of § 371.13 of this chapter established general licenses for the exportation of ship stores, plane stores, supplies, and equipment under the conditions prescribed. Where such commodities are not authorized for export by § 371.13 of this chapter, or where such commodities are not authorized to be exported under any other general license, the exportation must be authorized by a validated license.

NOTE: See § 371.13 (b) and (e) of this chapter, on exports to vessels located at foreign ports.

(b) *Preparation of license applications.* Applications for licenses to export ship stores, plane stores, supplies, and equipment shall be prepared on Form IT–419 (Revised) in the manner described in § 372.7 and the note following § 372.7, with the following modifications:

(1) In Item 1 show legal name of applicant (U. S. firm supplying the ship stores, owner of vessel, charterer, or agent, whoever, is the exporter). The applicant must be subject to the jurisdiction of the United States.

(2) In Item 3 show country of registry of the vessel on which the commodities will be used (even when the vessel is of United States or Canadian registry).

(3) In Item 8 (a) show name and location of the vessel on which the commodities will be used.

(4) In Item 9 (b) show name and address of owner of the vessel (or charterer, where vessel is under charter) on which the commodities described in this item will be used, where such person is not the purchaser named in Item 8 (c).

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective October 21, 1949.

Dated: October 14, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-8715; Filed, Oct. 28, 1949; 8:49 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. 56]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

HISTORICAL BASIS OF LICENSING FOR CERTAIN COMMODITIES

Part 373, Licensing Policies and Related Special Provisions, is amended in the following particulars:

Section 373.7 *Historical basis of licensing for certain commodities* is hereby deleted.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective October 21, 1949.

Dated: October 12, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-8716; Filed, Oct. 28, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

INSURANCE RESERVE

Section 201.12 (a) as amended, is further amended by striking out "November 1, 1949" and inserting in lieu thereof "March 1, 1950".

Section 201.12 (b) as amended, is further amended by striking out "November 1, 1949" and inserting in lieu thereof "March 1, 1950".

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., the 26th day of October 1949.

[SEAL] WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 49-8712; Filed, Oct. 28, 1949; 8:48 a. m.]

PART 202—CLASS 3 PROPERTY IMPROVEMENT LOANS

INSURANCE RESERVE

Section 202.12 (a) as amended, is further amended by striking out "November 1, 1949" and inserting in lieu thereof "March 1, 1950".

Section 202.12 (b) as amended, is further amended by striking out "November 1, 1949" and inserting in lieu thereof "March 1, 1950".

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., the 26th day of October 1949.

[SEAL] WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 49-8711; Filed, Oct. 28, 1949; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PENNSYLVANIA RAILROAD COMPANY AND READING COMPANY BRIDGES, DARBY CREEK, PA.

A new § 203.228 is added to Part 203, as follows:

§ 203.228 *Darby Creek, Pa., The Pennsylvania Railroad Company and Reading Company bridges near Essington.* (a) The owners of or agencies controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws, 24 hours' advance

notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling each of the bridges to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(d) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can easily be read at any time, a copy of the regulations in this section together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs. Oct. 11, 1949, 823.01–ENGWO] (28 Stat. 362, 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49–8713; Filed, Oct. 28, 1949; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 127.14 *International reply coupons* (13 F. R. 9079) amend paragraph (a) to read as follows:

(a) A "reply coupon" (price, 11 cents) may be purchased at any United States post office. Upon presentation at a post office in any of the countries of the Universal Postal Union, except Korea and Nicaragua, the coupon will entitle the person presenting it to receive (without charge) a postage stamp or stamps of that country of sufficient value to prepay an ordinary letter of the first unit of weight addressed for delivery in this country. By this arrangement a person in the United States can furnish his correspondent abroad with a postage stamp with which to prepay postage on a reply to his letter. When sold, reply coupons must be legibly postmarked in the circle at the left side of the front.

2. In § 127.322 *Pakistan* (13 F. R. 9198) amend the list of geographic areas under "*Western Part*" in subdivision (i) of paragraph (b) (4) to read as follows:

Western Part

1. The entire Province of Sind.
2. The entire Province of Baluchistan.
3. The entire Province called "North West Frontier Province."
4. The Gilgit District of the State of Kashmir.
5. The following districts of the Province of Punjab:

Gujranwala.	Lyallpur.
Lahore.	Multan.
Sialkot.	Sheikupura.
Jhelum.	Attock.
Rawalpindi.	Mianwali.
Bahwalpur State.	Shahpur.
Campbellpur.	Jhang.
Gujrat.	Montgomery.
Dera Ghazi Khan.	Muzaffargarh.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49–8701; Filed, Oct. 28, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.268 *Great Britain and Northern Ireland* (13 F. R. 9158), as amended (14 F. R. 595), amend paragraph (c) (2) by the addition of a subdivision (iv) to read as follows:

(iv) Arrangements have been made with the Postal Administration of Great Britain and Northern Ireland whereby ordinary (uninsured) gift parcels containing exclusively food, second-hand clothing, and/or soap, addressed for delivery in that country will not be returned unless the sender has given instructions on the customs declaration (Form 2966) accompanying the parcel that the parcel is to be returned if it proves to be undeliverable as addressed. An alternative address should, if possible, be shown in the appropriate spaces on the customs declaration, or an indication given that the parcel is to be treated as abandoned in the event of nondelivery. Parcels returned as undeliverable are subject to collection of return charges on delivery to the senders.

b. In § 127.372 *Union of South Africa* (13 F. R. 9229) make the following changes:

1. Amend subdivision (i) of paragraph (a) (7) to read as follows:

(i) See "Observations" under "Parcel Post" for information as to the South African import-permit requirements and the markings required for various types of shipments.

2. Amend paragraph (a) (8) to read as follows:

(8) *Prohibitions.* Magazines and periodical publications of the sensational variety, such as "western", "detective", "romance", "confession", or "comics". Back numbers of any magazines or periodicals mailed more than two months from date of issue.

The articles prohibited or restricted as parcel post are also prohibited or restricted as regular mails, except that diamonds and other precious stones and coins are admitted in the registered letter mails.

3. Amend subdivision (i) of paragraph (b) (4) to read as follows:

(4) *Observations.* (i) (*a*) The South African Government requires that import permits be obtained by the addressees to take delivery of all shipments except those in the following categories which are exempt from import control:

(*1*) Bona fide gifts not exceeding 5 pounds (about $14) in value.

(*2*) Medicines and therapeutic devices for the addressee's personal use, not exceeding 5 pounds in value.

(*3*) Books, newspapers, printed music and periodicals (other than those of the sensational or "comic" variety which are prohibited) for the addressee's personal use.

(*4*) Samples having no commercial value.

(*5*) Articles being returned to South Africa after repairs costing 5 pounds or less.

(*6*) Articles originating in South Africa being returned for repairs or for replacement due to defect.

(*7*) Articles authorized under South African quota regulations.

(*8*) Used household or personal effects of persons who have arrived in South Africa.

(*b*) Before mailing any parcel-post or regular-mail package whose contents do not conform to any one of the categories set forth in subdivision (*a*) of this subparagraph, the sender should ascertain whether the addressee will be permitted to receive it. The sender must mark the wrapper of each parcel or package "Addressee has import permit", or, if the contents are in one of the exempted categories, "Bona fide gift", "Printed matter for personal use", etc.

(*c*) Commercial shipments of printed matter require separate import permits to be obtained by the addressees for the portions classified as (*1*) scientific, educational and technical, (*2*) nonfiction, and (*3*) fiction. It is desirable that mailers of such shipments prepare separate invoices in respect of each classification, each invoice to show the total number of parcels in the shipment, and the invoice number to be marked on each package.

4. Amend subdivision (iv) of paragraph (b) (5) to read as follows:

(iv) *For other reasons.* (*a*) Diamonds and precious stones; coins; gold dust or nuggets.

(*b*) Eau de Cologne, to Basutoland.

(*c*) Cheddar, Gouda, Edam, Chedlet, Cheshire, Little Wilts, Pont de Salut, Kraft, and similar cheeses, except by previous permission from the Minister of Agriculture.

(*d*) Flour; rice.

(*e*) Magazines and periodical publications of the sensational variety, such as "western", "detective", "romance", "confession", or "comics".

(*f*) Back numbers of all magazines or periodicals mailed more than two months from date of issue.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49–8702; Filed, Oct. 28, 1949; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

PART 201—RULES OF PROCEDURE BEFORE THE COMMISSION

EDITORIAL NOTE: Appendix II to Part 201 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

EDITORIAL NOTE: Section 235.0 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

EDITORIAL NOTE: Section 287.0 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 297—TRANSACTIONS AND OPERATIONS IN FEDERAL SHIP MORTGAGE INSURANCE FUND DEBENTURES

EDITORIAL NOTE: Section 297.0 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 298—SETTLEMENT OF CLAIMS ARISING UNDER TERMINATED WAR CONTRACTS

EDITORIAL NOTE: Part 298 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 304—LABOR

EDITORIAL NOTE: The codification of §§ 304.91 to 304.95 has been discontinued. Future delegations of authority will be published in the Notices section of the FEDERAL REGISTER.

PART 306—GENERAL AGENTS AND AGENTS

EDITORIAL NOTE: Section 306.121 has been excluded from the Code of Federal Regulations, 1949 Edition.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9407]

PART 3—RADIO BROADCAST SERVICES

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration a proposal to amend section 4 of its Standards of Good Engineering Practice Concerning FM Broadcast Stations by establishing the ratio of desired to undesired signal intensities for FM broadcast stations licensed with 400 and 600 kc separations; and

It appearing, that notice of proposed rule making setting forth the above amendment was issued by the Commission on August 4, 1949, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before September 6, 1949; and

It further appearing, that no comments or briefs with respect to the said amendment have been received; and

It further appearing, that the adoption of the said amendment establishes the desired to undesired signal intensity ratios for stations separated 400 and 600 kc in frequency, which ratios have heretofore been shown as "To Be Determined" in section 4 of the Commission's Standards of Good Engineering Practice Concerning FM Broadcast Stations;

It is ordered, That effective November 30, 1949, section 4 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations is amended in the manner described in the notice of proposed rule making in this proceeding (FCC 49–1083), (14 F. R. 4986) as set forth below.

(Sec. 303 (r), 191; 47 U. S. C. 303 (r). Applies 303 (a), (b), (c), (d), (e), (f), 48 Stat. 1082, 47 U. S. C. 303 (a), (b), (c), (d), (e), (f))

Released: October 24, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Table II and the paragraph which follows immediately thereafter of section 4 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations are amended to read as follows:

TABLE II

Channel separation	*Ratio of desired to undesired signals*
Same channel	10:1.
200 kc	2:1.
400 kc	1:10.
600 kc	1:100.
800 kc. and above	No restriction.[1]

[1] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

Stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc.: *Provided*, That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc. where necessary in order to provide an equitable and efficient distribution of facilities: *And provided further*, That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc. In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different from that requested in an application.

[F. R. Doc. 49–8717; Filed, Oct. 28, 1949; 9:02 a. m.]

[Docket No. 9412]

PART 3—RADIO BROADCAST SERVICES

FM BROADCAST STATIONS; CLASS A AND CLASS B

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration a proposal to amend §§ 3.203 (a) and 3.204 (a) by removing certain requirements of minimum coverage of Class A and Class B FM stations; to delete §§ 3.203 (d) and 3.204 (c) which sections withheld from assignment certain FM channels until June 30, 1947; and to delete footnote 3 appended to § 3.203 (b) which temporarily withheld the authorization of Class A stations in central cities of metropolitan districts having 4 or more standard broadcast stations;

It appearing, that notice of proposed rule making setting forth the above amendment was issued by the Commission on August 10, 1949, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before September 16, 1949; and

It further appearing, that all comments, without exception, concerning the said amendment favored adoption of the amendment; and

It further appearing, that the adoption of the said amendment would relax certain requirements of minimum coverage of FM stations which requirements now appear to be greater than necessary for service to many areas;

It is ordered, That effective November 30, 1949, §§ 3.203 and 3.204 of the Commission's rules and regulations are amended in the manner described in the notice of proposed rule making in this proceeding (FCC 49–1115) (14 F. R. 5159) as set forth below.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies 303 (a), (b), (c), (d), (e), (f), 48 Stat. 1082, 47 U. S. C. 303 (a), (b), (c), (d), (e), (f))

Released: October 24, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The coverage of a Class A station shall be not more than the equivalent[2] of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. A Class A station will not be licensed

[2] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a Class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class A station. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

§ 3.204 *Class B stations.* (a) A Class B station is a station which operates on a Class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a Class B station will not be protected beyond the 1 mv/m contour; however, Class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for Class B stations shall be 1 kw. or greater. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class B station. In the following subparagraphs antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(1) The coverage of a Class B station in Area I shall be not more than the equivalent [3] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[5] A Class B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a Class B station in Area II shall normally be not more than the equivalent [3] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[5] The use of greater power and antenna height will be encouraged in those portions of Area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

[F. R. Doc. 49-8721; Filed, Oct. 28, 1949; 9:02 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

Corrected Reprint

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of October A. D. 1949.

Upon consideration of a request on behalf of respondents for postponement of the effective date of the orders heretofore entered in this proceeding, as amended, and good cause appearing therefor;

It is ordered, That the order of September 21, 1945, heretofore entered herein, as amended by order of August 27, 1948, insofar as it requires respondents to install power brakes and appliances on their cars used in freight service, which are interchanged between and among them, on or before January 1, 1950, be, and it is hereby, further amended so as to require that the cars of each respondent which are used in interchange freight service, and which are not equipped with said power brakes and appliances on December 31, 1949, shall be equipped with said power brakes and appliances, or shall be withdrawn from interchange freight service, in accordance with the following schedule:

Where the number of unequipped cars is 2,000 or less, all shall be equipped or withdrawn on or before December 31, 1950.

Where the number of unequipped cars is over 2,000, one-half shall be equipped or withdrawn on or before December 31, 1950, and the remainder on or before December 31, 1951.

NOTE: This order affects § 132.3.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8344; Filed, Oct. 17, 1949; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of 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 County Court House, Oklahoma City, Oklahoma, beginning at 10:00 a. m., c. s. t., December 5, 1949, for the purpose of receiving evidence with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. The proposed marketing agreement and proposed order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and proposed order and all other proposals relating thereto:

Marketing Agreement and Order Proposed by the Oklahoma City Milk Producers Bargaining Association

SECTION 1. *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified herein.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and,

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(f) "Delivery period" means the calendar month or the total portion thereof

[3] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[5] In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas) and Hagstrom Map Co. (Four color Retail Trading Area Map).

during which this order is in effect.

(g) "Oklahoma City, Oklahoma, marketing area" hereinafter called the "marketing area" means all territory geographically included within Oklahoma County and within the townships of Moore, Taylor, Case, Liberty, Norman and Noble in Cleveland County, all in the State of Oklahoma.

(h) An "approved plant" means:

(1) A milk plant from which Class I milk is disposed of in the marketing area on retail or wholesale routes (including plant stores), or:

(2) A milk plant approved by the appropriate health authorities of the marketing area to receive milk from producers, as herein defined, and to furnish Class I milk products to a plant described in subparagraph (1) of this paragraph.

(i) "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

(j) "Handler" means:

(1) Any person in his capacity as the operator of an approved plant; or

(2) Any cooperative association, with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

(k) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is:

(1) Produced under a dairy farm permit or rating issued by the health authorities of any municipality or State government for the production of products to be disposed of as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler from the farm of such person to an unapproved plant: *Provided*, That such handler must give notice to the market administrator and to the cooperative association of which such person is a member of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted, or;

(2) Acceptable to agencies of the United States Government for fluid consumption in its institutions or bases.

(l) "Producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in paragraph (k) of this section.

(m) "Other source milk" means all milk and milk products other than producer milk.

(n) "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

SEC. 2. *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of funds provided by section 11:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and,

(iii) All other expenses, except those incurred under section 10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such act, has not made:

(i) Reports pursuant to section 3; or,

(ii) Payments pursuant to sections 8, 9, 10, or 11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 12th day after the end of such delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(10) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to section 5; and,

(ii) On or before the 12th day after the end of such delivery period, the uniform prices computed, pursuant to section 7, and the butterfat differential computed pursuant to section 8; and,

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

SEC. 3. *Reports, records and facilities*—(a) *Periodic reports.* On or before the 8th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production or other handlers shall, with respect to all producer milk and other source milk which was purchased, received, or produced by such handler during the delivery period, report to the market administrator in the detail and form prescribed by the market administrator as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from any producer who did not deliver milk during the entire delivery period;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipt of other source milk and sources thereof;

(5) The respective quantities of milk and milk products and the butterfat content thereof which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to section 4;

(6) The sale of Class I products outside the marketing area; and,

(7) Such other information with respect to the use of milk as the market administrator may request.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show:

(i) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(ii) The amount of payment to each producer and cooperative association; and,

(iii) The nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(2) The weights, samples and tests for butterfat and for other content of all skim milk and butterfat handled;

(3) Payments to producers and cooperative associations; and,

(4) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

(d) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

SEC. 4. *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified separately by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk, skim milk, cream, aerated cream, cream and milk mixtures, eggnog, buttermilk, flavored milk drinks;

(ii) Used to produce cottage cheese; and

(iii) Any skim milk or butterfat used in producing any product not specifically accounted for under subdivisions (i) or (ii) of this subparagraph or as Class II milk;

(2) Class II milk shall be all skim milk and butterfat:

(i) Used to produce butter, cheese (except cottage), ice cream, ice cream mix, frozen desserts, condensed milk, evaporated milk, powdered milk, whey, livestock feed;

(ii) In inventory variations of milk, skim milk, cream, or of any Class I or Class II product;

(c) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(d) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (f) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next higher priced available utilization: *And provided further,* That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source milk is assigned to any higher class in the plant of the transferring handler than the lowest class to which producer milk is assigned in the plant of the transferee-handler, after application of the allocation provisions of paragraph (f) of this section.

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream;

(3) As Class I milk if transferred or diverted in bulk in the form of milk or skim milk or cream to an unapproved plant who distributes fluid milk, unless all of the following conditions are met:

(i) Such non-handler's plant is located less than 100 miles from the approved plant where such milk was received from producers;

(ii) The market administrator is permitted to audit the records of such non-handlers;

(iii) The receipts of producer milk at the approved plant are greater than the total sales of Class I milk from handler's routes in the marketing area; and

(iv) Such non-handler receives milk from dairy farmers who the market administrator determines constitute such non-handler's regular inspected source of supply for Class I milk.

(4) As Class I milk if transferred or diverted in the form of milk or skim milk or cream to an unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(5) As Class I milk if transferred or diverted in bulk in the form of milk or skim milk or cream to an unapproved plant unless within 100 miles of the marketing area, by shortest highway distance as determined by the market administrator.

(i) The handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 8th day after the end of the delivery period within which such transaction occurred.

(ii) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification.

(iii) Such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if upon inspection of these records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next lower-priced available use in accordance with the classes set forth in paragraph (b) of this section.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

(f) *Allocation of skim milk and butterfat classified.* After computation of the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated as follows:

(i) Subtract from the pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk

(ii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to paragraph (d) (1) of this section.

(iii) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. The amount so subtracted shall be called "overrun".

(2) Allocate classified butterfat to producer milk according to the method

prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the Class I milk and Class II milk, computed pursuant to subparagraph (1) and (2) of this paragraph.

SEC. 5. *Minimum prices*—(a) *Basic formula price to be used in determining Class I prices.* The basic formula price per hundredweight of milk to be used in determining the Class I price per hundredweight for milk of 4.0 percent butterfat content shall be the highest of the Class II price or the prices computed pursuant to subparagraph (1) or (2) of this paragraph:

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator; Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 4.0.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the delivery period, subtract two cents, add 20 percent thereof, and then multiply by 4.0; and,

(ii) From the arithmetical average of the carlot prices per pound for non-fat dry skim milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago areas as published by the Department during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96; except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "6.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of paragraph (d) of this section, the minimum price per hundredweight on a 4.0 percent butterfat content basis, to be paid by each handler at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price for the preceding delivery period determined pursuant to paragraph (a) of this section, plus the following:

Delivery period	*Amount*
April, May and June	$1.25
All other months	1.65

Provided, That for each of the delivery periods of September, October, November and December, such price should not be less than that for the preceding delivery period, and that for each of the delivery periods of April, May and June, such price shall not be more than that for the preceding delivery period.

(c) *Class II milk prices.* Subject to the provisions of paragraph (d) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the average of the basic (or field) prices reported to have been paid, or to be paid, for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Locations

Gilt Edge Dairy, Norman, Okla.
The Borden Co., Oklahoma City, Okla.
Enid Co-op Creamery Association, Enid, Okla.
Kraft Cheese Co., Sulphur, Okla.

(d) *Butterfat differentials to handlers.* If for any handler the weighted average butterfat test of the milk allocated to any class is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) *Class I milk.* Multiply by 1.30 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the previous delivery period and divide the result by 10.

(2) *Class II milk.* Multiply by 1.20 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the previous delivery period and divide the result by 10.

SEC. 6. *Application of provisions*—(a) *Producer-handlers.* Sections 4, 5, 7, 8, 9, 10 and 11 shall not apply to a producer-handler.

SEC. 7. *Determination of uniform prices*—(a) *Computation of the value of milk received from producers.* The value of the producer milk received from producers during each delivery period by each handler shall be the sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That if the handler had overrun of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overrun by the applicable class price.

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 4.0 present butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports pursuant to section 3;

(2) Add to the amounts computed in subparagraph (1) of this paragraph not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to section 9;

(3) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to section 5 (d) and multiply the results by the total hundredweight of producer milk;

(4) Divide the resulting amount by the total hundredweight of producer milk, represented by the values included in subparagraph (1) of this paragraph.

(5) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to subparagraph (4) of this paragraph.

SEC. 8. *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer, except as provided in subparagraph (2) of this paragraph, at not less than the uniform price computed pursuant to section 7 (b), less the amount of the payment made pursuant to subparagraph (3) of this paragraph.

(2) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which was caused to be delivered to such handler from producers and for which such cooperative association collects payments, at not less than the sums of the individual payments otherwise payable to such producers.

(3) On or before the 25th day of each delivery period, each handler shall make payment to each producer for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the previous delivery period: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) *Producer butterfat differential.* In making payments pursuant to para-

graph (a) (1) of this section, there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent that the average butterfat content of the milk received from a producer is above or below 4.0 percent, an amount computed by adding 20 percent to the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and section 9, and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section and section 9.

(d) *Payments to the producer-settlement fund.* On or before the 13th day after the end of the delivery period during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to section 7 (a) is greater than the amount required to be paid producers by such handler pursuant to paragraphs (a) (1) and (b) of this section.

(e) *Payments out of the producer-settlement funds.* On or before the 14th day after the end of the delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the delivery period, as determined pursuant to section 7 (a) is less than the amount required to be paid producers by such handler pursuant to paragraphs (a) (1) and (b) of this section: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of paragraph (a) (1) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

SEC. 9. *Adjustment of accounts*—(a) *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due:

(1) The market administrator from such handler.

(2) Such handler from the market administrator, or,

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such errors occurred.

SEC. 10. *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler for each delivery period shall deduct 5 cents per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to section 8, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such monies shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information. Such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such delivery period pay every such deduction to the cooperative association rendering such services.

SEC. 11. *Expense of administration.* As his pro rata share of the expense incurred pursuant to section 2 (c) (4), each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and from sources other than producers or other handlers.

SEC. 12. *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (a) of the act, a petition claiming such money.

SEC. 13. *Effective time, suspension or termination*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the

business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

SEC. 14. *Agents.* The Secretary may, by designation, in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. 15. *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Proposed by the Dairy Branch, Production and Marketing Administration

Make such changes as may be required to make the entire marketing agreement and order conform with any provisions that may result from this hearing.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 26, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-8730; Filed, Oct. 28, 1949; 8:51 a. m.]

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed amendment to the tentative marketing agreement and to the order as amended regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which proposed amendments to this tentative marketing agreement and the order, as amended, was formulated, was called by the Production and Marketing Administration, United States Department of Agriculture. The hearing was held at Philadelphia, Pennsylvania, September 14, 1949 pursuant to a notice published in the FEDERAL REGISTER (14 F. R. 5571) on September 10, 1949.

The material issues presented on the record were concerned with the following:

(1) The price to be paid for Class I milk during the months of October 1949 through March 1950;

(2) Definition of producer milk plant in relation to regularity or extent to which it supplies the market.

(3) The allocation of Class I and Class II milk to concentrated milk products received at producer milk plants.

Findings and conclusions. On the basis of the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

(1) *Class I price.* The price for Class I milk should be $5.90 per hundredweight for the period October through December 1949, and $5.50 per hundredweight during January 1950.

A Class I price of $5.90 for the fourth calendar quarter would provide a seasonal increase of 40 cents per hundredweight over the price effective during the third quarter. This will carry out the seasonal pattern of pricing which has been the practice in this market in recent years, and which has included a 40-cent increase over the basic annual level on October 1, a return to the basic level on January 1, a 40-cent decrease on April 1, and a return to the basic level July 1. The proposed prices for the October–January period therefore do not represent any change in the basic level of prices for Class I milk under the order.

Handlers as well as producers stressed the need for continuing the system of seasonal price changes in order to encourage a more even pattern of production.

The level of producer receipts does not appear to be excessive in relation to Class I sales. Receipts of milk from producers in August 1949 were 10 percent higher than in August 1948, and during this 12-month period, the number of producers increased 2.6 percent, and deliveries per day per dairy increased 7.5 percent. Fluid milk sales during the summer months have averaged about the same as in 1948, and August sales were 2.4 percent higher than in 1948. In previous years considerable volumes of nonproducer milk have been used for Class I purposes during the short season.

The proposed price of $5.90 per hundredweight for Class I milk during October through December would be 40 cents less than the price for the same months of 1948. This change in price level is in line with the somewhat lower dairy feed prices in this area, and changes in other economic factors. The index of prices paid by farmers for commodities was about 4.5 percent lower in August 1949 than a year earlier.

It is concluded that the proposed prices for the October–January period are needed to assure an adequate supply of milk for this market during the short production months.

Producers requested a Class I price of $5.50 per hundredweight for the entire first calendar quarter of 1950. Changing conditions affecting the supply of and demand for milk during recent months indicate that the Class I prices for periods after January 1950 should be considered at further hearings. A committee appointed by the Dairy Branch has completed a study of methods of pricing Class I milk under the order. The development of a formula basis for Class I prices in this market, and prices for an interim period following January 1950, should be considered at an early hearing. Without further amendment, the order will provide a Class I price of $5.16 for the months of February and March 1950, if the price of butter in January and February averages 67 cents or less.

(2) *Definition of producer milk plant.* The order provides that any receiving plant will be considered a producer milk plant if it ships Class I milk on 20 or more days in a month to a pasteurizing or bottling plant distributing milk in the marketing area. A proposal in the hearing notice would consider a plant making such shipments on 5 or more days to be a producer milk plant, except in the months of October through January, in which the 20-day shipping provision would continue to apply.

Producer representatives testified that the 20-day shipping provision for nonproducer plants was originally proposed by producers, to allow regular fluid milk handlers to obtain emergency supplies during the short season without requiring the plants furnishing these emergency supplies to become subject to the order. Ordinarily, the plants supplying the emergency supplies were primarily manufacturing plants. During the war period it became necessary to allow use of such emergency supplies during other months of the year, and the order was therefore changed to allow such shipments from nonproducer milk plants during less than 20 days of any month.

The record shows that receipts of producer milk have increased over recent years. Producer receipts in August 1949 were about 10 percent over August receipts in 1947 and 1948. The supply of producer milk now appears to be generally adequate for year round operations of Philadelphia handlers, except that the margin of reserve in the low production months may be narrow. In addition, the quantities of milk from other sources used in Class I, on a year round basis, indicate that some of this milk is suffi-

ciently regular as a source of supply to be considered producer milk.

A group of handlers requested that the 20-day shipping provision be retained for the months of September and February. The record indicates, however, that producer milk receipts now are at a level ample to meet market requirements for September and February, and that these months should therefore be included in the months when the 6-day provision applies.

A witness representing one handler insisted that milk from sources not regulated under the order was needed on a year round basis to carry on his business which involved considerable variations in sales volume. Most handlers are generally achieving the flexibility needed to cover variations in sales by carrying a sufficient reserve of producer milk. A handler who does not have facilities to carry a reserve in all seasons of the year may arrange to dispose of excess milk in the flush season to manufacturing plants, or may arrange to buy supplementary supplies in the short season.

It appears desirable to correlate the provisions with respect to producer plant definition with the allocation provisions which assign producer milk first to Class I during certain months. It is not possible to change the allocation provisions on the basis of this record. In this connection, consideration should be given at a further hearing to the matter of whether handlers are discontinuing receipts from producer sources during the October-March period in favor of receipts from other sources. In order to provide a period of adjustment in achieving the objective of placing all regular sources of market supply within regulation, it appears desirable to make at this time only the changes recommended herein.

It is concluded that the modification of the producer plant definition should be adopted as proposed in the hearing notice.

The Philadelphia Dairy Products Company, requested at the hearing that their plant at Pottstown, Pennsylvania, be listed in the order as a producer milk plant. This proposal had not been submitted by the proponent for inclusion in the hearing notice. Testimony given indicated that in recent months milk has been shipped regularly from this plant to Philadelphia, and that this plant has qualified as a producer milk plant because it supplied milk to the market for 20 days or more in a month. This plant was previously removed from the list of producer milk plants named in the order, at the request of the handler made at a hearing on March 9, 1949, at which time it was testified the plant was not supplying the market. It is recommended that this plant not be listed in the order until its record of performance definitely establishes that it should be recognized as a regular source of milk for the market.

(3) *Allocation of Class I and Class II to receipts of concentrated milk products.* Data given on the record show that some handlers use concentrated milk products in Class I. The use of concentrated products in Class I tends to displace producer milk in this class.

A proposal made at the hearing would allocate to Class II all concentrated milk products received at producer milk plants, up to the amount of Class II milk and skim milk utilized by the handler during a month. No objection was made to such allocation. Since producer milk is considered to be the regular source of milk for Class I uses in this market, it should receive preference, in allocation of Class I utilization, over concentrated milk products, which do not meet the requirements for fluid use in this market. The allocation should be made separately for fat and nonfat solids received in concentrated products.

(4) *General findings.* (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. The proposed findings and conclusions contained in the briefs filed following the hearing were carefully considered, along with the evidence of the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the requests to make such findings and to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions hereinbefore set forth.

Recommended amendment to the proposed marketing agreement and to the order. The following proposed amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The amendments to a proposed marketing agreement are not repeated because they would be identical to the following:

1. In § 961.4 (a) (1) delete the proviso: *"And provided further,* That the price shall be at least $5.90 for each of the months of January, February and March 1949, and at least $5.50 per hundredweight for each of the months of April, May and June 1949" and substitute, *"And provided further,* That the price shall be at least $5.90 per hundredweight for each of the months of October, November and December 1949, and at least $5.50 per hundredweight for the month of January 1950."

2. In § 961.1 (a) (6) (iii) delete the proviso and substitute: *"Provided,* That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.3 or during any of the months of October, November, December, and January, in which shipments are made from the plant on less than 20 days, or during any other month in which shipments are made from the plant on less than 5 days, to such pasteurizing and bottling plant or to a plant or plants supplying such pasteurizing or bottling plant."

3. In § 961.3 (e) add subparagraph (3) to read as follows:

(3) The equivalent in milk or skim milk of dry milk, nonfat dry milk condensed milk, and condensed skim milk utilized at a producer milk plant shall be allocated by the handler to Class II up to the amount of Class II utilized by him.

Issued at Washington, D. C., this 26th day of October 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-8729; Filed, Oct. 28, 1949; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Air Force

ORGANIZATION AND FUNCTIONS

(1) *Creation and authority.* (a) The Department of the Air Force and the United States Air Force were established and made a part of the Department of Defense by the National Security Act of 1947 as amended (61 Stat. 502, 503, Pub. Law 216, 81st Cong.; 5 U. S. C. Sup. I, 626c) and by the terms of the act came into legal being on September 18, 1947. Section 207 (c) and 208 (f) of this act generally define the organization as follows:

SECTION 207 (c). The term "Department of the Air Force" as used in this act shall be construed to mean the Department of the Air Force at the seat of government and

all field headquarters, forces, reserve components, installations, activities and functions under the control or supervision of the Department of the Air Force.

SECTION 208 (f). In general the United States Air Force shall include aviation forces both combat and service not otherwise assigned. It shall be organized, trained and equipped primarily for prompt and sustained offensive and defensive air operations. The Air Force shall be responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(b) In accordance with the policy declared by Congress and the provisions of the National Security Act of 1947 the Secretary of Defense, with the approval of the President promulgated agreements of the Joint Chiefs of Staff regarding the functions of the three services and the Joint Chief of Staff, (13 F. R. 2537). Functions of the United States Air Force were set forth as follows:

The United States Air Force includes air combat and service forces. It is organized, trained, and equipped primarily for prompt and sustained combat operations in the air. Of the three major Services, the Air Force has primary interest in all operations in the air, except in those operations otherwise assigned herein.

A. *Primary functions.* 1. To organize, train, and equip Air Force forces for the conduct of prompt and sustained combat operations in the air. Specifically:

a. To be responsible for defense of the United States against air attack in accordance with the policies and procedures of the Joint Chiefs of Staff.

b. To gain and maintain general air supremacy.

c. To defeat enemy air forces.

d. To control vital air areas.

e. To establish local air superiority except as otherwise assigned herein.

2. To formulate joint doctrines and procedures, in coordination with the other Services, for the defense of the United States against air attack and to provide the Air Force units, facilities, and equipment required therefor.

3. To be responsible for strategic air warfare.

4. To organize and equip Air Force forces for joint amphibious and airborne operations, in coordination with the other Services, and to provide for their training in accordance with policies and doctrines of the Joint Chiefs of Staff.

5. To furnish close combat and logistical air support to the Army, to include air lift, support, and resupply of airborne operations, aerial photography, tactical reconnaissance, and interdiction of enemy land power and communications.

6. To provide air transport for the Armed Forces except as otherwise assigned.

7. To provide Air Force forces for land-based air defense, coordinating with the other Services in matters of joint concern.

8. To develop, in coordination with the other Services, doctrines, procedures, and equipment for air defense from land areas, including the continental United States.

9. To provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Air Force.

10. To furnish aerial photography for cartographic purposes.

11. To develop, in coordination with the other Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations and not provided for in (the section on the Functions of the United States Navy and Marine Corps).

12. To develop, in coordination with the other Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

B. *Collateral functions.* The forces developed and trained to perform the primary functions set forth above shall be employed to support and supplement the other services in carrying out their primary functions, where and whenever such participation will result in increased effectiveness and will contribute to the accomplishment of the over-all military objectives. The Joint Chiefs of Staff member of the service having primary responsibility for a function shall be the agent of the Joint Chiefs of Staff to present to that body the requirements for and plans for the employment of all forces to carry out the function. He shall also be responsible for presenting to the Joint Chiefs of Staff for final decision any disagreement within the field of his primary responsibility which has not been resolved. This shall not be construed to prevent any member of the Joint Chiefs of Staff from presenting unilaterally any issue of disagreement with another Service. Certain specific collateral functions of the Air Force are listed below:

1. To interdict enemy sea power through air operations.

2. To conduct antisubmarine warfare and to protect shipping.

3. To conduct aerial mine-laying operations.

(2) *Central organization*—(a) *General.* The Department of the Air Force located at the seat of Government consists of the office of the Secretary of the Air Force, which includes the Secretary, the Under Secretary, the two Assistant Secretaries, the Director of Public Relations, the General Counsel, the Secretary of the Air Force Personnel Council and the Director of Legislation and Liaison; and Headquarters, United States Air Force which includes the Chief of Staff, United States Air Force, the Vice Chief of Staff, the Assistant Vice Chief of Staff, the Air Board, the Scientific Advisory Board, the Manpower Group, the Special Assistant for Reserve Forces, the Inspector General, the Surgeon General, the Secretary of the Air Staff, the Air Adjutant General, the Comptroller, the Judge Advocate General, the Chief of Air Force Chaplains and the Deputy Chiefs of Staff. Their specific duties and functions are as follows:

(b) *Secretary of the Air Force.* The Secretary of the Air Force is the head of the Department of the Air Force and is responsible for the supervision of all matters pertaining to its operation, and for the performance of such duties as may be prescribed by law or enjoined upon him by the President and the Secretary of Defense.

(c) *Under Secretary.* The Under Secretary is responsible to the Secretary of the Air Force for the formulation and general supervision, within the Department of the Air Force, of policies relating to: Procurement, production and related industrial matters; contract renegotiation; industrial mobilization; supply, research and development; maintenance and transportation; industrial security, industrial mobilization, and matters involving the aircraft industries. The Under Secretary is a member of the Munitions Board. In the absence or disability of the Secretary of the Air Force, the Under Secretary acts as the Secretary of the Air Force.

(d) *Assistant Secretary of the Air Force (Civil and Military).* The Assistant Secretary is responsible to the Secretary of the Air Force for the formulation and the general supervision, within the Department of the Air Force, of policies relating to: the Air Force Reserve, the Air National Guard, the Air Force Reserve Officers' Training Corps, the Civil Air Patrol, the Air Scouts, and the coordination of Civil Air matters in the national interest. He represents the Department of the Air Force on such boards and committees to which the Secretary of the Air Force may appoint him. In the absence or disability of both the Secretary and the Under Secretary of the Air Force, the Assistant Secretary acts as the Secretary of the Air Force.

(e) *Assistant Secretary of the Air Force (Management).* The Assistant Secretary is responsible to the Secretary of the Air Force for the formulation and general supervision within the Department of the Air Force of the policies relating to the organization and management of the Department, including budgetary affairs, fiscal affairs and cost control. He is responsible for the acquisition, utilization and disposal of military installations. He monitors the personnel program of the Air Force Department including civilian and military personnel affairs, the Secretary's Personnel Council, the Board for the Correction of Military Records and the Loyalty-Security Appeal Board. He is a member of the Office, Secretary of Defense Personnel Policy Board. In the absence or the disability of the Secretary, Under Secretary and the other Assistant Secretary, he acts as Secretary of the Air Force.

(f) *Director of Public Relations.* The Director of Public Relations advises and represents the Secretary and the Chief of Staff on public relations matters and maintains liaison between the Air Force and the Office of Public Information, Office of the Secretary of Defense. The Director of Public Relations coordinates and monitors Public Information activities of Air Force Field Installations in accordance with prescribed public relations policies.

(g) *General Counsel.* The General Counsel is the final authority on all legal questions arising within or referred to the Department of the Air Force. He reports directly to the Secretary of the Air Force. The General Counsel furnishes advice upon request to all levels

on legal aspects of all procurement activities. The General Counsel furnishes advice upon request to the Secretary, Under Secretary and Assistant Secretaries of the Department of the Air Force on legal aspects of all other matters coming within their respective jurisdictions. He is not responsible for supervision of the administration of military justice.

(h) *Secretary of the Air Force Personnel Council.* The Secretary of the Air Force Personnel Council consists of the Air Force Personnel Board, the Air Force Disability Review Board, the Air Force Board of Review, the Air Force Discharge Review Board, and the Air Force Decorations Board. The President of the Board is responsible for determining such military personnel actions as may be directed by the Secretary or enjoined by Public Law; such action being taken for and in the name of the Secretary of the Air Force.

(i) *The Director of Legislation and Liaison.* The Director of Legislation and Liaison is responsible to the Secretary of the Air Force for the coordination, supervision and conduct of a legislative program and activities of the Department of the Air Force, with the exception of appropriations bills. He prepares, or assists in and reviews the preparation of, and monitors the presentation of, all testimony of representatives of the Department of the Air Force to or before the Bureau of the Budget and the Congress of the United States and any of its elements. He reviews and/or prepares and otherwise processes all Air Force correspondence with, or reports to, the Congress of the United States, or any of its elements or members. He maintains or conducts all liaison between the Department of the Air Force and the Congress, Executive Office of the President, and the Secretary of Defense. He coordinates all Congressional relations programs and activities of the Department of the Air Force with the other Departments and Boards of the National Military Establishment and/or any other Federal agencies insofar as he may be directed or as he may deem necessary or advisable.

(j) *Chief of Staff.* The Chief of Staff, United States Air Force, under the direction of the Secretary of the Air Force, exercises command over the United States Air Force and assigned supporting forces and is charged with the duty of carrying into excution all lawful orders and directives of superior authority transmitted to him. He is responsible for the formulation and establishment of policies and plans to accomplish the Air Force mission and for their execution. He is the principal military advisor to the President, the Secretary of Defense and to the Secretary of the Air Force on the employment of the Air Force in war and the principal military advisor and executive to the Secretary of the Air Force on the activities of the United States Air Force. He further serves as a member of the War Council and the Joint Chiefs of Staff of the National Military Establishment.

(k) *Vice Chief of Staff.* The Vice Chief of Staff assists the Chief of Staff in the discharge of the latter's duties and in his absence performs his functions.

(l) *Assistant Vice Chief of Staff.* The Assistant Vice Chief of Staff assists and advises the Chief of Staff and the Vice Chief of Staff and acts for them in matters delegated to his authority. He is responsible for administrative procedures and coordination within the Air Staff.

(m) *Air Board.* The Air Board assists the Chief of Staff in the formulation of over-all policies of the United States Air Force.

(n) *Scientific Advisory Board.* The Scientific Advisory Board advises the Chief of Staff of the latest developments in the various fields of science of interest to the Air Force. It studies scientific research problems affecting the future of the Air Force, with a specific view toward new development in aircraft, weapons, and equipment. The Board also reviews and evaluates long-range plans for research and development and advises the Chief of Staff as to the adequacy of the Air Force program. The members of the Board serve as a pool of consultants from their respective fields of science to the various activities of the Air Force and present recommendations for the organization of research and development, with emphasis on the ways and means of obtaining close cooperation with the scientific world.

(o) *Manpower Group.* The Manpower Group studies Air Force activities with respect to the mission, work-load, personnel requirements, effectiveness in the utilization of personnel resources, and overall economy of operations and advises the Chief of Staff of ways and means to increase the effectiveness and efficiency of Air Force operations.

(p) *Special Assistant for Reserve Forces.* The Special Assistant for Reserve Forces coordinates the overall planning and implementation of the United States Air Force Reserve Forces programs and acts as principal advisor to and assists the Chief of Staff on all matters concerning the Air Force Reserve, the Air National Guard, the Air Force Reserve Officers' Training Corps, the Civil Air Patrol, and the Air Scouts.

(q) *The Inspector General.* The Inspector General administers the inspection of the internal structure, the combat quality, the administrative efficiency, and the logistic capabilities of the Air Force. He conducts all investigations, within Air Force jurisdiction, concerning the integrity or security of the Air Force and the conduct of loyalty of its personnel; maintains close liaison and coordination with all civil law enforcement agencies—federal, state, and municipal; enforces security, including atomic energy security; supervises and inspects all Air Force police and has jurisdiction over all matters pertaining to their use and to military discipline, including the confinement and rehabilitation of prisoners of the United States Air Force.

(r) *The Surgeon General.* The Surgeon General, United States Air Force, advises the Secretary of the Air Force and the Chief of Staff, United States Air Force, on all matters pertaining to the health of Air Force personnel, and advises the Director of Medical Services, Department of Defense, on United States Air Force medical matters. He administers all medical services of the United States Air Force and plans, directs and supervises the Care of Flyer Program, the Aviation Medicine Program, and the Hospitalization Program.

(s) *Secretary of the Air Staff.* The Secretary of the Air Staff is the executive agent to the Assistant Vice Chief of Staff for matters pertaining to the internal administration of Headquarters United States Air Force. He is specifically responsible for the Staff Services and Policy Divisions, and is generally responsible for operating an administrative program for Headquarters United States Air Force.

(t) *Air Adjutant General.* The Air Adjutant General is responsible for the publication of orders and instructions of Headquarters United States Air Force and the personnel administration of officers assigned thereto; the administration within the Air Force of the postal service, the records administration program, the design and standardization of Air Force forms; the procurement, printing and distribution of Air Force publications; the providing of correspondence, mail, records, filing, references, reproduction, message centers, and messenger services for Headquarters United States Air Force; the maintenance of photographic records and services; and the maintenance and servicing of current personnel records of all United States Air Force personnel on active service and retired.

(u) *Deputy Chief of Staff, Comptroller.* The Deputy Chief of Staff, Comptroller assembles and evaluates elements of information necessary for the efficient management of the United States Air Force; advises and assists the Chief of Staff and the Air Staff in the attainment of integrated programs for the accomplishment of the Air Force mission; prepares and defends the Air Force Budget; administers funds, including the disbursement, collection and accounting therefor; prescribes regulations governing the Air Force audit systems and the fixing of responsibility therefor; takes final action for the Secretary of the Air Force on statutory functions in connection with the administration of funds as might be delegated; provides for the measurement of progress toward program objectives; evaluates results in relation to costs, to the end that the Chief of Staff may efficiently and economically utilize the resources available to him. The Deputy Chief of Staff, Comptroller also provides complete statistical services on all subjects for the Air Staff and higher authority and exercises technical supervision over budget and fiscal activities, statistical services, and the cost control system.

(v) *The Judge Advocate General.* The Judge Advocate General, United States Air Force, acts as legal advisor to the Chief of Staff, United States Air Force. He exercises general supervision over the administration of military justice, and is responsible for the establishment and operation of the legal system of appellate reviews of courts-martial records as provided by the Articles of War.

(w) *Chief of Air Force Chaplains.* The Chief of Air Force Chaplains acts as

advisor to the Chief of Staff, United States Air Force, on the religious life, morals, morale, and related matters affecting United States Air Force personnel. He maintains effective relationship between civilian church groups and the United States Air Force and effects the necessary liaison with other military, Government, and civilian agencies.

(x) *Deputy Chief of Staff, Personnel.* The Deputy Chief of Staff for Personnel is responsible for the plans and administration of all military and civilian personnel programs in the Air Force, including procurement, training, classification, assignment, reassignment, promotion, demotion, separation, retirement, efficiency ratings, personnel services, and the maintenance of pertinent records and administrative services for individuals. He is also responsible for such administrative services as are performed by the Judge Advocate General, United States Air Force, and Chief of Air Force Chaplains.

(y) *Deputy Chief of Staff, Operations.* The Deputy Chief of Staff for Operations coordinates and directs the activities of the Directors of Intelligence; Requirements; Plans and Operations; and Communications; the Assistants for Atomic Energy, and Programming, and the Guided Missiles, and Operations Analysis Groups. He directs and is responsible for Air Force intelligence activities, organization, requirements, operations of the Air Force including joint operations, preparation of overall plans and programs, development and review of broad Air Force policies, Air Force communications activities, guided missile activities, and the coordination of over-all Air Force programs, and atomic energy matters.

(z) *Deputy Chief of Staff, Matériel.* The Deputy Chief of Staff for Matériel is responsible for the planning, policy development, supervision and administration of Air Force programs relating to the field of matériel and services. Included within the scope of his responsibilities are programs relating to research and development, armament, procurement, industrial planning, installations, maintenance, supply and services; and engineer, chemical, ordnance and quartermaster activities affecting the Air Force.

(3) *Field organization*—(a) *General.* The field activities of the United States Air Force are continuously subject to changing requirements and conditions. Accordingly, the organizational structure of these activities is designed so that it is capable of flexibility, growth, and constant progression toward the objective of providing the best possible control for the accomplishment of the Air Force mission. The main structure of the field organization of the United States Air Force is divided into a series of functional Air Commands. Each of these commands in turn is subdivided into smaller structures, the number of which is dictated by the assigned mission of each particular command. Nine of these Air Commands, under control of Headquarters United States Air Force, are located in the United States and with two exceptions, are organized on a functional basis without specific geographical area responsibility. Administrative control only is exercised by Headquarters United States Air Force over the four overseas commands, operational control of these commands being vested in the Commander in Chief of the Unified Commands established by the Joint Chiefs of Staff.

(b) *Continental Air Command.* The Continental Air Command with headquarters at Mitchel Air Force Base, New York, is organized to provide for the air defense of the United States as well as for air support of ground and amphibious forces employed in the defense of the United States. It participates in joint training and joint maneuvers with the Army and Navy. It supervises training of the reserve forces and formulates general plans for the participation of all Air Force commands in domestic emergencies, including disaster relief and directs Air Force operations in the execution of these plans as necessary to minimize or to end such emergencies. It promotes progressive development of Air-Ground cooperation techniques and doctrines, cooperates with the Army in airborne and airlift training of Army troops and develops and tests organization, equipment and tactics of troop carrier aviation. It organizes, administers, equips, trains and prepares for combat in accordance with directives, policies and schedules issued by Headquarters United States Air Force, such units of the United States Air Force as may be designated, assigned or attached to the Continental Air Command. In order to carry out its missions, the Continental Air Command is provided a headquarters, Continental Air Command, six numbered air forces to which all units, installations and facilities of the Continental Air Command are assigned, an Air Defense Command and a Tactical Air Command. The Air Defense Command and Tactical Air Command act as operational command headquarters for their respective tactical functions within the framework of the Continental Air Command. The subordinate air forces of the Continental Air Command are organized on a geographical basis with specific area responsibility. The geographical air forces discharge such administrative training and logistic support functions as may be directed for units of the National Guard of the United States, the Organized Reserve and for such United States Air Force regular units as may be assigned or attached.

(c) *Strategic Air Command.* The Strategic Air Command with headquarters at Offutt Air Force Base, Omaha, Nebraska, provides and operates long range bomber and fighter units maintained in the United States or in such other areas as may be designated. It must be prepared to conduct long range offensive operations in any part of the world; to conduct maximum range reconnaissance over land or sea, either independently or in cooperation with other components of the Armed Forces; and to train units and personnel for the maintenance of the Strategic Forces in all parts of the world. It prepares plans for strategic reconnaissance to meet the requirements of the Armed Forces. It has primary interest in the development, training, tactics and techniques of strategic bombardment aviation. In addition, it exercises command jurisdiction over and in accordance with policies established by the Chief of Staff, United States Air Force, operates a world-wide Air Force Aeronautical Chart Service. It is organized into two Air Forces and a Reconnaissance Division, with subordinate units based throughout the United States without regard to any established geographical boundaries.

(d) *Air Training Command.* The Air Training Command, with headquarters at Barksdale Air Force Base, Louisiana, is charged with individual training of Air Force officers and airmen. It aids in designing the Air Force training program, directs its operation and trains personnel for the integration into the proper Air Force team. Indoctrination of recruits is conducted by the Indoctrination Division at San Antonio, Texas. Flying training is conducted under the supervision of the Flying Training Division with headquarters at Randolph Air Force Base, Texas. Technical training is conducted under the supervision of the Technical Training Division with headquarters at Scott Air Force Base, Illinois.

(e) *Air Matériel Command.* The Air Matériel Command, with headquarters at Wright-Patterson Air Force Base, Ohio, procures, supplies, maintains and supervises the development of all materiel peculiar to the Air Force and required by the Air Force in the performance of its primary mission. It is responsible for the technical training of personnel peculiar to these requirements. In its laboratories at Wright-Patterson Air Force Base, it undertakes any research and development necessary to provide equipment to accomplish the Air Force mission. It conducts all experimental static and flight tests necessary in the development of such matériel. It is also charged with industrial planning for Air Force procured items. In addition, the Air Matériel Command is responsible for maintaining the Air Force Technical Museum, which collects and preserves for educational and historical purposes such foreign and domestic aeronautical articles as may be required for use by the Air Force or other governmental agencies. The Air Matériel Command is organized geographically into seven Air Matériel Areas within the continental United States.

(f) *Air Proving Ground.* The Air Proving Ground is located at Eglin Air Force Base, Florida. It develops improved operational techniques and performs tests on tactical matériel and equipment used or proposed for use by the United States Air Force under simulated combat conditions, to determine its operational suitability. In its climatic hangar at Eglin Air Force Base, it performs additional proof tests on Air Force tactical matériel and equipment under various adverse climatic conditions.

(g) *Military Air Transport Service.* The Military Air Transport Service has its headquarters at Andrews Air Force Base, Maryland. It is charged with providing and operating air transport service for the Armed Forces and for other Governmental agencies as directed by the Chief of Staff, United States Air

Force. It is responsible for the study, investigation, and development of all matters relating to military air transportation (excluding troop carrier and matters specifically assigned to Air Matériel Command) and presents appropriate findings to United States civil air agencies. It prepares and maintains in current status, plans for its expansion in time of war. In addition, the Military Air Transport Service exercises command jurisdiction over and in accordance with policies established by the Chief of Staff, operates the Air Weather Service, Air Communications Service, Air Rescue Service, and the Flight Service.

(h) *Air University.* The Air University has its headquarters at Maxwell Air Force Base, Alabama. It is primarily concerned with the higher education of Air Force officers. The Air University supervises and operates the Air War College and the Air Command and Staff School at Maxwell Air Force Base, Alabama; the Air Tactical School at Tyndall Air Force Base, Florida; the United States Air Force School of Aviation Medicine at Randolph Air Force Base, Texas, and the Special Staff School with headquarters at Craig Air Force Base, Alabama. Through its school system, the Air University also conducts staff studies as required by the Chief of Staff, United States Air Force, on Air Force basic doctrine, tactics, and techniques.

(i) *Headquarters Command, United States Air Force.* The Headquarters Command, United States Air Force, located at Bolling Air Force Base, Washington, D. C., controls and administers the 1100th Special Missions Group which provides required air transportation not available through Military Air Transport Service. It provides miscellaneous services as directed by Headquarters, United States Air Force, to include administration of the United States Air Force Band and the United States Air Force Bandsman Training School. It is also charged with administration of a number of special mission personnel both in the Zone of Interior and overseas.

(j) *United States Air Force Security Service.* The United States Air Force Security Service with headquarters at Brooks Air Force Base, Texas is responsible for communication intelligence and communication security activities of the United States Air Force.

(k) *Overseas Commands.* Two of the four overseas Air Commands are occupational forces. These two are the United States Air Force in Europe, and the Far East Air Forces. Two of the overseas commands are on the outer defense perimeter of the continental United States. These two are the Caribbean Air Command and the Alaskan Air Command. The four overseas Air Commands are:

1. United States Air Force in Europe, Wiesbaden, Germany; Under operational control of European Command, Berlin, Germany.

2. Far East Air Forces, Tokyo, Japan; Under operational control of Far East Command, Tokyo, Japan.

3. Caribbean Air Command, Albrook Field, Canal Zone; Under operational control of Caribbean Command, Quarry Heights, Canal Zone.

4. Alaskan Air Command, Ft. Richardson, Alaska; Under operational control of Alaskan Command, Ft. Richardson, Alaska.

(l) *Information and requests.* Requests and inquiries concerning the Department of the Air Force may be addressed to the Office of the Air Adjutant General, Headquarters United States Air Force, Washington 25, D. C., or to the commander of the nearest Air Force installation.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-8697; Filed, Oct. 28, 1949; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52334]

WILD ANIMALS FROM JAPAN

REQUIREMENT OF CONSULAR CERTIFICATES COVERING ENTRY

OCTOBER 25, 1949.

Ordinance No. 85, dated September 23, 1948, issued by the Japanese Ministry of Agriculture and Forestry, further amends the previous regulations prohibiting the taking or killing of certain wild animals referred to in T. D. 52073, dated October 21, 1948. The ordinance prohibits the taking or killing of the female weasel or mink (me-itachi). Other ordinances restrict the taking or killing of the male weasel or mink to a certain season of the year.

In view of the foregoing, consular certificates shall be required under section 527, Tariff Act of 1930 (19 U. S. C. 1527), in connection with the entry of weasels, whether male or female, or parts or products thereof imported directly or indirectly from Japan after 30 days after the publication of this decision in the weekly Treasury Decisions.

These instructions, when effective, shall supersede those in T. D. 52073, dated October 21, 1948, pertaining to female weasels or parts or products thereof.

The number of this decision shall be added as a marginal reference to § 12.28, Customs Regulations of 1943.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 49-8725; Filed, Oct. 28, 1949; 9:00 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 389]

SPECIAL INDUSTRY COMMITTEE NO. 6 FOR PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGE RATES

On October 26, 1949, the Fair Labor Standards Act of 1938 was amended (Pub. Law No. 393, 81st Cong., 1st Sess.) so as to increase the minimum wage rate required to be paid under section 6 of the act from 40 cents per hour to 75 cents per hour and specific provision was made with respect to minimum wage rates in Puerto Rico and the Virgin Islands. The amendments provide that with respect to the industries in such islands the minimum wage rates prescribed in wage orders issued prior to or subsequent to the effective date of such amendments should be paid in lieu of the 75-cent minimum which would otherwise be applicable. It is also declared in section 8 that the policy of the act with respect to industries in Puerto Rico and the Virgin Islands engaged in commerce or in the production of goods for commerce is to reach as rapidly as is economically feasible without substantially curtailing employment the objective of a minimum wage of 75 cents per hour. To carry out this policy section 5 (a) of the amended act directs the Administrator to appoint, as soon as practicable, a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce. The act as so amended provides that the committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands. Under the act the Administrator is required to issue a wage order carrying into effect the recommendations made by the industry committee if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of the act.

In order to effectuate the foregoing provisions it is necessary, as soon as possible after the enactment of the Fair Labor Standards Amendments of 1949, to appoint an industry committee for Puerto Rico and for the committee to convene and investigate conditions in the industries in Puerto Rico and make recommendations for minimum wage rates in such industries in accordance with the requirements of the act, so that wage orders carrying out the purposes of section 8 of the Fair Labor Standards Amendments of 1949 may be issued as soon as possible after the effective date of such amendments.

Accordingly, by virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended by the act of June 26, 1940 (Pub. Res. No. 88, 76th Cong.), and as further amended by the Fair Labor Standards Amendments of 1949 (Pub. Law No. 393, 81st Cong., 1st Sess.), I, William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the public:

Antonio J. Colorado, Chairman, Rio Piedras, Puerto Rico.
Cecil Snyder, San Juan, Puerto Rico.
L. Metcalfe Walling, Ridgefield, Connecticut.

For the employers:

Antonio A. Roig, Humacao, Puerto Rico.
Luis Ferre, Ponce, Puerto Rico.
Ray M. Suter, Columbus, Ohio.

For the employees:

Alberto E. Sanchez, San Juan, Puerto Rico.
Prudencio Rivera Martinez, San Juan, Puerto Rico.
James M. Duffy, East Liverpool, Ohio.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511), shall meet beginning on November 29, 1949, at 10:00 a. m., in room 412, New York Department Store Building, Santurce, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and with due regard to economic and competitive conditions, taking into consideration the fact that the legal minimum wage rate in industries in the United States outside of Puerto Rico will become 75 cents per hour after January 24, 1950, under the Fair Labor Standards Amendments of 1949 (Pub. Law No. 393, 81st Cong., 1st Sess.), shall recommend to the Administrator the highest minimum wage rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, for all employees in said industries in Puerto Rico who within the meaning of said act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Said special industry committee shall first proceed to investigate conditions in and to recommend to the Administrator minimum wage rates for employees in the clay and clay products industry in Puerto Rico, and shall thereafter, in such order as the Committee may elect, investigate conditions in and recommend to the Administrator minimum wage rates for employees in the following industries in Puerto Rico: Vegetable, fruit, and nut packing and processing industry; bakery products industry; button, buckle, and jewelry industry; textile and textile products industry; shipping industry; and metal, plastics, machinery, instrument, transportation equipment, and allied industries.

3. For the purpose of this order these industries are defined as follows:

Vegetable, fruit, and nut packing and processing industry. The handling, grading, packing, preparing in the raw or natural state of fresh vegetables, fresh fruits, and nuts; the drying, salting, processing in brine, or other curing of fruits and fruit peels; the drying and other preparation of vanilla beans, coffee beans, and cocoa beans; the canning of vegetables, fruits, and fruit juices; and the manufacture or processing (and the packaging in conjunction therewith) of coffee, cocoa, unsweetened chocolate, jams, preserves, marmalades, jellies, fruit pastes, and similar products.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other idustries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Bakery products industry. The manufacture of bakery products of all kinds and of macaroni and other alimentary pastes.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Button, buckle, and jewelry industry. The manufacture from any material of buttons, buckles, jewelry, (including rosaries), and jewelry findings (including beads); provided, however, that the definition shall not include the cutting, grinding, polishing, and other processing of gem diamonds and other precious and semi-precious stones, and of natural or synthetic jewels for industrial use, including, but not by way of limitation, jewel bearings and industrial diamonds.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Textile and textile products industry. The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, textile bags, oil cloth and artificial leather, woven carpets and rugs, mattresses, quilts and pillows: *Provided, however,* That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Clay and clay products industry. The quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay, and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Shipping industry. The transportation of passengers and cargo by water and all activities in connection therewith, including, but not by way of limitation, the operations of common, contract, or private carriers; stevedoring (including stevedoring by independent contractors); and storage and lighterage operations.

Metal, plastics, machinery, instrument, transportation equipment, and allied industries. The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal or plastics; and the manufacture (including repair) from any material of machinery, instruments, ophthalmic goods, tools, electrical goods, transportation equipment, and ordnance.

Provided, however, That the definition shall not include (1) the production of any basic material other than metal, (2) the further processing of any basic material other than metal or plastics except when done by an establishment producing from such materials a product of this industry or subassembly of such product, (3) the cutting, grinding, polishing, and other processing of gem diamonds and other precious and semi-precious stones, and of natural or synthetic jewels for industrial use, including, but not by way of limitation, jewel bearings and industrial diamonds, or (4) any activity included within the button, buckle, and jewelry industry as defined in Administrative Order No. 389.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 27th day of October 1949.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 49-8762; Filed, Oct. 28, 1949; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 39]

DESIGNATION OF MOTIONS COMMISSIONER FOR NOVEMBER 1949

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 21st day of October 1949;

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that Paul A. Walker, Commissioner, is hereby designated as Motions Commissioner for the month of November 1949.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will

designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8719; Filed, Oct. 28, 1949; 8:49 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN U. S. AND OVERSEAS AND FOREIGN POINTS

ORDER SCHEDULING FURTHER PUBLIC HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1949;

The Commission, having under consideration the record and its reports and orders herein, dated respectively July 30, 1947, April 22, 1948, and January 26, 1949, authorizing certain increases in charges for telegraph communications service between the United States and overseas and foreign points; and also having under consideration the record and its report of February 23, 1949, in Docket No. 9094, "In the Matter of International Telegraph Charges and Services—Questions of Unification of Rates for Ordinary Plain Language, Cipher, and Code Telegrams, and related questions; Rates for International Government Telegrams; and Adherence by United States to the International Telegraph Regulations"; the understandings regarding the international telegraph rate structure reached at the International Telephone and Telegraph Conference in Paris, May–August 1949; and the provisions of the Final Act of the Telecommunications Conference between the United States and British Commonwealth countries held in London, in August 1949, whereby the delegates decided to recommend to their respective governments various alterations in the Bermuda Telecommunications Agreement of 1945 between the United States and certain British Commonwealth governments;

It appearing, that both in the report of January 26, 1949, herein, and the report of February 23, 1949, in Docket No. 9094, the Commission has indicated it would review, in the light of current traffic experience, the effects of any rate structure revisions agreed to at the above Paris Telegraph and Telephone Conference;

It further appearing, that in the report of January 26, 1949, herein, the Commission noted that although it was authorizing rates in excess of 30¢ per full rate word and 6½¢ per ordinary press word to certain places in the world, it was excluding points in the British Commonwealth because of the Bermuda Telecommunications Agreement of December 4, 1945, between the United States and certain British Commonwealth governments, and that steps should be taken as soon as possible to remove the rate limitations of that agreement; and that since that report was issued, the above London Conference has been held;

It further appearing that further hearings should be held herein in order to determine, in the light of the above Paris and London Conferences and of the most recent experience of the carriers as to traffic and earnings, what changes, if any, should be made in charges for telegraph communications service between the United States and overseas and foreign points;

It is ordered, That a further public hearing be held herein at the offices of the Commission in Washington, D. C. on December 5, 1949 beginning at 10:00 a. m., with respect to the matter of what changes, if any, in charges for telegraph communications service between the United States and overseas and foreign points should be authorized or prescribed by the Commission in the light of the above Paris and London Conferences, and the most recent experience of the respondent carriers as to traffic and earnings;

It is further ordered, That the record in the above-mentioned Docket No. 9094 is incorporated in the record herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8718; Filed, Oct. 28, 1949; 9:02 a. m.]

[Docket No. 9234]

STATIONS IN BAND 415–550 KILOCYCLES

FREQUENCY ASSIGNMENT

On August 22, 1949, the Commission released a public notice in Docket No. 9234 (Mimeo 38844) [1] which was intended to advise interested parties concerning progress being made and of the further steps contemplated in order to bring into force the new international table of frequency allocations for the spectrum 415–550 kc based upon the provisions of the Final Acts of the Atlantic City Telecommunication and Radio Conferences (1947), of the FIAR Conference, (Washington, 1949), and of Region 2 (ITU) (Washington, 1949).[2] Attached to that public notice was a Mimeo No. 39499 "United States of America ITU Region 2 Frequency List 415–535 kc List A".

The Commission requested all interested parties to comment upon that list not later than September 15, 1949. Accordingly, the Mackay Radio and Telegraph Company, Radio Corporation of America, Tropical Radio Telegraph Company and Globe Wireless submitted comment indicating they were in general accord with the plan as published. The first two companies indicated that, should implementation of the plan develop any specific case of acute interference, such change as would be required to clear the interference should be made upon the mutual concurrence of the parties concerned. In addition, each of the above companies requested the Commission to recommend and support a frequency allocation for coastal telegraph stations in the vicinity of 2000 kc. This latter suggestion was based upon consideration of the reduction of spectrum space to this service in the vicinity of 400–500 kc and the requirement for adequate coastal telegraph facilities in the portion of the spectrum adjacent to the international allocation of 2065–2105 kc to ship telegraph stations.

No other comments have been received by the Commission with respect to the above mentioned public notice.

The Commission is aware that implementation of the above described list may possibly result in serious interference in some cases. Should such interference develop the Commission will exert every effort to arrive at a practical solution to the problem taking into account the interests of all parties concerned. Moreover, the Commission is aware that a problem exists with respect to coastal telegraph facilities. This was indicated by its proposals to Atlantic City and the United States position at FIAR, and its continued interest in the requirements of all communications services in the U. S. is hereby reaffirmed.

The Commission is transmitting the above mentioned List A to the Department of State with the recommendation that it be appropriately considered and coordinated with other American countries. One new entry to the list is being made on the frequency 416 kc as follows:

1	3	4(a)	4(c)	5	6	8	9(a)	10	13
416	KWA62	Pederson Pt., Alaska, 157°06′ W., 58°46′ N.	1,200	FC CP	0.1A1 1.8A2	0.2 .8	000	0000-2400	Replacement for 460 kc. (1949).

Approved: October 21, 1949.

Released: October 24, 1949.

By direction of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8720; Filed, Oct. 28, 1949; 8:49 a. m.]

[1] Copies of this notice are no longer available for distribution but may be inspected at the Commission's offices.

[2] Copies of the final acts of these conferences may be obtained as indicated in Appendix B attached to Mimeo 38844.

STATEMENT OF ORGANIZATION AND STATEMENT OF PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration the necessity for amending the statement of organization of the Commission and the statement of places for submitting applications and other requests and securing public information to reflect changes in internal procedures

of the Commission relating to the administrative handling of licensing matter; and

It appearing, that such amendments are designed to improve the internal administration of the Commission and will serve the public interest; and

It further appearing, that the proposed amendments are organizational and editorial in nature, and that publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required:

It is ordered, That, effective immediately, the Statement of Organization of the Commission is amended in the following respects:

1. Delete the present language of section 0.12 (b) and substitute the following:

(b) Commercial License Branch, which examines all applications, together with supporting data relating thereto, and maintains records concerning all classes of nonbroadcast radio stations except amateur, citizens radio, and applications for commercial operators' licenses; assigns call signs to all classes of radio stations except amateur and citizens radio. Also examines all applications and supporting data relating to telephone and telegraph extensions or abandonment of facilities and interlocking directorates; and issues orders, authorizations, and certificates approved by the Commission in the above class of cases in non-docket matters.

2. Add a new paragraph (c) in section 0.12 and designate the present paragraph (c) as (d). The new paragraph (c) to read as follows:

(c) Amateur, Citizens Radio, and Operator License Branch, which examines applications and issues licenses for amateur radio stations and operators; assigns amateur station call letters; examines applications and issues licenses for both Class A and B stations in the Citizens Radio Service; and mantains records concerning amateur and commercial radio operators.

It is further ordered, That, effective immediately, the statement of places for submitting applications and other requests and securing public information is amended in the following respects:

1. Section 0.204 (c) is amended to read as follows:

(c) Amateur License Reference Room is located at Room 1723, Temporary Building T, 14th Street and Constitution Avenue NW., Washington, D. C. Here the public may inspect all applications and files relating thereto concerning amateur radio station applications. In addition a complete file is maintained relating to commercial and amateur radio operators. Information concerning applications filed by commercial radio operators outside of the Washington district may be obtained from the appropriate Bureau of Engineering district offices listed in section 0.40. Records of licenses issued in the Citizens Radio Service are also kept in the Washington office.

Released: October 24, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8722; Filed, Oct. 28, 1949; 8:49 a. m.]

STATEMENT OF ORGANIZATION

TECHNICAL RESEARCH DIVISION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration the necessity for amending the Statement of Organization of the Commission to reflect changes in internal procedures of the Commission relating to engineering matters; and

It appearing, that such amendments are designed to improve the internal administration of the Commission and will serve the public interest, convenience and necessity; and

It further appearing, that the proposed amendments to the rules and regulations are organizational and editorial in nature, and that publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required:

It is ordered, That, effective immediately, the statement of organization of the Commission's rules and regulations is amended in the following respects:

1. Delete the language of section 0.21 (j) and substitute the following:

j. Technical Research Division

2. Delete the title and present language of section 0.31 and substitute the following:

SEC. 0.31 *Technical Research Division.* The Technical Research Division is responsible for the analysis, coordination and dissemination of technical data and scientific information relating to the scientific and advanced engineering phases of communications. It acts as an applied research group and provides a technical consulting service to the Commission, the various Divisions, and to the public. It conducts technical studies in radio wave propagation, equipment standards and other engineering matters, for the guidance of the Commission in preparing frequency allocation plans, formulating technical rules and engineering standards and determining logical administrative decisions involving engineering considerations. The Division also maintains a technical library. The Division is divided into the following branches:

(a) Technical Standards Branch, which handles a variety of technical problems related to technical standards, equipment studies, standards of performance, the coordination of technical standards and rules based thereon, as well as many specific technical problems arising from the needs of the Commission in regulating the industry.

(b) Low Frequency Radio Branch, which is concerned primarily with wave propagation problems in the low and medium frequency bands, and handles a variety of allied matters such as sunspot cycle effects, atmospheric noise studies, latitude effects, NARBA relations, attenuation over paths having various conductivities, skywave modes, daytime skywave, and directional antenna studies.

(c) High Frequency Radio Branch, which carries on basic studies of wave propagation characteristics of the Very High, Ultra High, and Super High bands of frequencies in addition to other special studies concerning propagation, coverage areas, interference zones, station separations and allied problems as they apply to various radio services such as FM Broadcasting, Television Broadcasting, microwave relaying and other new services which must progress through the developmental stages of a new art.

Released: October 24, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8723; Filed, Oct. 28, 1949; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1284]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

On September 28, 1949, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 13, 1949 (14 F. R. 6240).

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on November 16, 1949, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Wash-

ington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 25, 1949.

By the Commission.

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

[F. R. Doc. 49-8699; Filed, Oct. 28, 1949; 8:45 a. m.]

[Docket No. G-1286]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On September 30, 1949, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate certain natural-gas facilities in the State of Louisiana, subject to the jurisdiction of the Commission.

The facilities are more particularly described in the application on file with the Commission and open to public inspection, and in the notice of filing of application hereinafter adverted to.

Applicant has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 12, 1949 (14 F. R. 6185).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on November 9, 1949, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of said rules of practice and procedure.

Date of issuance: October 25, 1949.

By the Commission.

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

[F. R. Doc. 49-8700; Filed, Oct. 28, 1949; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-423]

VENETIAN BLIND INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference will be held by the Federal Trade Commission for the Venetian Blind Industry in the South Ball Room of the Stevens Hotel, Chicago, Illinois, on November 22, 1949, commencing at 10:00 a. m., c. s. t.

All persons, firms, corporations and organizations engaged in the manufacture, assembly, sale or distribution of venetian blinds, and the component parts and accessories therefor, are cordially invited as members of the industry to attend or send representatives to the conference, and to participate in the proceedings.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: October 26, 1949.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-8727; Filed, Oct. 28, 1949; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 3-A]

MISSOURI PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 3, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 3 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 9:55 a. m., October 24, 1949.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 24, 1949.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 49-8705; Filed, Oct. 28, 1949; 8:50 a. m.]

[4th Sec. Application 24620]

COAL FROM SOUTHERN MINES TO GLIDDEN, GA.

APPLICATION FOR RELIEF

OCTOBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs listed in the application.

Commodities involved: Coal, carloads.

From: Mines in southern territory.

To: Glidden, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping and opening of a new station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8574; Filed, Oct. 25, 1949; 8:55 a. m.]

[4th Sec. Application 24621]

PETROLEUM FROM MARKHAM, TEX.

APPLICATION FOR RELIEF

OCTOBER 25, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs listed on attached sheet.

Commodities involved: Petroleum, and petroleum products, carloads.

From: Markham, Tex.

To: Points in Southwestern, Southern Official, Illinois and Western Trunk Line territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates:

D. Q. Marsh's tariff I. C. C. No.:	*Supplement No.*
3585	377
3802	46
3825	32
3651	206
3724	96
3494	168

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8618; Filed, Oct. 28, 1949; 8:51 a. m.]

[4th Sec. Application 24622]

MINIMUM RATES BETWEEN EASTERN PORT CITIES AND SOUTHERN POINTS

APPLICATION FOR RELIEF

OCTOBER 25, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4(1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 668.

Commodities involved: Class and commodity rates.

Between: Eastern Port Cities and points in the south.

Grounds for relief: Competition with rail carriers and competition with water, water-rail carriers.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 668, Supplement 165.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8619; Filed, Oct. 28, 1949; 8:51 a. m.]

[4th Sec. Application 24623]

ALUMINA FROM BAUXITE, ARK., TO CORNWELLS HEIGHTS, PA.

APPLICATION FOR RELIEF

OCTOBER 25, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3638.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Cornwells Heights, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3638, Supplement 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8620; Filed, Oct. 28, 1949; 8:51 a. m.]

[4th Sec. Application 24624]

SORGHUM GRAIN OIL BETWEEN BORDER TERRITORY AND THE EAST

APPLICATION FOR RELIEF

OCTOBER 25, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Sorghum grain oil and related articles, carloads.

Between: Border territory and the east.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8623; Filed, Oct. 28, 1949; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-2235—70-2238]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of October 1949.

In the matters of The United Gas Improvement Company, Lancaster County Gas Company, File No. 70-2235; The United Gas Improvement Company, Allentown-Bethlehem Gas Company, File No. 70-2236; The United Gas Improvement Company, Consumers Gas Company, File No. 70-2237; The United Gas Improvement Company, The Harrisburg Gas Company, File No. 70-2238.

The United Gas Improvement Company ("UGI"), a registered holding company, and its public utility subsidiaries, Lancaster County Gas Company ("Lancaster"), Allentown-Bethlehem Gas Company ("Allentown-Bethlehem"), Consumers Gas Company ("Consumers"), and The Harrisburg Gas Company ("Harrisburg"), respectively, having filed joint declarations pursuant to the provisions of section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the following proposed transactions:

UGI proposes to advance on open book account, from time to time on or before December 31, 1950, at an interest rate of 3¼% annually, the amount of $475,000 to Lancaster, $145,000 to Allentown-Bethlehem, $610,000 to Consumers and $505,000 to Harrisburg. The proceeds of the advances, together with other funds, will be used by these respective companies to meet the cost of their constuction programs, including construction of facilities to receive and reform natural gas. It is stated that such advances are to be made pending permanent financing for capital expenditures to be made during the years 1949 and 1950 by the respective companies.

Said declarations having been duly filed and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declarations within the period specified

in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declarations that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint declarations be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint declarations be, and hereby are, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-8703; Filed, Oct. 28, 1949; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13922]

ARTHUR C. ROSENFELDT

In re: Bank account owned by Arthur C. Rosenfeldt also known as Artur Rosenfeldt and as Arthur Cyrill Rosenfeldt.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur C. Rosenfeldt also known as Artur Rosenfeldt and as Arthur Cyrill Rosenfeldt, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 5, New York, arising out of a joint checking account, entitled Herbert Rosenfeldt or Artur Rosenfeldt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arthur C. Rosenfeldt also known as Artur Rosenfeldt and as Arthur Cyrill Rosenfeldt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8724; Filed, Oct. 28, 1949; 8:49 a. m.]

UNITED STATES MARITIME COMMISSION

LINEA SUD-AMERICANA, INC., AND ALCOA STEAMSHIP COMPANY, INC.

NOTICE OF AGREEMENT FILED WITH COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement 7727, between Linea Sud-Americana, Inc., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Lisbon, Leixoes, Setubal and Algarve ports to the Virgin Islands, with transshipment at New York.

Interested parties may inspect this Agreement and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 10, 1949.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 49-8709; Filed, Oct. 28, 1949; 8:48 a. m.]

AMERICAN EXPORT LINES, INC., ET AL.

NOTICE OF APPROVAL OF CANCELLATION OF AGREEMENT BY COMMISSION

Notice is hereby given that the Commission by order dated October 18, 1949, approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916, as amended: Agreement 5295, between American Export Lines, Inc., Compagnie Generale de Navigation a Vapeur (Fabre Line), Compania Espanola de Navegacion Maritima, S. A. (Gardiaz Line), Cunard White Star Limited, and Societe Franco-Iberique D'Armement (Franco-Iberian Line), covering free time and wharf demurrage on onions from Spain and lemons and other fruit from Italy discharged on heated piers at the port of New York.

Dated: October 25, 1949.

By the Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 49-8708; Filed, Oct. 28, 1949; 8:47 a. m.]