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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

ACTIONS AND NOTICE TO EMPLOYEES

1. Effective upon publication in the FEDERAL REGISTER, § 20.9 is amended to read as follows:

§ 20.9 *Actions*—(a) *In general.* Employees who cannot be retained in their positions because of a reduction in force shall be reassigned to continuing positions, furloughed, or separated. Furloughs shall not extend beyond the term of appointment and shall in no case exceed 1 year from the date of notice.

(b) *Reassignments to continuing positions.* Reassignment is required in lieu of separation or furlough, within the local commuting area, without interruption to pay status whenever possible, to an available position for which the employee is fully qualified, unless a reasonable offer of reassignment is refused. No displacement will be required to permit the reassignment of an employee unless such employee is fully qualified to perform the duties of the position in question. Subject to these conditions, reassignment is required in each of the following cases:

(1) Any employee in any subgroup in group A, with competitive status in a position in the competitive service, if there is a position in the competitive service held by an employee in a lower subgroup.

(2) Any employee in subgroup A–1 or A–2, with competitive status in a position in the competitive service, who had previously been promoted, if there is a competitive service position, the same as the position from which he had been promoted, within the same competitive area (installation in the field service) held by an employee in the same subgroup with fewer retention credits.

(3) Any employee in subgroup B–1, in a position in the competitive service, if there is a competitive service position held by an employee in a lower subgroup.

(c) *Reasonable offer of reassignment.* An offer of reassignment must be to a specific position which is expected to continue at least three months. Any offer of reassignment is reasonable if accepted by the employee as reasonable with knowledge of the facts. An offer of reassignment which is not acceptable to the employee will not be considered as reasonable if it involves a reduction in rank or compensation when a reassignment under the foregoing provisions could be made without reduction in rank or compensation.

2. Effective upon publication in the FEDERAL REGISTER, § 20.10 is amended to read as follows:

§ 20.10 *Notice to employees*—(a) *Proposed action.* Each employee affected by a reduction in force shall be given a notice in writing, stating specifically the action proposed to be taken in his case, in advance of the effective date of the action.

(b) *Notice period.* The notice shall be given at least thirty days in advance of involuntary termination of active duty wherever possible, at least thirty days in advance of any reduction in rank or compensation, or at least thirty days in advance of involuntary separation from the rolls in all cases. Subject to the foregoing, the notice period may include active duty, leave with pay, and nonpay furlough.

(c) *General and special notices.* When there is insufficient time to plan all reassignments and other adjustments thirty days in advance of the time action will be necessary, general notices may be given at least thirty days in advance of proposed actions, stating that action will probably be necessary, outlining the reasons for the probable actions, and informing the employees that they will receive specific notices in advance of the effective dates of the actions. In such cases the notice periods shall be determined on the basis of the dates the general notices were received by the employees, and the contents shall be determined on the basis of statements in both general and special notices.

(d) *Contents of notice.* Notices to employees shall set forth the nature and effective date of the proposed actions, the place where they may inspect copies of the regulations in this part and the retention registers which have a bearing on the action in their cases, specific reasons for any exceptions, appeal rights within the agency and to the Civil Serv-

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

ice Commission, and all available information to aid employees in securing other employment.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

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

[F. R. Doc. 50-135; Filed, Jan. 6, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF RESULTS OF BURLEY TOBACCO MARKETING QUOTA REFERENDUM FOR THREE MARKETING YEARS BEGINNING OCTOBER 1, 1950

§ 725.108 *Basis and purpose.* This document is issued to announce the results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1950, and for the three-year period beginning October 1, 1950. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Burley tobacco for the 1950-51 marketing year (14 F. R. 6713). The Secretary announced (14 F. R. 6725) that a referendum would be held November 26, 1949, to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1950, and to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for Burley tobacco for the three-year period beginning October 1, 1950. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

§ 725.109 *Proclamation of results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1950, and for the three-year period beginning October 1, 1950.* In a referendum of farmers engaged in the production of the 1949 crop of Burley tobacco held on November 26, 1949, 155,483 farmers voted. Of those voting, 143,490 or 92.3 percent favored quotas for a period of three years beginning October 1, 1950; 5,457 or 3.5 percent favored quotas for only the one year beginning October 1, 1950; and 6,536 or 4.2 percent were opposed to quotas. Therefore, the national marketing quota of 496,000,000 pounds proclaimed on November 2, 1949 (14 F. R. 6713), for Burley tobacco, for the 1950-51 marketing year, will be in effect for such year and marketing quotas on Burley tobacco will be in effect for the three years beginning October 1, 1950.

(Sec. 312 (b), 52 Stat. 46, as amended; 7 U. S. C. 1312 (b))

Done at Washington, D. C., this 4th day of January 1950. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 50-152; Filed, Jan. 6, 1950; 8:55 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 861.3]

PART 861—SUGAR BEETS: CALIFORNIA AND SOUTHWESTERN ARIZONA

1950 CROP

NOTE: The headnote for Part 861 is herein revised to read as set forth above.

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Berkeley, California, on October 26, 1949, the following determination is hereby issued:

§ 861.3 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1950 crop of sugar beets in California and southwestern Arizona*—(a) *Wage requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1950 crop of sugar beets in California and southwestern Arizona if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1950 crop of sugar beets or the date of issuance of this determination, whichever is later, not less than the following:

(i) *For work performed on a time basis.* (*a*) Thinning, hoeing, or weeding: 60 cents per hour.

(*b*) Pulling, topping, or loading: 65 cents per hour.

(*c*) For workers between 14 and 16 years of age the above rates may be reduced by not more than one-third. Maximum employment per day for such workers, without reduction from Sugar Act payments to the producer is 8 hours.

(*d*) For any work in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, such as fertilizing, plowing, preparing seed bed, or irrigating, the rate shall be as agreed upon between the producer and laborer.

(ii) *For work performed on a piecework basis.* If thinning, hoeing, weeding, pulling, topping, or loading work is performed on a piecework basis the rate shall be as agreed upon between the producer and the laborer: *Provided,* That the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivision (i) (*a*), (*b*), and (*c*) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed information and wage claim forms are available at the office of the local County PMA Committee. Upon receipt of a wage claim the PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State PMA Committee of the state in which is located the farm where the work was performed. The address of the State PMA Committee will be furnished by the office of the local County PMA Committee. Upon receipt of the appeal the State PMA Committee shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties in-

sofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of the 1950 crop of sugar beets in California and southwestern Arizona. It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination," identified by the crop year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Berkeley, California, on October 26, 1949, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the 1950 crop of sugar beets in California and southwestern Arizona. In addition, investigations have been made of the conditions affecting wage rates in such States. In this determination consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugar beets; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total costs. Other economic influences also have been considered.

(c) *Background.* The first determination of fair and reasonable wage rates in California covered the harvesting of the 1937 crop of sugar beets. Beginning with the 1938 crop and for each subsequent crop the wage determinations have included rates for production, cultivation, and harvesting work performed by contract labor. For work other than that done by contract labor, rates have been determined to be those agreed upon by producers and laborers. The level of wages established in the earlier wage determinations was based primarily on the past relationship of contract wages per acre to the gross income from sugar beets per acre with appropriate adjustments for increased income resulting from payments under the Sugar Act. Alternative rates have been provided for either time work or piecework. From time to time adjustments have been made in piecework and time rates to reflect changes in economic factors and cultural practices.

In the 1949 wage determination specific nonharvest and harvest piecework rates were eliminated and, in lieu thereof, a provision was included whereby piecework rates were to be as agreed upon between producer and laborer. Under this provision, however, it was provided that the average earnings of the individual worker for the time involved on each separate unit of work must be not less than the applicable hourly rate specified for work performed on a time basis. The change was made primarily to provide for greater flexibility in the setting of piecework rates under the varying field conditions which are typical of California. After a short experience without specific piecework rates for thinning, hoeing, and weeding, it was found that "agreed upon" piecework rates with the minimum average hourly earnings guarantee was impractical of operation in particular areas under conditions prevailing in California during the 1949 nonharvest period. An amendment was subsequently issued reinstating piecework rates for thinning, hoeing and weeding. No change was made with respect to harvesting rates.

(d) *1950 wage determination.* The 1950 wage determination covers the sugar beet producing regions of California and southwestern Arizona and continues unchanged the basic time rates for nonharvest and harvest work effective in California for the 1949 crop. Specific piecework rates for thinning, hoeing, and weeding operations provided in the amended 1949 California wage determination have been eliminated.

Included for the first time is a provision setting forth the procedure which a person should follow in filing a wage claim in the event he believes he has not been paid in accordance with this determination. While wage claim procedure has been effective in prior years its inclusion in this determination will make such information generally available to all producers and laborers.

The 1950 wage determination has been extended in geographical coverage to include farms located in southwestern Arizona. This region is contiguous to the sugar beet producing region of Imperial County, California, and conditions of production, cultivation, and harvesting in both regions are similar. Heretofore, wage rates for sugar beet work in Arizona were covered by the wage determination applicable to states other than California.

At the public hearing a representative of the producers' association reported that producers in a majority of their districts were in favor of the elimination of specific piecework rates but recommended that there be no provision for a minimum hourly guarantee of earnings to workers employed on a piecework rate basis. One of the reasons advanced to support this position was that without a minimum hourly guarantee of earnings, producers could offer employment to physically handicapped workers at rates consistent with their productive ability. It was further suggested, as an alternative, that piecework rates be provided in the determination with the provision that if the stipulated piecework rates were not satisfactory the producer and worker could agree on mutually satisfactory rates. While consideration has been given to both proposals neither has been adopted in full. It is believed the absence of a minimum guarantee of earnings in cases where minimum piecework rates are not specified would deny to workers the protection of the wage provisions of the act.

Under the 1950 wage determination workers should continue to earn through the incentive piecework method of payment higher average earnings for the time involved than time basis workers. In addition, the provision for agreed upon piecework rates permits the producer and the laborer to take into consideration the wide variations of field and soil conditions as well as the differences in methods of planting, cultivating, and harvesting.

Although in Imperial County and southwestern Arizona agricultural workers were reported to be recruited for work on diversified crops at hourly rates lower than those provided in the determination, there appears to be no basis for providing a wage differential for sugar beet workers in these regions. An examination of the factors customarily considered in wage determinations for the sugar beet area indicates that it is fair and reasonable to continue the rates of the 1949 wage determination for the 1950 crop. In addition to the basic rates provided, laborers must be furnished the customary perquisites such as a house, garden, and similar items.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C., Sup. 1131, 1153)

Issued this 4th day of January 1950.

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

[F. R. Doc. 50-153; Filed, Jan. 6, 1950; 8:55 a. m.]

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

[Orange Reg. 177]

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

LIMITATION OF SHIPMENTS

§ 933.465 *Orange Regulation 177*—(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 January 9, 1950. 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 January 9, 1950; the recommendation and supporting information for continued regulation subsequent to January 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 3; 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., January 9, 1950, and ending at 12:01 a. m., e. s. t., January 23, 1950, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 1 Russet, U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

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

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size (*a*) smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box, or (*b*) larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., January 9, 1950, and ending at 12:01 a. m., e. s. t., July 31, 1950, no handler shall ship any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192; 14 F. R. 6831).

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

Done at Washington, D. C., this 5th day of January 1950.

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

[F. R. Doc. 50-166; Filed, Jan. 6, 1950; 8:49 a. m.]

[Tangerine Reg. 90]

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

LIMITATION OF SHIPMENTS

§ 933.466 *Tangerine Regulation 90*—(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 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 January 9, 1950. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 31, 1949, and will so continue until January 9, 1950; the recommendation and supporting information for continued regulation subsequent to January 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 3; 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 tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 9, 1950, and ending at 12:01 a. m., e. s. t., January 16, 1950, 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 176 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," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2" and "standard pack" shall have the same meaning as when used 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 5th day of January 1950.

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

[F. R. Doc. 50-167; Filed, Jan. 6, 1950; 8:49 a. m.]

[Orange Reg. 309]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.455 *Orange Regulation 309*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR, Part 966; 14 F. R. 3614), 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 (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended 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 act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 5, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State or California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 8, 1950, and ending at 12:01 a. m., P. s. t., January 15, 1950, 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: 505 carloads;

(*b*) Prorate District No. 2: 325 carloads;

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

(2) The prorate base of each handler who has made application therefor, as provided in the said amended 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," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 966; 14 F. R. 3614)

Done at Washington, D. C., this 6th day of January 1950.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Jan. 8, 1950, to 12:01 a. m. Jan. 15, 1950]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.3337
A. F. G. Porterville	2.2596
Ivanhoe Cooperative Association	.6753
Dofflemyer & Son, W. Todd	.5492
Earlibest Orange Association	1.6452
Elderwood Citrus Association	.9652
Exeter Citrus Association	2.9843
Exeter Orange Growers Association	1.4427
Exeter Orchards Association	1.2951
Hillside Packing Association	1.0758
Ivanhoe Mutual Orange Association	1.2373
Klink Citrus Association	4.5943
Lemon Cove Association	1.7180
Lindsay Citrus Growers Association	2.5204
Lindsay Cooperative Citrus Association	1.7170
Lindsay Fruit Association	1.8604
Lindsay Orange Growers Association	1.0846
Naranjo Packing House Co	.9788
Orange Cove Citrus Association	3.2587
Orange Cove Orange Growers Association	2.0460
Orange Packing Co	1.1688
Orosi Foothill Citrus Association	1.3992
Paloma Citrus Fruit Association	1.0254
Rocky Hills Citrus Association	.8260
Sanger Citrus Association	3.8065
Sequoia Citrus Association	1.1675
Stark Packing Corp	1.8744
Visalia Citrus Association	1.6938
Waddell & Sons	1.8753
Butte County Citrus Association, Inc	.7325
Mills Orchards Co., James	1.0129
Orland Orange Growers Association, Inc	.6852
Andrews Bros., of Calif	.0000
Baird-Neece Corp	1.5336
Beattie Association, D. A	.6493

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Grand View Heights Citrus Association	2.3874
Magnolia Citrus Association	2.1347
Porterville Citrus Association, The	1.2306
Richgrove Jasmine Citrus Association	1.5607
Sandilands Fruit Co	1.1409
Strathmore Cooperative Association	1.3748
Strathmore District Orange Association	1.6050
Strathmore Fruit Growers Association	1.0297
Strathmore Packing House Co	1.9003
Sunflower Packing Association	1.9518
Sunland Packing House Co	2.5863
Terra Bella Citrus Association	1.3779
Tule River Citrus Association	1.2303
Kroelis Packing Co	1.8323
La Verne Cooperative Citrus Association	.0433
Lindsay Mutual Groves	1.4522
Martin Ranch	1.4469
Webb Packing Co., Inc	.4787
Woodlake Packing House	2.5962
Abrahamian, M	.0073
Anderson Packing Co	.8730
Associated Growers Cooperative	.5850
Babcock, Herman V	.0025
Baker Bros	.1002
Bambauer, S. F	.0033
Batkins, Jr., Fred A	.0451
Bennett, Earl W	.0060
Beyer, L. T	.0030
Bishop, Lester	.0006
Buller, Herman	.0037
California Citrus Groves, Inc., Ltd	2.3512
Chess Co., Meyer W	.1132
Codromac, Edward F	.0043
Crispi, Frances	.0030
Currier, Walter	.0036
Darby, Fred J	.0303
Digitale, P. F	.0036
Dubendorf, John	.2722
Edison Groves, Co	.0000
Field, W. D	.0096
Furr, N. C	.3580
Ghianda Ranch	.0948
Goodale Ranch	.0302
Harar, John	.0037
Harding & Leggett	1.7361
Hipp, Joseph	.0025
Kim, Chas	.0810
Kraemer, George T	.0024
Lo Bue Bros	1.2180
Maas, W. A	.0363
Marks, W. & M	.5491
Marvin Roberts, Estate	.0036
Massae, J. A	.0037
McCarthy, Bernard C	.0024
McCleary, Jones E	.0060
Moore Packing Co., Myron	.0726
Nation, W. H	.0049
Neilson, F. H	.0105
Nicholas, Richard	.0045
Nickel, R. B	.0063
Olive Groves, Inc	.0121
Randle, H. H	.0007
Randolph Marketing Co., Inc	2.1348
Reimers, Don H	.3305
Richardson, W. A	.0242
Roberts, Ralph M	.0121
Rocha, A. C	.0027
Rooke Packing Co., B. G	2.2674
Sechrist, Calvin C	.0109
Sherman, A. W	.0096
Shong, Samuel C	.0449
Simmons, A. E	.0048
Sivesind, Carl G	.0060
Swenson, L. W	.1148
Todd, C. W	.0145
Toy, Chin	.0439
Travis, J. A	.0232

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Vincent, Walter H	0.0290
Wilbur, G. O	.0048
Woodlake Heights Packing Corp	.5439
Zaninovich Bro., Inc	.6659
Prorate District No. 2	
Total	100.0000
A. F. G. Alta Loma	.5816
A. F. G. Corona	.0859
A. F. G. Fullerton	.0269
A. F. G. Orange	.0329
A. F. G. Riverside	.7225
A. F. G. Santa Paula	.0428
Hazeltine Packing Co	.1335
Placentia Pioneer Valencia Growers Association	.0680
Signal Fruit Association	.9854
Azusa Citrus Association	1.0928
Damerel-Allison Co	.9361
Glendora Mutual Orange Association	.4645
Puente Mutual Orange Association	.0530
Valencia Heights Orchards Association	.1987
Covina Citrus Association	1.2698
Covina Orange Growers Association	.5233
Glendora Citrus Association	.8768
Glendora Heights Orange and Lemon Growers Association	.0804
Gold Buckle Association	3.6206
La Verne Orange Association	4.8082
Anaheim Citrus Fruit Association	.0579
Anaheim Valencia Orange Association	.0153
Eadington Fruit Co., Inc	.4624
Fullerton Mutual Orange Association	.2158
La Habra Citrus Association	.0948
Orange County Valencia Association	.0135
Orangethorpe Citrus Association	.0194
Placentia Cooperative Orange Association	.0200
Yorba Linda Citrus Association, The	.0112
Escondido Orange Association	.4358
Alta Loma Heights Citrus Association	.3155
Citrus Fruit Growers	1.0583
Cucamonga Citrus Association	.3842
Etiwanda Citrus Fruit Association	.1961
Mountain View Fruit Association	.1159
Old Baldy Citrus Association	.3671
Rialto Heights Orange Growers	.4980
Upland Citrus Association	2.3000
Upland Heights Orange Association	1.1492
Consolidated Orange Growers	.0242
Frances Citrus Association	.0033
Garden Grove Citrus Association	.0300
Goldenwest Citrus Association, The	.0951
Olive Heights Citrus Association	.0415
Santa Ana-Tustin Mutual Citrus Association	.0127
Santiago Orange Growers Association	.1261
Tustin Hills Citrus Association	.0207
Villa Park Orchards Association, The	.0229
Bradford Bros	.2247
Placentia Mutual Orange Association	.1828
Placentia Orange Growers Association	.1213
Yorba Orange Growers Association	.0376
Call Ranch	.4534
Corona Citrus Association	.8464
Jameson Co	.2953
Orange Heights Orange Association	1.5561
Crafton Orange Growers Association	1.5631
East Highlands Citrus Association	.4405
Fontana Citrus Association	.5113
Redlands Heights Groves	.8451

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orangedale Association	1.1059
Break & Son, Allen	.2431
Bryn Mawr Fruit Growers Association	1.0469
Mission Citrus Association	.9350
Redlands Cooperative Fruit Association	1.7548
Redlands Orange Growers Association	1.1134
Redlands Select Groves	.4438
Rialto Citrus Association	.5539
Rialto Orange Co	.3783
Southern Citrus Association	1.0405
United Citrus Growers	.6388
Zilen Citrus Co	.6694
Andrews Bros. of California	.3022
Arlington Heights Citrus Co	.9728
Brown Estate, L. V. W	1.7514
Gavilan Citrus Association	1.6401
Highgrove Fruit Association	.7625
Krinard Packing Co	1.8636
McDermont Fruit Co	1.7841
Monte Vista Citrus Association	1.4213
National Orange Co	.9511
Riverside Heights Orange Growers Association	1.2086
Sierra Vista Packing Association	.8983
Victoria Avenue Citrus Association	2.8019
Claremont Citrus Association	.9422
College Heights Orange & Lemon Association	1.7476
Indian Hill Citrus Association	1.0951
Walnut Fruit Growers Association	.4570
West Ontario Citrus Association	1.2972
El Cajon Valley Citrus Association	.2288
Escondido Cooperative Citrus Association	.0731
San Dimas Orange Growers Association	1.0884
Ball & Tweedy Association	.1148
Canoga Citrus Association	.0764
Covina Citrus Association	.1647
North Whittier Heights Citrus Association	.1414
San Fernando Fruit Growers Association	.3931
San Fernando Heights Orange Association	.2237
Sierra Madre-Lamanda Citrus Association	.2622
Camarillo Citrus Association	.0088
Fillmore Citrus Association	.9678
Ojai Orange Association	.8086
Piru Citrus Association	.7739
Rancho Sespe	.0016
Santa Paula Orange Association	.1222
Tapo Citrus Association	.0076
Ventura County Citrus Association	.0240
East Whittier Citrus Association	.0062
Whittier Citrus Association	.0786
Whittier Select Citrus Association	.0283
Anaheim Cooperative Orange Association	.0383
Bryn Mawr Mutual Lemon Association	.5214
Chula Vista Mutual Orange Association	.0918
Euclid Avenue Orange Association	2.8190
Foothill Citrus Union, Inc	.2207
Fullerton Cooperative Orange Association	.0107
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.3284
Highland Mutual Groves, Inc	.8515
Index Mutual Groves, Inc	.0040
La Verne Cooperative Citrus Association	3.2679
Mentone Heights Association	.5994
Olive Hillside Groves	.0063
Orange Cooperative Citrus Association	.0296

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Foothill Groves	2.6880
Redlands Mutual Orange Association	1.0913
Ventura County Orange & Lemon Association	.2019
Whittier Mutual Orange & Lemon Association	.0201
Babijuice Corp of California	.3377
Borden Fruit Co	.0308
Cherokee Citrus Co., Inc	1.2253
Chess Company, Meyer W	.3334
Dunning Ranch	.1363
Evans Bros. Packing Co	1.3436
Gold Banner Association	2.1223
Gran da Packing House Co	2.2899
Hill, Fred A., Packing House	.7831
Orange Belt Fruit Distributors	1.9488
Panno Fruit Co., Carlo	.1133
Paramount Citrus Association	.0839
Placentia Orchard Co	.0607
Riverside Citrus Association	.3213
San Antonio Orchard Co	1.3167
Snyder & Sons Co., W. A	.5058
Stephens, T. F	.1144
Torn Ranch	.0463
Wall, E. T. Growers-Shippers	1.7886
Western Fruit Growers, Inc	3.6033

[F. R. Doc. 50-228; Filed, Jan. 6, 1950; 11:29 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 45-1]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

EXTENSION OF COMPLIANCE DATE FOR FREQUENT OR REGULAR INTRASTATE OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1949.

On October 4, 1949, the Board adopted an amendment of Part 45 which in general terms provided that commercial operators carrying passengers on a common carrier basis between points within a State in excess of an established frequency or regularity would have to comply with the same safety standards applicable to interstate operators of comparable regularity or frequency. The date established for full compliance with the amended requirements for operators entitled to "grandfather rights" under the provisions of the Part was January 1, 1950.

At the time the amendment was promulgated the number of operators involved and the scope of the compliance problem was not fully known. Since that time many of the operators affected by the rule have expressed their desire to comply with the safety standards so established, but have indicated that the time allowed for compliance is insufficient for the obtaining of the necessary communications equipment and the establishment of an appropriate ground organization. The Administrator has also advised us that, in view of the number of operators involved, his staff would not be able to complete the certification process by the established date. It has, therefore, been recommended that the

Board extend the date for compliance to April 1, 1950, for operators entitled to "grandfather rights," in order to avoid suspension of operations through circumstances over which the operators have little control.

The same considerations do not apply to persons who are newly entering into the business, and it is not intended to extend the established compliance date for such persons.

We have also been advised that there is no significant number of commercial operators subject to the provisions of Part 45 engaged in carrying passengers in small aircraft on a common carrier basis between two points within a State with the established regularity or frequency. It has therefore been suggested that we confine the operating requirement of § 45.4 (b) for meeting the standards of Part 61 to operations in aircraft of 12,500 pounds or more maximum certificated take-off weight. The amendment so provides.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 45 of the Civil Air Regulations (14 F. R. 4276, as amended by 14 F. R. 6145) effective January 1, 1950:

1. By amending § 45.2 to read as follows:

§ 45.2 *Certificate required.* (a) No person subject to the provisions of this part shall, except as provided below, engage in air commerce using aircraft of 12,500 pounds or more maximum certificated take-off weight until he has obtained from the Administrator a commercial operator certificate.

(1) Any such person whose operations are subject to the safety standards of Parts 40 and 61 of this chapter in accordance with the provisions of §§ 45.3 and 45.4 (b) may engage in operations subject to the provisions of this part without a commercial operator certificate or compliance with the requirements of § 45.4 (b) until such time as the Administrator shall pass on his application for such certificate, but in no case later than April 1, 1950, if (i) he was engaged in such operations on March 23, 1949, and (ii) either had an air carrier operating certificate issued under Part 42, of this chapter, or had made application, no later than June 1, 1949, for a commercial operator certificate issued under this part.

(2) No person holding an air carrier operating certificate shall be required to obtain or be eligible for any commercial operator certificate unless he holds only an air carrier operating certificate issued pursuant to Part 42 of this chapter and carries or intends to carry passengers for compensation or hire as a common carrier between any two points within a State with the frequency set forth in § 45.3 (a).

2. By amending § 45.4 (b) to read as follows:

§ 45.4 *Operating rules.* • • •

(b) Persons subject to the provisions of this part who conduct common carrier operations subject hereto in aircraft of 12,500 pounds or more maximum certificated take-off weight carrying passengers between points entirely within a State with the frequency described in § 45.3 (a) shall, in the conduct of all passenger operations between such points, comply with the requirements of Part 61 of this chapter, as heretofore or hereafter amended, except §§ 61.1 and 61.2 of this chapter, or with such other operating requirements as the Administrator finds will provide an appropriate level of safety for the operation.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 607, 52 Stat. 1007, 1111, 62 Stat. 1216; 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-139; Filed, Jan. 6, 1950; 8:51 a. m.]

[Regs., Serial No. SR-341]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

LONG-DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1949.

Special Civil Air Regulation SR-331 expires December 31, 1949. This regulation provides special operating rules for flights of scheduled air carrier aircraft at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. in long-distance operations.

At the time SR-331 was adopted by the Board, it was intended that within the 6 months following such adoption appropriate revisions of Parts 40 and 61 would be promulgated which would be appropriate for the regulation of flights of scheduled air carrier aircraft at the aforementioned altitudes. However, although revision of Parts 40 and 61 is a project on which the Board's Bureau of Safety Regulation has been actively engaged during the past several months, the projected revision has not been completed. It is therefore deemed advisable to extend the effective date of SR-331 until July 1, 1950, or until such earlier date as the projected revision may become effective.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective January 1, 1950, to read as follows:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of § 60.45 *Right-side traffic,* § 61.252 *Deviation from route,* or any sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of § 60.43 *Air Traffic clearance,* § 60.21 *Adherence to air traffic clearances,* § 60.47 *Radio communications,* and § 61.171 (c) *Weather reports,* except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in these operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operation.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided,* That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-331, and shall terminate June 30, 1950, unless sooner superseded or rescinded.

(Secs. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-140; Filed, Jan. 6, 1950; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the altered volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment and establishment of civil airways between such points; (2) the realignment and establishment of the civil airways referred to in (1) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act

would be impracticable and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Green Civil Airway No. 5; Amber Civil Airway No. 7; Red Civil Airways Nos. 19, 20, 29, 37, 45 and 77; Blue Civil Airway No. 56

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is corrected to change "Brandywine, Md." to read "Andrews, Md." and "Jack's Creek, Tenn." to read "Jackson, Tenn.".

2. Section 600.107 is amended to read:

§ 600.107 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* From the Key West, Fla., radio range station via the intersection of the northeast course of the Key West, Fla., radio range and the southwest course of the Homestead, Fla., radio range; Homestead, Fla., radio range station; Miami, Fla., radio range station; the intersection of the east course of the Miami, Fla., radio range and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station; the intersection of the north course of the West Palm Beach, Fla., radio range and the southeast course of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the southeast course of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the northeast course of the Florence, S. C., radio range and the south course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the north course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Philadelphia, Pa., radio range, excluding that portion more than 3 miles east of the southwest course of the Washington, D. C., radio range between the Doncaster, Md., fan marker and the intersection of the southwest course of the Washington, D. C., radio range and the northwest course of the Tappahannock, Va., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (LaGuardia), radio range; Hartford, Conn., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the northeast course of the Boston, Mass., radio range and the southwest course of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the northeast course of the Augusta, Maine, radio range and the southwest course of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the northwest course of the Bangor, Maine, radio range and the southwest course of the Millinocket, Maine, radio range; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine.

3. Section 600.219 is amended to read:

§ 600.219 *Red civil airway No. 19 (Grand Rapids, Mich., to Norfolk, Va.).* From the Grand Rapids, Mich., radio range station via the intersection of the southwest course of the Grand Rapids, Mich., radio range and the north course of the Goshen, Ind., radio range to the Goshen, Ind., radio range station. From the intersection of the east course of the Goshen, Ind., radio range and the northwest course of the Fort Wayne, Ind., radio range via the Fort Wayne, Ind., radio range station to the Dayton, Ohio, radio range station. From the intersection of the west course of the Pittsburgh, Pa., radio range and the northwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the southeast course of the Morgantown, W. Va., radio range and the west course of the Front Royal, Va., radio range. From the intersection of the north course of the Richmond, Va., radio range and the northwest course of the Tappahannock, Va., radio range via the Tappahannock, Va., radio range station to the intersection of the southeast course of the Tappahannock, Va., radio range and the northwest course of the Langley, Va., radio range, excluding those portions more than two miles either side of the northwest course of the Tappahannock, Va., radio range and more than 3 miles on the east side of the north course of the Langley, Va., radio range.

4. Section 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.)* is amended to delete the phrase: "excluding that portion which lies more than 3 miles north of the southeast course of the Washington, D. C., radio range between the intersection of the southeast course of the Washington, D. C., radio range and the south course of the Baltimore, Md., radio range and Red civil airway No. 77."

5. Section 600.229 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.)* is corrected to change "Brandywine, Md." to read "Andrews, Md."

6. Section 600.237 is amended to read:

§ 600.237 *Red civil airway No. 37 (Dallas, Tex., to Gordonsville, Va.).* From the intersection of the northwest course of the Tyler, Tex., radio range and the east course of the Dallas, Tex., radio range via the Tyler, Tex., radio range station to the intersection of the northeast course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Roanoke, Va., radio range station via the Lynchburg, Va., radio range station to the Gordonsville, Va., radio range station.

7. Section 600.245 is amended to read:

§ 600.245 *Red civil airway No. 45 (Blackstone, Va., to Allentown, Pa.).* From the Blackstone, Va., radio range station via the Manakin, Va., nondirectional radio beacon; the intersection of the south course of the Quantico, Va. (Navy), radio range and the southwest course of the Washington, D. C., radio range; Quantico, Va. (Navy), radio range station to the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range, excluding that portion which lies more than 2 miles west of the north course of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range. From the Washington, D. C., radio range station via a point located at 39°01′ North Latitude and 76°33′30″ West Longitude; the Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range.

8. Section 600.277 is amended to read:

§ 600.277 *Red civil airway No. 77 (Richmond, Va., to Millville, N. J.).* From the Richmond, Va., radio range station via the Tappahannock, Va., radio range station to the Millville, N. J., radio range station, excluding that portion below 6,000 feet which lies over danger areas.

9. Section 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.)* is corrected to change "Brandywine, Md." to read "Andrews, Md.".

This amendment shall become effective 0001 e. s. t., January 20, 1950.

(Secs. 205 (a), 308, 52 Stat. 984, 986; 49 U. S. C. 425 (a), 458; Reorg. Plan No. IV of 1940, 3 CFR Cum. Supp., 5 F. R. 2421. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended, 62 Stat. 1216; 49 U. S. C. 451, 452, 457)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-144; Filed, Jan. 6, 1950; 8:53 a. m.]

[Amdt. 28]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the altered volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation and establishment of control areas, control zones, and reporting points between such locations; (2) the redesignation and establishment of control areas and control zones referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas: Red Civil Airways Nos. 19, 37 and 45. Redesignation of Control Zone. Designation and Redesignation of Reporting Points: Green Civil Airway No. 5; Red Civil Airways Nos. 19, 20, 37 and 45

1. Section 601.219 is amended by changing caption to read: "*Red civil airway No. 19 control areas (Grand Rapids, Mich., to Norfolk, Va.).*"

2. Section 601.237 is amended by changing caption to read: "*Red civil airway No. 37 control areas (Dallas, Tex., to Gordonsville, Va.).*"

3. Section 601.245 is amended by changing caption to read: "*Red civil airway No. 45 control areas (Blackstone, Va., to Allentown, Pa.).*"

4. Section 601.2022 is amended to read:

§ 601.2022 *Washington, D. C. control zone.* Within a 5 mile radius of the Washington National Airport (excluding the portion overlapping the Washington Airspace Reservation) and extending to include the segment of a circle 15 miles in radius centered on the Washington National Airport bounded on the west by a line 2 miles west of the southwest course of the Washington radio range and on the east by a line 2 miles east of the ILS localizer course.

5. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is corrected to change "Brandywine, Md." to read "Andrews, Md."

6. Section 601.4219 is amended by changing caption to read: "*Red civil airway No. 19 (Grand Rapids, Mich., to Norfolk, Va.).*"

7. Section 601.4220 is amended to read:

§ 601.4220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; the intersection of the northwest course of the Washington, D. C., radio range and the east course of the Martinsburg, W. Va., radio range; the intersection of the southeast course of the Washington, D. C., radio range and the northeast course of the Patuxent River, Md. (Navy), radio range.

8. Section 601.4237 is amended by changing caption to read: "*Red civil airway No. 37 (Dallas, Tex., to Gordonsville, Va.).*"

9. Section 601.4245 is amended by changing caption to read: "*Red civil airway No. 45 (Blackstone, Va., to Allentown, Pa.).*"

This amendment shall become effective 0001 e. s. t., January 20, 1950.

(Sec. 205 (a), 308, 52 Stat. 984, 986; 49 U. S. C. 425 (a), 458; Reorg. Plan No. IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2421. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended, 62 Stat. 1216; 49 U. S. C. 451, 452, 457)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-145; Filed, Jan. 6, 1950; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52377]

PART 22—DRAWBACK

ALLOWANCE AND PROCEDURE

1. Section 22.4 (p), Customs Regulations of 1943 (19 CFR 22.4 (p)), as amended, is hereby further amended as follows:

(p) When a rate of drawback provides that the drawback allowance shall be determined on the basis of a sworn schedule filed by the manufacturer or producer showing the quantity of imported material used or appearing in each unit of finished articles, and the rate authorizes the filing of supplemental sworn schedules showing changes in the quantity of imported materials used or appearing in each unit, or different styles or capacities of containers, such supplemental sworn schedules shall be filed with the collector or deputy collector of customs. After the supplemental schedule has been verified by an investigating officer and approved by the collector, drawback may be allowed on the articles covered thereby which were exported on and after the date on which the schedule was filed with the collector or deputy collector. No drawback shall be allowed on articles exported prior to such date unless specifically authorized by the Bureau.

2. Section 22.4 (q), Customs Regulations of 1943 (19 CFR 22.4 (q)), is hereby amended to read as follows:

(q) In cases where the drawback allowance is determined on a quantity-used or appearing-in basis, collectors of customs may request, for the information of liquidating officers in addition to the information required to be filed with the drawback entry, a supplemental advisory sworn schedule showing the quantity of imported merchandise used or appearing in each unit of finished articles. Such schedules shall be filed with the collector or deputy collector of customs, and after verification thereof by an investigating officer, may be approved by the collector. As an advisory schedule is not used as a basis for liquidation, drawback may be allowed without specific Bureau authorization on articles covered by a supplemental advisory sworn schedule which are exported prior to the date on which such document was filed with the collector, but not until such schedule has been verified by an investigating officer and approved by the collector.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

3. Section 22.27, Customs Regulations of 1943 (19 CFR 22.27), as amended, is hereby further amended by redesignating paragraphs (b), (c), (d), and (e), as (c), (d), (e), and (f) respectively, and by inserting a new paragraph (b) reading as follows:

(b) The sworn statement of the manufacturer shall set forth the quantity of domestic tax-paid alcohol contained in each of the various products covered thereby.

4. In § 22.27, paragraph redesignated (f) is amended to read as follows:

(f) In cases where the percentage of alcohol contained in a medicinal preparation, flavoring extract, or toilet preparation varies from the quantity of alcohol shown by a previously approved sworn statement or schedule to be contained in the said exported product in an amount equal to more than 5 percent of the total volume of the product, the procedure set forth in § 22.4 (o) applicable to the amendment of rates of drawback to cover additional articles shall be followed. Changes of 5 percent, or less, of the volume of the product shall be reported to the collector of customs at the port where the drawback entries are liquidated, which officer may allow drawback on such articles without specific Bureau authorization.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: December 27, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-154; Filed, Jan. 6, 1950; 8:55 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5768]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

SIMPLIFICATION AND STANDARDIZATION OF RECORDS

1. On September 21, 1949, notice of proposed rule making regarding the warehousing of distilled spirits, was published in the FEDERAL REGISTER (14 F. R. 5763).

2. After consideration of all such relavant matter as was presented by interested persons regarding the proposal, Regulations 10 (26 CFR, Part 185) approved May 20, 1940, relating to the warehousing of distilled spirits, is amended, as follows, by (a) adding § 185.157a, (b) amending §§ 185.157, 185.423, 185.425, 185.426, 185.427, 185.428, 185.429, 185.430, 185.466, 185.467, 185.468, 185.470, and 185.471 and (c) revoking § 185.465.

§ 185.157 *Forms 1513 and 1621.* The storekeeper-gauger in charge of an internal revenue bonded warehouse shall enter all spirits deposited in the warehouse, including blended brandies returned from the brandy-blending department, on his monthly bonded warehouse return, Form 1513, and shall make appropriate entries in his summary of deposits and withdrawals, Form 1621, as provided in §§ 185.466 to 185.473.

(Secs. 2801 (e) (5), 2915, 3176, I. R. C.)

§ 185.157a *Date of receipt in warehouse to be shown on withdrawal applications for permit.* At the time of submitting to the storekeeper-gauger an application prepared pursuant to the provisions of §§ 185.240, 185.274, 185.278, 185.289, 185.292, 185.294, 185.295, 185.317, 185.338, 185.351, 185.359, 185.367, 185.378, 185.413, 185.435, 185.443, 185.448, 185.454, 185.500, 185.509, and 185.516 for the gauge, regauge, or withdrawal of distilled spirits, the proprietor of the internal revenue bonded warehouse shall show on the form, in addition to the other information required by the form or by regulations, the date the spirits were received in the warehouse. When the warehouseman desires to make shipment of distilled spirits in bond and furnishes the storekeeper-gauger a copy of the Form 236 covering such transfer he shall furnish in writing to the storekeeper-gauger information showing the number of packages or cases, the serial numbers of the containers, the date of original entry for deposit and the date the distilled spirits were received in the warehouse. When the warehouseman submits permit on Form 1508, covering the withdrawal of distilled spirits for the use of the United States, he shall show on the form the date the spirits were received in the warehouse.

(Secs. 2801 (e) (5), 2882, 2883, 2885, 2886, 2891, 2903, 2904, 2910, 2915, 3031 (a), 3033, 3037, 3070, 3171, and 3176, I. R. C., and section 309 (a) of the Tariff Act of 1930, as amended)

§ 185.423 *Permit, Form 1508.* Upon receipt of the application, permit on Form 1508, in quintuplicate, will be issued by the Commissioner and the original and three copies will be forwarded to the Government official by whom the application was signed, who in turn shall detach a copy and forward the original and the two remaining copies to the contractor or warehouseman to whom the spirits are to be delivered for shipment to the designated Government official. Upon approval of the bond, Form 544, pursuant to the provisions of § 185.424, the warehouseman shall furnish the original and the two copies of the Form 1508 to the storekeeper-gauger at the warehouse.

(Secs. 3176, 3331, I. R. C.)

§ 185.425 *Form 1520.* If the spirits to be withdrawn are in packages, the warehouseman shall present the original and the two copies of the permit, Form 1508, to the storekeeper-gauger, who shall regauge the spirits and prepare report thereof on Form 1520, in quadruplicate, except that an extra copy will be prepared if the regauge discloses excess loss from any package.

(Secs. 3176, 3331, I. R. C.)

§ 185.426 *Form 1519.* If the spirits to be withdrawn were previously bottled in bond, the warehouseman shall present the original and the two copies of the permit, Form 1508, to the storekeeper-gauger, together with an application on Form 1519, in quintuplicate, modified to indicate the type of withdrawal, executed by the principal on the bond given on Form 544, for withdrawal of the spirits. The storekeeper-gauger shall inspect the cases and, if any appears to have sustained a loss, the contents shall be examined and the quantity ascertained to have been lost from each case shall be noted on each copy of Form 1519.

(Secs. 3176, 3331, I. R. C.)

§ 185.427 *Taxable loss.* Where the regauge of packages discloses an excess or taxable loss or the examination of cases discloses any taxable loss therefrom, the storekeeper-gauger shall return all copies of the Form 1508, accompanied by four copies of Form 1520 or Form 1519, to the warehouseman, who shall forward the Forms 1508 and Forms 1520 or Forms 1519 to the collector with remittance of the tax due on the excess loss from packages or the entire taxable loss from cases. The collector shall execute his certificate of payment of tax on the deficiency on all copies of the Form 1508, note such payment on each copy of Form 1520 or Form 1519, retain one copy of Form 1520 or Form 1519 and forward all copies of the Form 1508 and three copies of Form 1520 or Form 1519 to the district supervisor.

(Secs. 2901 (a), 3176, 3331, I. R. C.)

§ 185.428 *Non-taxable loss.* Where the regauge of packages or the examination of cases discloses no loss subject to tax the storekeeper-gauger shall forward the original and two copies of the permit, Form 1508, and one copy of Form 1520, or Form 1519, as the case may be, direct to the district supervisor.

(Secs. 2901 (a), 3176, 3331, I. R. C.)

§ 185.429 *Supervisor's order to deliver spirits.* If the bond has been approved the district supervisor, upon receipt of the original and two copies of the permit, Form 1508, and the copy of Form 1520 or Form 1519 from the storekeeper-gauger or the original and two copies of the permit, Form 1508, and the copies of Form 1520 or Form 1519 from the collector, as the case may be, shall execute his order on each copy of the Form 1508 directing the storekeeper-gauger to deliver the spirits to the person named in the order and forward all copies of the Form 1508 and Form 1520, or Form 1519, as the case may be, to the storekeeper-gauger.

(Secs. 3176, 3331, I. R. C.)

§ 185.430 *Delivery of spirits.* Upon receipt of the original and two copies of the Form 1508 and the copy or copies of Form 1520 or Form 1519 by the storekeeper-gauger, the spirits shall be delivered as provided in the order of the district supervisor, after the containers have been properly marked. Each package shall be marked in accordance with the provisions of the Gauging Manual (26 CFR, Part 186), and each case shall have stenciled thereon the words "Use of U. S.," followed by the date of withdrawal. There shall also be plainly marked on each package or case, by means of a stencil or securely affixed label, the name, title, and address of the Government official to whom the spirits are to be consigned. When delivery of the spirits has been made, the storekeeper-gauger shall note over his signature on each copy of the Form 1508, in the space provided therefor, the name of the person to whom the spirits were delivered, and the date of delivery, and will retain one copy of the Form 1508 together with one copy of Form 1520, or Form 1519, deliver one copy of each to the warehouseman, forward one copy of the Form 1520 or Form 1519 to the Government official to whom the spirits are to be delivered at destination, and forward the original of the permit, Form 1508, with Form 1520 or 1519 attached, to the district supervisor. Where the regauge of packages or the examination of cases disclosed taxable loss the storekeeper-gauger shall note on the extra copy of Form 1520 or Form 1519 the payment of tax on such loss, as shown by the collector's certificate on Form 1508. Where the examination of cases disclosed no loss of spirits, the storekeeper-gauger shall destroy the extra copy of Form 1519. If the bond was given by a person other than the warehouseman a copy of Form 1520 or Form 1519 may be prepared and furnished to such person.

(Secs. 3176, 3331, I. R. C.)

§ 185.466 *Summary of deposits and withdrawals, Form 1621.* The storekeeper-gauger in charge of each internal revenue bonded warehouse shall keep a summary on Form 1621 of the spirits entered into, withdrawn from and remaining in warehouse. Entries shall be made as indicated by the headings of the columns and lines on the form and in accordance with instructions issued by the Commissioner. Daily entries need not be made in the column "Balance in Ware-

house," but the account shall be balanced and posted monthly, or at the end of each page if transactions are sufficiently numerous to fill more than one page per month. In the case of packages of blended brandies, the registry number of the warehouse where such packages were filled shall be substituted for the registry number of the distillery. The records shall be arranged alphabetically by States (a) numerically by distilleries according to registry number within each State and (b) in case of blended brandies, numerically by internal revenue bonded warehouses according to registry number within each State. Separate sheets shall be used for each kind of spirits (including blended brandies) and for each season's production, and for packages, cases, storage tanks, and packages of blended brandies. A summary account for each producer's goods shall not be maintained. Warehouse summary accounts showing for packages, cases, and storage tanks the total deposits and withdrawals by kind and the total deposits and withdrawals of all kinds of spirits should be maintained. This record shall also be used by storekeeper-gaugers in connection with the preparation of the statement on Form 1513 of spirits remaining in warehouse.

(Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.467 *Files and records covering deposits.* The storekeeper-gauger's copy of all Forms 1520, covering the deposit in warehouse of spirits received from distilleries; Forms 1619 and 1620, covering spirits received from other warehouses; Forms 1520, covering packages filled from storage tanks and retained in the warehouse; Forms 1520, covering packages filled from brandy-blending tanks; and Forms 1620, covering cases of bottled-in-bond spirits returned to the storage portion of the warehouse, shall be filed as permanent records, in bound form, in the office of the storekeeper-gauger. The storekeeper-gauger shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Before filing such forms the storekeeper-gauger shall make appropriate entries covering the receipt of the spirits in his summary of deposits and withdrawals, Form 1621. The Forms 1520 and 1619 shall be filed under the name of the producing distiller (or warehouseman in the case of blended brandies) and arranged in chronological order according to date of deposit, and in sequence by serial numbers of the packages. Form 1620 shall be similarly filed in a separate binder. Separate files shall be maintained for storage tanks and for packages filled from storage tanks and retained in the warehouse and for packages filled from brandy-blending tanks. Where two or more lots of spirits are deposited in the same storage tank the Forms 1520 covering such deposits shall be kept together and identifying notations shall be made on each form showing that they collectively represent the spirits deposited in the tank. When the last deposit is made in a tank, a recapitulation of the deposits will be made on the Form 1520 covering the last deposit, and withdrawals will be noted on such form. The date of deposit of the spirits shall be entered at the bottom of each Form 236, covering spirits received in bond from other premises, at the bottom of each Form 1518 covering spirits bottled in bond and returned to the warehouse, and at the bottom of each Form 1685 covering brandy blended in brandy-blending tanks and returned to the warehouse and such forms shall be filed separately by form number in chronological order.

(Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.468 *Files and records covering withdrawals.* When spirits are to be withdrawn, the storekeeper-gauger shall secure from his files the Forms 1520, 1619, or 1620 covering the deposit of the spirits, including blended brandy returned to the storage portion of the warehouse from the brandy-blending department, and shall transcribe the necessary details therefrom to the appropriate withdrawal forms. Upon withdrawal of spirits, the storekeeper-gauger shall indicate by proper red line blocking on the entry Forms 1520, 1619, or 1620, the packages or cases withdrawn, and the number of packages, the total original tax gallons, and the date and purpose of withdrawal. He shall also make the necessary entries covering the withdrawal on Form 1621, and shall enter the date of withdrawal at the bottom of the retained copies of the withdrawal forms and applications. When, at the time of making the red line blocking on the entry Forms 1520, 1619, or 1620, examination of the form discloses that all the packages or cases in the given lot covered by the form have been removed, the storekeeper-gauger shall compare the totals of the spirits entered for deposit with the totals of the spirits withdrawn for the purpose of determining the existence of any errors in transactions involving items covered by the particular form.

(Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.470 *Withdrawals from storage tanks.* When spirits warehoused in storage tanks are withdrawn therefrom, either for immediate withdrawal from warehouse or for storage in packages in the warehouse, the storekeeper-gauger will secure from his files the Form 1520, covering the deposit of the spirits, and will note in red on such form the date and purpose of the withdrawal, the quantity withdrawn, and the serial numbers and kind of containers filled. The storekeeper-gauger will also make appropriate entries in the summary of deposits and withdrawals, Form 1621, showing the withdrawal of the spirits from the storage tanks. Where the spirits are drawn into packages for storage in the warehouse, the storekeeper-gauger will note such fact on Form 1621, enter the deposit of the packages in Form 1621, and note the date of deposit at the bottom of Form 1520, covering the gauge of the packages. Where the spirits are drawn into packages or tank cars for withdrawal from warehouse, the storekeeper-gauger will note the date of withdrawal at the bottom of the retained copies of the withdrawal forms and applications. When all spirits covered by more than one Form 1520 have been withdrawn from a storage tank, the storekeeper-gauger will file the Forms 1520 representing the individual deposits together in an inactive file under the date of the last deposit in the tank.

(Sec. 3176, I. R. C.)

§ 185.471 *Filing of withdrawal forms and applications.* The copies of the reports of the withdrawal gauge, Form 1520, the reports of removal for transfer in bond, Form 1619 or 1620 or the application for taxpayment and withdrawal of bottled-in-bond spirits, Form 1519, as the case may be, retained by the storekeeper-gauger, shall be filed separately in chronological order, according to the date of withdrawal noted on the bottom of the forms. The storekeeper-gauger's copies of withdrawal applications, Forms 179, 206, 236, 257, 573, 655, 1518, and 1685, and of permit, Form 1508, will be filed separately by form number, in chronological order, in the same manner as the withdrawal forms. The withdrawal reports and applications for each month shall be separated in the file by proper markers and each file shall be appropriately marked to show the kind of forms contained therein and the period covered thereby.

(Secs. 2801 (e) (5), 3176, I. R. C.)

3. These amendments are designed to (1) simplify and standardize the maintenance of records at internal revenue bonded warehouses; (2) to require the date of deposit of spirits in warehouse to be shown on withdrawal applications; (3) to make copies of permits issued for the withdrawal of distilled spirits for use of the United States available for record purposes; and (4) to delete the requirement for marking cases of distilled spirits withdrawn for use of the United States with the name and title of the storekeeper-gauger.

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(26 U. S. C. 2801 (e) (5), 2882, 2883, 2885, 2886, 2891, 2903, 2904, 2910, 2915, 3031 (a), 3033, 3037, 3070, 3170, 3171, 3176)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: December 30, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-155; Filed, Jan. 6, 1950; 8:57 a. m.]

TITLE 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

PART 1402—PROCEDURES OF THE SERVICE

FILING OF NOTICES

Section 1402.1 is hereby amended to read as follows:

§ 1402.1 *Filing of notices under Labor-Management Relations Act, 1947.*

Any party to a collective bargaining contract, subject to the provisions of Title I of the Labor-Management Relations Act, 1947, desiring to comply with the notice requirements of section 8 (d) (3) of that act, should file such notice, in duplicate, with the appropriate regional office, on a form provided for that purpose, except that any party to such a collective bargaining contract relating to services to be performed in Puerto Rico desiring to comply with the notice requirements of section 8 (d) (3) of that act should file such notice in duplicate, with the Office of the Commissioner of Labor of Puerto Rico on a form provided for that purpose. Due filing of such a notice with the Office of the Commissioner of Labor of Puerto Rico, as provided herein, shall be regarded and considered as due filing thereof with the Service. Copies of appropriate forms are obtainable at regional offices of the Service, the Office of the Commissioner of Labor of Puerto Rico and at the offices of international unions and employers' associations. Such forms may be duplicated for use by representatives of employers and unions provided that they are copied in full and without change. It is emphasized that the requirement to notify the Service relates to a notice, filed with it, "within thirty days" after a sixty-day notice to terminate or modify a collective bargaining contract has been served by one party to the contract upon another, provided no agreement has been reached at that time. The "sixty-day notice," referred to in section 8 (d) (3) of the act should not be filed with the Service.

(Sec. 202, 61 Stat. 153; 29 U. S. C., Sup. 172)

Signed at Washington, D. C., this 3d day of January 1950.

C. S. CHING,
Director.

[F. R. Doc. 50-133; Filed, Jan. 6, 1950; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

PART 67—INDIANS AND ESKIMOS

RULES OF PRACTICE FOR HEARINGS UPON POSSESSORY CLAIMS TO LANDS AND WATERS OCCUPIED BY NATIVES OF ALASKA

Section 67.18a (a) is amended to read as follows:

§ 67.18a *Rules of practice for hearings upon possessory claims to lands and waters used and occupied by natives of Alaska.* (a) Petitions of native groups of Alaska concerning possessory claims to lands and waters based upon any of the foregoing statutes or upon use or occupancy maintained from aboriginal times to the present day, but not evidenced by formal patent, deed or Executive order, shall be filed with the Secretary of the Interior on or before December 31, 1950. No petition filed thereafter will be considered by the Department. A copy of any such petition shall be forthwith transmitted to the Commissioner of Indian Affairs and the Director of the Bureau of Land Management for preliminary investigations and reports, and such reports shall be made a part of the record at the hearing.

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 30, 1949.

[F. R. Doc. 50-122; Filed, Jan. 6, 1950; 8:46 a. m.]

[Circular 1745]

PART 75—SALES AND LEASES

TRANSFER TO ALASKA HOUSING AUTHORITY OF LANDS UNDER JURISDICTION OF DEPARTMENT OF THE INTERIOR

Sec.
75.15 Statutory authority.
75.16 Policy.
75.17 Definitions.
75.18 Request by Authority for transfer of property interest.
75.19 Action on request.
75.20 Publication of proposed transfer.
75.21 Use permission pending survey or issuance of patent.
75.22 Special provisions and reservations in instrument of transfer.

AUTHORITY: §§ 75.15 to 75.22 issued under R. S. 453, 2478, 43 U. S. C. 2, 1201; 5 U. S. C. 485.

§ 75.15 *Statutory authority.* Section 6 of the Alaska Housing Act of April 23, 1949 (Public Law 52, 81st Cong.) authorizes any executive department or agency of the Federal Government to sell, transfer, and convey to the Alaska Housing Authority at fair value, as determined by such department or agency, for use under that act, all or any right, title, and interest in any real or personal property under the jurisdiction of such department or agency which it determines to be in excess of its own requirements, notwithstanding any limitations or requirements of law with respect to the use or disposition of such property. The section provides that the authority conferred thereby shall be in addition to and not in derogation of any other powers and authorities of such department or agency.

§ 75.16 *Policy.* The Department of the Interior has been gravely concerned about the critical housing shortage in Alaska, which has been a major obstacle to the proper development of the Territory and to the economic life of its population. The act, which seeks to ameliorate this dire shortage, will be liberally construed to foster the development of the urgently needed housing program.

In order to effectuate the objectives of the act, prompt consideration will be given to all requests filed under the regulations in this part. To facilitate prompt action, the requests should contain complete information and data required by § 75.18.

That lands are withdrawn in aid of a function of the Department of the Interior, or for shore space, will not preclude the disposal of such lands under the act if the lands are found to be in excess of the needs of this Department. However, lands situated in national parks and monuments, fish and wildlife refuges, and Indian lands will not be made available for disposal under the act unless a positive showing is also made of the unavailability of other lands in the general area suitable for the desired purpose. Requests will not be approved until such time as the information and data required by §§ 75.15 to 75.22 are furnished to the Regional Administrator.

Except to the extent previously indicated, the use of lands under the act, if not already appropriated under the public-land laws or actually used by Federal agencies, will be regarded as a higher use than the other uses authorized by the public-land laws.

Requests should be made only in connection with specific housing projects, and may be made before the plans of construction have been completely formulated. However, requests should not be made until the Authority has determined that it will construct a specific project on the lands, the number and type of housing units to be included in the project, and the acreage and area needed for such project.

Where lands are affected by a permit granted to another department or to any agency thereof, the consent of such department or agency to the proposed conveyance is required before a request may be approved.

§ 75.17 *Definitions.* As used in §§ 75.15 to 75.22, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) The "act" means the Alaska Housing Act of April 23, 1949 (Public Law 52, 81st Cong.).

(b) "Authority" means the Alaska Housing Authority.

(c) "Regional Administrator" means the Regional Administrator, Region VII, Bureau of Land Management, Anchorage, Alaska.

(d) "Property interest" means the title to or any other interest in land, including easements and leaseholds.

(e) "Instrument of transfer" includes a patent, deed, lease, or other instrument transferring a property interest.

§ 75.18 *Request by Authority for transfer of property interest.* Each request by the Authority for the transfer to it of a property interest in public lands or other federally owned lands under the jurisdiction of the Department of the Interior in Alaska should be addressed to and filed with the Regional Administrator, should be in duplicate, and should contain the following:

(a) A description of the land, if surveyed, by legal subdivision, specifying section, township and range; unsurveyed lands should be described by metes and bounds with a tie to a corner of the public land surveys if within two miles; otherwise, a tie should be made to some permanent topographic feature and the

approximate latitude and longitude should be given when practicable.

(b) If the application includes unsurveyed lands, a statement that the Authority has plainly indicated on the ground the corners of the land applied for by setting substantial posts or heaping up mounds of stones at each corner.

(c) A statement showing whether there are any hot springs or other springs having waters possessing curative properties upon any legal subdivision of the land requested, if the land is surveyed; and if the land is unsurveyed, whether any portion of the land is within an area of one-quarter of a mile from such spring or springs.

(d) A statement identifying the proposed project, the acreage required, and showing the number and type of housing units to be included therein, and the desirability or suitability of the site for the particular project.

(e) A statement showing the need for the particular land and the property interest therein requested by the Authority.

(f) The date construction of improvements on the land is contemplated.

(g) A statement showing whether any portion of the land is occupied or reserved for any purpose by the United States or occupied or claimed by natives of Alaska, or whether the land is occupied, improved or appropriated by any person claiming the same other than the Authority.

§ 75.19 *Action on request.* Upon receipt of a request from the Authority, the Regional Administrator will ascertain from all interested agencies of the Department of the Interior whether the proposed conveyance would be inconsistent with their needs. He will also cause to be made an examination and appraisal of the lands. He will then determine whether the lands are in excess of the requirements of the Department of the Interior and of any agency thereof. If the Regional Administrator determines that the lands are in excess of the requirements of the Department of the Interior and of any agency thereof, he will so advise the Authority and also advise it as to the fair value of the lands considering the use to which they are to be put, and as to covenants, terms, and conditions under which the requested transfer will be made. Any such conveyance will be made subject to valid existing rights of record, and to those disclosed as a result of posting, publication, or otherwise.

§ 75.20 *Publication of proposed transfer.* The Regional Administrator will require the Authority to publish at its expense, in a newspaper of general circulation in the land district in which the land is situated, a notice stating that a request has been made by the Authority to acquire an interest (describing it) in certain lands (describing them) under the act, for housing purposes, and that the purpose of the notice is to give persons claiming an interest in the lands, or having bona fide objections to the transfer, an opportunity to file with the Regional Administrator within 30 days after the date of the first publication a protest, together with evidence that a copy of the protest has been served on the Authority. If the notice is published in a daily paper, the notice should be published for four consecutive weeks in the Wednesday issue; if a weekly, for four consecutive issues; and if a semi-weekly or tri-weekly, in any of the issues on the same day for four consecutive weeks. The notice will be posted during the entire period of publication in the land office for the district in which the lands are situated. The Regional Administrator will also require the Authority to keep a notice posted on the land throughout the entire period of publication. No transfer will be made until proof of publication and posting of the notice has been filed with the Regional Administrator.

After the Authority has made payment for the lands and complied with all of the requirements made by the Regional Administrator, that officer will so advise the Director, Bureau of Land Management, who will then direct the issuance of the instrument of transfer.

§ 75.21 *Use permission pending survey or issuance of patent.* Where the Regional Administrator has advised the Authority that it has complied with all the requirements imposed on it under §§ 75.15 to 75.22 by the Regional Administrator, he may, upon request, permit the Authority to occupy and use the lands pending the survey thereof, or the issuance of patent.

If unsurveyed public lands are included in a request, patent therefor cannot be issued until the lands have been surveyed. In such cases the Regional Administrator, when he advises the Authority that it may use and occupy the lands pending a survey, will cause a survey to be made as expeditiously as limitations of personnel and available funds permit.

§ 75.22 *Special provisions and reservations in the instrument of transfer.* Each instrument of transfer made under §§ 75.15 to 75.22 inclusive of fee title or lesser estate in the land shall contain:

(a) The covenants, terms, and conditions requested by the Authority, as well as those required for the protection of the Department of the Interior, or any agency thereof.

(b) A reservation to the United States of the oil, gas, and other mineral deposits in the lands, together with the right of the United States, its agents, representatives, lessees or permittees, to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior may prescribe.

(c) Where public lands are involved, a reservation to the United States of fissionable source materials pursuant to the act of August 1, 1946 (60 Stat. 755; 42 U. S. C. sec. 1801), and where non-public lands are involved, pursuant to Executive Order No. 9908 of December 5, 1947 (12 F. R. 8223-4).

MARION CLAWSON,
Director.

Approved: December 30, 1949.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-121; Filed, Jan. 6, 1950; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Docket No. 555]

PART 227—TERMINALS

PRACTICES, ETC., SAN FRANCISCO BAY AREA TERMINALS

The heading for Subchapter B is hereby amended to read as set forth above.

The purpose of this order is to modify the United States Maritime Commission's order of September 11, 1941, in Docket No. 555 to exclude Saturdays in computing the free time period prescribed by such order in Docket No. 555.

All persons subject to this order have signified their acquiescence therein by submitting to the Maritime Commission tariff amendments to exclude Saturdays from free time. Accordingly, the Commission finds that public rule making procedure under section 4 of the Administrative Procedure Act is unnecessary.

Whereas, by its order dated September 11, 1941, in Docket No. 555, the United States Maritime Commission prescribed maximum free time periods which excluded Sundays and holidays from the computation of the free time periods; and

Whereas, conditions have changed since the issuance of said order and Saturday is not now a regular work day at Pacific Coast ports: It is ordered:

§ 227.1 *Free time; San Francisco Bay Area terminals.* (a) The order of the United States Maritime Commission of September 11, 1941, in Docket No. 555 (2 U. S. M. C. 588)[1] is hereby modified to exclude Saturdays in computing the maximum free time periods prescribed in said order.

(b) For good cause found by the Commission, this section shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 17, 39 Stat. 734; 46 U. S. C. 816)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

JANUARY 3, 1950.

[F. R. Doc. 50-177; Filed, Jan. 6, 1950; 8:53 a. m.]

[1] Copies of Docket No. 555, as amended, may be obtained from the Office of the Secretary, United States Maritime Commission, Washington 25, D. C.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 845]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 4th day of January A. D. 1950.

It appearing, that reserve stocks of railroad locomotive fuel coal have decreased; that some such reserves have reached a dangerously low level and are further decreasing; that the supply and movement of cars and trains and "car service" generally is impeded and interrupted by the lack of locomotive fuel coal; that the present production of bituminous coal is insufficient to relieve these conditions and adequately supply such fuel, and the Commission being of the opinion that an emergency exists requiring immediate action in all sections of the country: It is ordered, that:

§ 95.845 *Restrictions on coal-burning passenger service locomotive mileage*—(a) *Reduction in passenger locomotive mileage.* On and after the effective date of this section, any common carrier by railroad operating coal-burning steam locomotives and having 25 or less days supply of fuel coal for such locomotives and not having available a dependable source of supply of coal, shall reduce its coal-burning passenger locomotives miles to an amount of 33⅓% less than it operated such coal-burning passenger locomotives on December 1, 1949.

(b) *Application.* (1) The provisions of this section shall apply to intrastate commerce, as well as interstate and foreign commerce.

(2) The provisions of this section shall apply to coal-burning passenger locomotive operation commencing on and after the effective date hereof.

(c) *Effective date.* This section shall become effective at 11:59 p. m., January 8, 1950.

(d) *Expiration date.* This section shall continue in effect until 11:59 p. m., March 8, 1950, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(e) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

It is further ordered, that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(15))

By the Commission, Division 3.

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

[F. R. Doc. 50-137; Filed, Jan. 6, 1950; 8:50 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-42]

PART 183—HANDLING OF C. O. D. SHIPMENTS

CHANGE OF EFFECTIVE DATE

It appearing, that by order of November 25, 1949, Division 5 entered its report, — M. C. C. —, and order (14 F. R. 7361) in the above-entitled proceeding, prescribing certain rules governing the handling of c. o. d. shipments, to become effective on February 1, 1950; and good cause appearing:

It is ordered, That the said order of November 25, 1949, is hereby modified so as to become effective on March 1, 1950.

Dated at Washington, D. C., this 23d day of December A. D. 1949.

By the Commission.

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

[F. R. Doc. 50-125; Filed, Jan. 6, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF MANUFACTURING ESTABLISHMENTS

DETERMINATIONS

In conformity with the act of Congress, approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (14 F. R. 7136, November 24, 1949) pursuant to said act, I have determined that annual data relating to manufacturing industries as indicated below are needed to aid the efficient performance of essential Governmental functions and have significant application to the needs of the public and industry and are not publicly available from non-Governmental or other Governmental sources.

Reports will be required from a representative group of about 45,000 manufacturing establishments. Establishments in manufacturing industries directly employ about 14 million workers; they pay out about $40 billion each year in salaries and wages, and contribute almost $75 billion to the value of manufactured goods.

The following information will be collected annually beginning in 1950 covering each preceding calendar year from a representative group of manufacturing establishments: annual payrolls, employment, man-hours, inventories, cost of materials, fuels, and supplies, expenditures for plant and equipment, value of shipments by class of products, and the quantity and cost of a limited number of materials. This information will be required of all establishments included in the survey, and the report forms will be sent each year to representative manufacturing establishments. One standard report form will be used for all industries covered in this survey, except lumber. In addition to the items listed above, the lumber form will obtain information on the production of rough lumber by species and stocks of rough lumber. Copies of the forms to be used are available on request to the Director of the Census, Washington 25, D. C.

The results of this proposed survey, in combination with data for all manufacturing establishments from the files of the Bureau of Old Age and Survivors' Insurance, will make possible national totals on an over-all basis, and many industry and geographic area statistics. These results will furnish the most important measures of manufacturing activity with the least possible burden on manufacturers. Related to the 1947 Census of Manufactures, the data will provide an indication of shifts occurring between 1947 and the years covered by the particular annual survey of manufacturing establishments.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting data hereinabove described.

Dated: December 31, 1949.

[SEAL] P. M. HAUSER, *Acting Director.*

Approved:

THOMAS C. BLAISDELL, Jr., *Acting Secretary of Commerce.*

[F. R. Doc. 50-116; Filed, Jan. 6, 1950; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO SECRETARY OF THE TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the unemployment compensation laws of the following States have heretofore been approved:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue

Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1949.

MAURICE J. TOBIN,
Secetary of Labor.

DECEMBER 31, 1949.

[F. R. Doc. 50-142; Filed, Jan. 6, 1950; 8:52 a. m.]

CERTIFICATION OF STATE LAWS TO SECRETARY OF THE TREASURY PURSUANT TO SECTION 1602 (B) (1) OF INTERNAL REVENUE CODE

Whereas, as Secretary of Labor, I have heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1949, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas, reduced rates of contributions were allowable under the law of each of said States with respect to the taxable year 1949 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1949:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

MAURICE J. TOBIN,
Secretary of Labor.

DECEMBER 31, 1949.

[F. R. Doc. 50-143; Filed, Jan. 6, 1950; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2897]

CHALLENGER AIRLINES CO.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Challenger Airlines Company over its entire system.

Notice is hereby given that the above-entitled proceeding is assigned for hearing on January 9, 1950, at 10:00 a. m., e. s. t., in Room C-116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., January 4, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-150; Filed, Jan. 6, 1950; 8:54 a. m.]

[Docket No. 3720 et al.]

TRANS-TEXAS AIRWAYS CERTIFICATE; RENEWAL CASE

NOTICE OF HEARING

In the matter of the expiration of the temporary certificate of public convenience and necessity for route No. 82 held by Trans-Texas Airways.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 thereof, the above-entitled proceeding is assigned for hearing on January 30, 1950 at 10:00 a. m., c. s. t., in the Hamilton Hotel, Laredo, Texas, before Examiner James M. Verner.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to

1. Whether the public convenience and necessity require that the temporary certificate of public convenience and necessity of Trans-Texas Airways be permitted to expire, in whole or in part, and

2. If such certificate should not be permitted to expire, whether Trans-Texas Airways is a citizen of the United States within the provisions of the act and is fit, willing and able to perform the service for which the certificate should be extended.

For further details of the issues involved in this proceeding the parties are referred to the various orders entered in this proceeding and the Examiner's prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before January 30, 1950, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., January 4, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-151; Filed, Jan. 6, 1950; 8:54 a. m.]

[Docket No. 3796]

SOUTHERN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Southern Airways, Inc., over its entire system.

Notice is hereby given that the above-entitled proceeding is assigned for hearing on January 9, 1950, at 9:30 a. m., e. s. t., in Room C-116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., January 4, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-149; Filed, Jan. 6, 1950; 8:54 a. m.]

[Docket No. 4151]

NEW ENGLAND AIR EXPRESS, INC.

NOTICE OF HEARING

In the matter of the suspension and revocation of Letter of Registration No. 1802 issued to New England Air Express, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1001, 1002 (b), and 1002 (c), of said act, a hearing in the above-entitled proceeding is assigned to be held on January 23, 1950, at 10:00 a. m., e. s. t., in Room 5C-116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Earl Cox.

For further details in this proceeding interested parties are referred to the Board's order Serial No. E-3447 and other papers filed in this proceeding in the Docket Section of the Civil Aeronautics Board.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

1. Has respondent violated sections 401 (a), 403 (a), 403 (b), 404 (b) of the Civil Aeronautics Act of 1938, as amended, and Part 291 (formerly section 292.1) of the Economic Regulations of the Board?

2. If such violations are established, should the Board issue an order for New England Air Express, Inc., to cease and desist from engaging in air transportation within the meaning of said act, or other order to compel compliance with the applicable provisions of the act or of the Board's Economic Regulations?

Dated at Washington, D. C., January 3, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-134; Filed, Jan. 6, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1305]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 3, 1950.

Take notice that New York State Natural Gas Corporation (Applicant), a

New York corporation, address, New York, New York, filed on December 19, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain pipeline facilities hereinafter described.

Applicant proposes to make additions to its present transmission system and underground storage facilities in order to deliver gas in sufficient quantities to meet the requirements of its present customers for the years 1951 through 1954. The proposed additions consist of the construction of approximately 54 miles of 16-inch pipe to parallel an existing 12-inch pipeline between Applicant's Preston and Tonkin compressor stations, the replacement of 3 miles of 10-inch pipe with 16-inch pipe and one mile of 10-inch pipe in its East End Tioga (Boom) storage field, and the installation of 1.5 miles of 16-inch pipe to replace an 8-inch line in the Sharon storage field, Pennsylvania.

The estimated total cost of the proposed facilities is $2,592,582, which Applicant proposes to finance by the sale of its securities to its parent company, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-123; Filed, Jan. 6, 1950; 8:47 a. m.]

[Docket No. G-1306]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 3, 1950.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, address, New York, New York, filed on December 19, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain pipeline facilities hereinafter described.

Applicant proposes to construct approximately 164 miles of 16-inch pipeline from a connection with its existing transmission pipeline in Dryden, New York, extending northeasterly toward Utica, and then easterly toward Albany, New York, approximately 56 miles of 20-inch pipeline from Applicant's Boom Storage Pool to the southern terminus of the proposed 16-inch pipeline, and approximately 7 miles of pipeline varying in size from 8 to 12 inches and a compressor station of 5,000 h. p. in the development of a new storage pool. The proposed facilities are to enable Applicant to deliver gas to Central New York Power Corporation for distribution in the Counties of Oneida and Herkimer and the town of Oppenheim, New York, and to New York Power and Light Corporation for distribution in its Canajoharie, Gloversville, Amsterdam, Schenectady, Albany, Hudson, Glens Falls, Saratoga and Troy divisions.

The estimated cost of the proposed facilities is $13,007,222, which Applicant proposes to finance by the sale of its securities to its parent company, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-124; Filed, Jan. 6, 1950; 8:47 a. m.]

[Docket No. G-1299]

ATLANTIC SEABOARD CORP.

ORDER POSTPONING HEARING

On December 9, 1949, Washington Gas Light Company and Washington Gas Light Company of Maryland, Inc., interveners herein, filed petitions requesting, among other things, a postponement to January 18, 1950, of the hearing heretofore ordered to commence on January 11, 1950.

Atlantic Seaboard Corporation in a letter received by the Commission on January 3, 1950, advised that it has no objection to the postponement as requested by the above-mentioned interveners.

The Commission finds: Good cause exists for granting the petitions and for postponing the hearing as hereinafter ordered.

The Commission orders: The hearing in this matter now set to commence on January 11, 1950, be and it is hereby postponed to January 18, 1950, at the same hour and place.

Date of issuance: January 4, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-168; Filed, Jan. 6, 1950; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5680]

CONSUMER SALES CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Consumer Sales Corporation, a corporation, Julius J. Blumenfeld and Myron J. Collin, individually and as officers of Consumer Sales Corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, January 9, 1950, at ten o'clock in the forenoon of that day, e. s. t., in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: December 22, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-141; Filed, Jan. 6, 1950; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 844, Special Directive 3]

BALTIMORE AND OHIO RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR CENTRAL RAILROAD CO. OF NEW JERSEY AND CENTRAL RAILROAD CO. OF PENNSYLVANIA

On December 29, 1949, The Central Railroad Company of New Jersey and Central Railroad Company of Pennsylvania certified that they had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on their lines) and that not having available on their lines a dependable source of supply of locomotive fuel coal, deems it necessary to increase their supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish weekly to the mines listed below sufficient cars suitable for the loading and transportation of The Central Railroad Company of New Jersey and Central Railroad Company of

Pennsylvania locomotive fuel coal in the grades and amounts shown:

Mine	Grade	Amount
		Tons
Dola	Seam Deep	261
Lawbar	Seam Strip	392
Berryburg	Seam Deep	260
Pepper-Joyce	Seam Strip	812
Deanville	do	131
Charleston	do	58
Eagle	do	145
Bower	do	319
Mary Ann	Red Stone Strip	44
Erie	Seam Strip	116
Elk Hill	Seam Deep	145
Fetterolf	B&C Prime Strip	145
Schell	B Prime Strip	406
Hosopella	C Prime Strip	44

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Central Railroad Company of New Jersey and Central Railroad Company of Pennsylvania is supplied.

A copy of this special directive shall be served on The Baltimore and Ohio Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-126; Filed, Jan. 6, 1950; 8:48 a. m.]

[S. O. 844, Special Directive 4]

CONEMAUGH AND BLACK LICK RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR CENTRAL RAILROAD CO. OF NEW JERSEY AND CENTRAL RAILROAD CO. OF PENNSYLVANIA

On December 29, 1949, The Central Railroad Company of New Jersey and Central Railroad Company of Pennsylvania certified that they had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on their lines) and that not having available on their lines a dependable source of supply of locomotive fuel coal, deems it necessary to increase their supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Conemaugh and Black Lick Railroad Company is directed:

(1) To furnish weekly to the Reigion mine sufficient cars suitable for the loading of 1,523 tons of R/M C prime strip locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Central Railroad Company of New Jersey and Central Railroad Company of Pennsylvania is supplied.

A copy of this special directive shall be served on the Conemaugh and Black Lick Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-127; Filed, Jan. 6, 1950; 8:48 a. m.]

[S. O. 844, Special Directive 5]

WESTERN MARYLAND RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR CENTRAL RAILROAD CO. OF NEW JERSEY AND CENTRAL RAILROAD CO. OF PENNSYLVANIA

On December 29, 1949, The Central Railroad Company of New Jersey and Central Railroad of Pennsylvania certified that they had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on their lines) and that not having available on their lines a dependable source of supply of locomotive fuel coal, deems it necessary to increase their supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Western Maryland Railway Company is directed:

(1) To furnish weekly to the Blackburn mine sufficient cars suitable for the loading of 73 tons of upper freeport deep grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Central Railroad Company of New Jersey and Central Railroad of Pennsylvania is supplied.

A copy of this special directive shall be served on the Western Maryland Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-128; Filed, Jan. 6, 1950; 8:48 a. m.]

[S. O. 844, Special Directive 6]

MINNEAPOLIS & ST. LOUIS RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR PEORIA AND PEKIN UNION RAILWAY CO.

On January 3, 1950, the Peoria and Pekin Union Railway Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Minneapolis & St. Louis Railway Company is directed:

(1) To furnish weekly to the mines listed below sufficient cars suitable for the loading and transportation of locomotive fuel coal for the Peoria and Pekin Union Railway Company use in the grades and amounts shown:

Mine, Grade and Amount

Flamingo; 4 x 1¼, 4 x 2, 2 x 1¼ or 6 x 4; 169 tons.

Bright Star and Fulcan; railroad egg; 182 tons.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Peoria and Pekin Union Railway Company is supplied.

A copy of this special directive shall be served on The Minneapolis & St. Louis Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-138; Filed, Jan. 6, 1950; 8:51 a. m.]

[4th Sec. Application 24769]

BUTTER FROM WINONA, MINN., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

JANUARY 3, 1950.

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: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3544.

Commodities involved: Butter, carloads.

From: Winona, Minn.

To: Chicago, Ill., and points taking same rates.

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

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3544, Supplement 71.

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. 50-136; Filed, Jan. 6, 1950; 8:50 a. m.]

[4th Sec. Application 24771]

ANIMAL FEED FROM MEMPHIS TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JANUARY 4, 1950.

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 carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1013.

Commodities involved: Animal feed, carloads.

From: Memphis, Tenn.

To: Natchez and Vicksburg, Miss., Baton Rouge and New Orleans, La.

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

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1013, Supplement 124.

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. 50-129; Filed, Jan. 6, 1950; 8:49 a. m.]

[4th Sec. Application 24772]

ALL-FREIGHT FROM TEXAS PORTS TO DALLAS, TEX.

APPLICATION FOR RELIEF

JANUARY 4, 1950.

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: Ira D. Dodge, Agent, for and on behalf of the International-Great Northern Railroad Company and other carriers.

Commodities involved: Freight, all kinds, carloads.

From: Galveston, Houston and Texas City, Tex.

To: Dallas, Tex.

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

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 697, Supplement 103.

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. 50-130; Filed, Jan. 6, 1950; 8:49 a. m.]

[4th Sec. Application 24773]

ALL-FREIGHT FROM NEW ORLEANS PORTS TO DALLAS AND FORT WORTH, TEX.

APPLICATION FOR RELIEF

JANUARY 4, 1950.

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: Ira D. Dodge, Agent, for and on behalf of the Chicago, Rock Island and Pacific Railroad Company and other carriers.

Commodities involved: Freight, all kinds, carloads.

From: New Orleans, La., and sub-ports thereof.

To: Dallas and Fort Worth, Tex.

Grounds for relief: Port equalization.

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 697, Supplement 103.

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. 50-131; Filed, Jan. 6, 1950; 8:49 a. m.]

[4th Sec. Application 24774]

GRAIN FROM KANSAS CITY AND ST. JOSEPH, MO.

APPLICATION FOR RELIEF

JANUARY 4, 1950.

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: L. E. Kipp, Agent, for the Illinois Central Railroad Company and Union Pacific Railroad Company.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Kansas City, Mo.-Kans., and St. Joseph, Mo.

To: Stations in Iowa on the Illinois Central Railroad.

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

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3712, Supplement 13.

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. 50-132; Filed, Jan. 6, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-111, 59-12]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE SUBJECT TO CERTAIN RESERVATIONS

In the matter of American & Foreign Power Company, Inc., File No. 54-111; Electric Bond and Share Company, American & Foreign Power Company, Inc. et al., Respondents, File No. 59-12.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of December A. D. 1949.

American & Foreign Power Company, Inc. ("Foreign Power") and Electric Bond and Share Company ("Bond and Share"), both registered holding companies, having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 with respect to (1) the transfer by Bond and Share to Foreign Power of $19,500,000 principal amount of 6%, 20-year Debentures of Cuban Electric Company ("Cuba"), due May 1, 1948, in exchange for a 6-year note of Foreign Power in the principal amount of $19,500,000 payable to Bond and Share and bearing interest at the rate of 3¾% for the first two years and 4.207% thereafter; (2) the transfer by Bond and Share to Foreign Power of its present holdings of Foreign Power's 3% serial notes in exchange for a new 6-year note of Foreign Power in the principal amount of $30,000,000 payable to Bond and Share and bearing interest at the rate of 3¾% for the first two years and 4.207% thereafter; and (3) the obtaining of a 5-year 3½% bank loan by Foreign Power in the amount of $10,000,000 together with a credit of $5,000,000 which may be taken down by Foreign Power on or before July 1, 1951; and certain motions, concerning which the Commission had previously deferred decision, having been renewed by stockholder groups participating in the proceeding requesting that the Commission suspend or impound all interest and dividend payments by Foreign Power and Cuba to Bond and Share; and

Public hearings having been held after appropriate notice and the Commission having filed its findings and opinion herein, and the Commission having determined that said application-declaration should be granted and permitted to become effective, subject to certain conditions and reservations of jurisdiction as hereinafter set forth;

It is hereby ordered, Pursuant to the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the said application-declaration is hereby granted and permitted to become effective forthwith subject to the reservations of jurisdiction hereinafter contained and subject to the following additional terms and conditions:

That the note proposed to be given by Foreign Power to Bond and Share in the principal amount of $19,500,000 be modified to contain the following express condition and limitation:

This note of Foreign Power shall be valued for the purpose of satisfaction or discharge as a claim against Foreign Power in an amount equal to the value, as of the date hereof, of the consideration given therefor, namely $19,500,000 principal amount of said 6% Debentures of Cuban Electric Company.

It is further ordered, That decisions on the motions heretofore filed, relating to the suspension or impounding of all interest and dividends payable by Cuba and Foreign Power to Bond and Share, be and hereby is deferred pending further order of the Commission, and jurisdiction be and hereby is reserved to take such other action as may be necessary or appropriate with respect to the aforesaid motions.

It is further ordered, That jurisdiction be and hereby is reserved to take such action hereafter with respect to all payments of interest and dividends, by Foreign Power to Bond and Share, as may be found appropriate.

It is further ordered and recited, That (1) the transfer by Bond and Share to Foreign Power of $19,500,000 principal amount of 6% Debentures, Series A, due May 1, 1948, the issuance by Foreign Power of its six year promissory note in the prinicpal amount of $19,500,000 and the delivery thereof to Bond and Share in exchange for the aforesaid Debentures of Cuban Electric Company; and (2) the transfer by Bond and Share to Foreign Power of the $30,000,000 principal amount of 3% Serial Notes of Foreign Power, the issuance by Foreign Power of its six year promissory note in the principal amount of $30,000,000 and the delivery thereof to Bond and Share in exchange for the aforesaid 3% Serial Notes of Foreign Power are necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share and Foreign Power are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-117; Filed, Jan. 6, 1950; 8:45 a. m.]

[File No. 70-2273]

LAWRENCE GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 29th day of December A. D. 1949.

Lawrence Gas and Electric Company ("Lawrence"), a public utility subsidiary of New England Electric System ("NEES"), a registered holding company, having filed an application and amendments thereto for an exemption, under the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935, from the requirements of sections 6 (a) and 7 of said act, regarding the following proposed transactions:

Lawrence proposes to issue and sell at competitive bidding pursuant to the provisions of Rule U-50, $2,750,000 principal amount of its First Mortgage Bonds, --%, Series A, due 1979. The bonds are to be issued under a First Mortgage Indenture and Deed of Trust and secured by a first mortgage on all electric properties now owned and thereafter acquired by Lawrence except for the properties (including the gas properties) specifically excepted from the lien of the Indenture. The interest rate on the bonds (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest (which shall not be less than 100% nor more than 102.75% of the principal amount of the bonds) to be paid to Lawrence, are to be determined by competitive bidding.

The application further states that the net proceeds to be received from the sale of the bonds, less fees and expenses, are to be used to pay $1,000,000 principal amount of bank loans due on or before May 31, 1951, to redeem, at the call price of 102¼% of the principal amount, $1,500,000 principal amount of First Mortgage Bonds Series A, 3⅛%, due July 1, 1968, aggregating $1,533,750, and to reimburse the treasury of Lawrence, in the estimated amount of $168,250 for previous construction expenditures.

The Department of Public Utilities of the Commonwealth of Massachusetts, the State Commission of the State in which Lawrence is organized and doing business, has expressly authorized the proposed issuance and sale of the bonds.

The total expenses in connection with the proposed issuance and sale of the bonds are estimated not to exceed $48,000, including $15,000 for services performed by New England Power Service Company, an affiliated service company, at the actual cost thereof.

Said application, as amended, having been filed on November 23, 1949, and notice thereof having been given in the manner and form prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for a hearing within the time spec-

ified in said notice or otherwise, and not having ordered a hearing with respect to said application, as amended; and

Applicant having requested that the Commission's order become effective forthwith; and the Commission finding with respect to said application, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and the additional condition pursuant to Rule U-50 hereinafter specified, and further deeming it appropriate to reserve jurisdiction over all counsel fees, including the fee of counsel for the prospective purchaser of the bonds;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application, as amended, be, and the same hereby is, granted and shall become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed issuance and sale of bonds by Lawrence shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all counsel fees, including the fee of counsel for the prospective purchasers of the bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-120; Filed, Jan. 6, 1950; 8:46 a. m.]

[File No. 70-2277]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION 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 28th day of December 1949.

Union Electric Company of Missouri ("Union"), a subsidiary of the North American Company, both registered holding companies, and Union's wholly owned public-utility subsidiary, Union Electric Power Company ("Power"), have filed a joint application-declaration, and an amendment thereto, pursuant to section 6 (b), 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43 and U-44 promulgated thereunder regarding the following proposed transactions:

Power proposes to issue and sell to Union and Union proposes to acquire from time to time, during the period ending June 30, 1951, shares of Power's Preferred Stock, 4% Series, par value $100 per share, in amounts aggregating $4,500,000 par value, and shares of Power's Common Stock, par value $20 per share, in amounts not exceeding $13,130,000 aggregate par value. All such additional Preferred and Common Stock of Power will be pledged by Union under the Mortgage and Deed of Trust, dated June 15, 1937, between Union and St. Louis Union Trust Company, Trustee, securing Union's First Mortgage and Collateral Trust Bonds; there is now pledged under said Mortgage and Deed of Trust all of the presently outstanding $84,870,000 par value of Common Stock and $25,500,000 par value of Preferred Stock of Power. Power proposes to use the proceeds from the proposed issuance and sales, together with other corporate funds, to finance its construction costs, estimated in the amount of $27,000,000 for the period ending June 30, 1951. To the extent that Power requires a lesser amount for its construction costs, the amount of Common Stock proposed to be sold to Union will be reduced but applicants-declarants state that, in any event, a minimum of $11,000,000 aggregate par value of Common Stock will be sold to Union.

After the purchase of Power's Preferred Stock, Union proposes to acquire the additional Common Stock of Power from time to time as additional funds are required by Power, and to the extent that such purchases exceed Union's cash resources, Union expects to obtain additional funds through temporary or permanent financing.

Applicants-declarants estimate that fees and expenses to be incurred, other than taxes and a fee to the State of Illinois, will not exceed $2,700.

The proposed transactions have been authorized by the Illinois Commerce Commission and the Missouri Public Service Commission.

Said application-declaration having been filed on November 30, 1949, and an amendment thereto on December 28, 1949, notice of said filing having been 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 application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said application-declaration, as amended, satisfies the requirements of the applicable provisions of the act and the rules thereunder and observing no basis for adverse findings, and the Commission deeming it appropriate that the application-declaration, as amended, should be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that the order herein become effective upon issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that the said application-declaration, as amended be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-118; Filed, Jan. 6, 1950; 8:45 a. m.]

[File No. 70-2286]

WISCONSIN MICHIGAN POWER CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of December 1949.

Notice is hereby given that a joint application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, and its public-utility subsidiary, Wisconsin Michigan Power Company ("Wisconsin Michigan"). Applicants-declarants designate sections 6, 7, 9 and 10 of the act and Rules U-23, U-43, U-50 (a) (1) and U-50 (a) (4) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 17, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Wisconsin Michigan proposes to issue and sell $1,000,000 principal amount of its First Mortgage Bonds, 2¾% Series due 1980 ("New Bonds") at private sale for investment purposes. The New Bonds are proposed to be sold to Bankers Trust Company, of New York, N. Y., as Trustee of certain pension funds, for cash at 101.141% of principal amount, plus accrued interest from February 1, 1950 to date of delivery, pursuant to the terms and conditions of an Agreement dated December 12, 1949, between Wisconsin Michigan and said Bankers Trust Company. The New Bonds will be issued under a Mortgage and Deed of Trust, dated July 15, 1936, as heretofore sup-

plemented and amended and as to be supplemented by a Fourth Supplemental Indenture, dated February 1, 1950, between Wisconsin Michigan and First Wisconsin Trust Comany, as Trustee. The application-declaration states that the price to be paid for the New Bonds was determined after Wisconsin Michigan requested five institutional investors to submit proposals to purchase the New Bonds and the proposal made by Bankers Trust Company was accepted as providing the lowest net cost of money, 2.694% per annum to maturity.

Wisconsin Michigan has requested an exemption from the competitive bidding requirements of Rule U-50 since the total proceeds of the proposed issuance and sale of New Bonds will exceed by $11,410, the exception to Rule U-50 provided by Rule U-50 (a) (4).

Wisconsin Michigan also proposes to issue and sell for $1,000,000 and Wisconsin Electric proposes to acquire, 50,000 additional shares of Common Stock, par value $20 per share, of Wisconsin Michigan. Wisconsin Electric presently holds all of the outstanding Common Stock, representing 90.91% of the voting power of Wisconsin Michigan; after the proposed acquisition, Wisconsin Electric's holdings will represent 91.84% of the voting power of Wisconsin Michigan.

The application-declaration states that the proceeds from the proposed issuances and sales will be used for the retirement of Wisconsin Michigan's presently outstanding short-term promissory notes aggregating $1,250,000, maturing March 15, 1950, for reimbursement to its treasury for capital expenditures made, and for capital expenditures to be made in connection with its construction program.

Applicants-declarants have filed applications with the Public Service Commission of Wisconsin and the Michigan Public Service Commission regarding the proposed issuances and sales.

Applicants-declarants request that the Commission's order issue herein on or before January 19, 1950.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-119; Filed, Jan. 6, 1950; 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 13843, Amdt.]

ANNA LIPPERT

In re: Stock, bond and certificates of beneficial ownership owned by, and debts owing to Anna Lippert.

Vesting Order 13843, dated September 19, 1949, is hereby amended as follows and not otherwise:

By deleting from the aforesaid Vesting Order 13843, subparagraph 2 (c) in its entirety, and substituting therefor the following subparagraph 2 (c):

2-c. One (1) certificate of beneficial interest for 132 units, of $1.00 face value, each, of Calmont Apartments Liquidation Trust, said certificate numbered 95, registered in the name of Anna Lippert and presently in the custody of Mrs. Lena Flierl, 4227 North Spaulding Avenue, Chicago, Illinois, together with any and all rights thereunder and thereto, including any liquidation payments due or to become due thereon,

All other provisions of said Vesting Order 13843 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-148; Filed, Jan. 6, 1950; 8:54 a. m.]

[Vesting Order 14166]

CARL DECKERS

In re: Estate of Carl Deckers, a/k/a Charles Deckers and Friedrich Karl Deckers, deceased. File No. D-28-9158; E. T. sec. 11816.

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 Marie Gertrude Deckers; Johann Hubert Deckers; Karl Jakob Deckers; Wilhelm Deckers; Ernst Theodor Deckers; Albert Gerhard Deckers; Herman Friedrich Deckers; Gerhard Jakob Deckers; Richard Alphons Deckers; Maria Elisabeth Terhaag, nee Deckers; Johanna Mathilde Nellesson, nee Deckers; Katharina Adelheid Neuss, nee Deckers; Paul Johannes Deckers; Gertrud Heiss, nee Deckers; Joseph Deckers; Maria Katherin Fassbender, nee Hilgers; Auguste Seisig, nee Hilgers; Maria Elisabeth Steinau, nee Deckers; Auguste Elisabeth Hilgers, nee Deckers; and Wilhelm Deckers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $372.55 deposited with the County Treasurer of Cook County, Illinois, for the account of heirs of Carl Deckers, also known as Charles Deckers and Friedrich Karl Deckers, deceased, representing the net proceeds from the sale of real property located at 1009 Garfield Street, Oak Park, Illinois, pursuant to a resolution of the Board of Commissioners of Cook County on November 23, 1948, together with any accretions thereon, subject, however, to any lawful fees and disbursements of the aforesaid County Treasurer of Cook County,

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, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals 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 December 16, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-146; Filed, Jan. 6, 1950; 8:53 a. m.]

[Vesting Order 14173]

CHRIST SCHULER

In re: Estate of Christ Schuler, deceased. File No. D-28-12748; E. T. sec. 16925.

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 Marie Schuler Gerlach, Agathe Schuler Leukhardt, Jakob Schuler and Katharine Schuler Fuoss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the Estate of Christ Schuler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Old National Bank of Spokane, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, County of Spokane;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals 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 December 16, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-149; Filed, Jan. 6, 1950 8:53 a. m.]