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Washington, Thursday, August 10, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10149

SUSPENDING THE LIMITATIONS UPON PUNISHMENTS FOR VIOLATIONS OF ARTICLES OF WAR 58, 59, 61, 64, 65, AND 86

By virtue of the authority vested in me by Article of War 45, Chapter II, act of June 4, 1920, 41 Stat. 759, 796, and as President of the United States, I hereby suspend until further order, as to offenses hereafter committed by persons under the command of, or within any area controlled by, the Commander in Chief, Far East, or any of his successors in command, the limitations prescribed by the Table of Maximum Punishments, paragraph 117c, of the Manual for Courts-Martial, U. S. Army, 1949 (prescribed by Executive Order No. 10020 of December 7, 1948, and adopted for use in the Department of the Air Force by Executive Order No. 10026 of January 4, 1949), upon punishments for violations of Articles of War 58, 59, 61, 64, 65, and 86, relating, respectively, to desertion, aiding or advising another to desert, absence without leave, assaulting or wilfully disobeying a superior officer, insubordinate conduct toward a noncommissioned officer, and misbehavior of sentinels.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 8, 1950.

[F. R. Doc. 50-7026; Filed, Aug. 8, 1950; 4:40 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MINNESOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MINNESOTA

County	Average value	Investment limit
Beltrami	$7,500	$7,500
Carver	20,000	12,000
Koochiching	7,500	7,500
Sibley	20,000	12,000
Stearns	12,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 4th day of August 1950.

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

[F. R. Doc. 50-6975; Filed, Aug. 9, 1950; 8:47 a. m.]

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

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

A price support program has been announced for the 1950 crop of rice. The 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1950, is supplemented as follows:

Sec.
601.371 Purpose.
601.372 Availability of price support.
601.373 Eligible rice.
601.374 Warehouse receipts.
601.375 Determination of quantity.
601.376 Determination of quality.
601.377 Maturity of loans.
601.378 Support rates.

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THE PRESIDENT

EXECUTIVE AGENCIES

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.

AUTHORITY: §§ 601.371 to 601.378 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 601.371 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1950 C. C. C. Grain Price Support Bulletin 1, 15 F. R. 3147, and 1950 C. C. C. Rice Bulletin A, 15 F. R. 3054, apply to loans and purchase agreements under the 1950 Crop Rice Price Support Program.

§ 601.372 *Availability of price support*—(a) *Method of support.* Price support will be made available to eligible producers by means of nonrecourse farm-storage and warehouse-storage loans and of purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, and Texas.

(c) *Where to apply.* Application for price support must be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1950 or having an interest in a 1950 rice crop as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm, a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop, who is in compliance with the 1950 Rice Acreage Allotment Regulations, 15 F. R. 1457, as determined in accordance with 1950 Rice Bulletin A, 15 F. R. 3054.

(2) Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided*, That:

(i) The producer members are bound by contract to market through the association;

(ii) The major part of the rice marketed by the association is produced by members who are eligible producers;

(iii) The members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association;

(iv) The association has the legal right to pledge or mortgage the rice as security for a loan.

(3) The following special conditions of price support shall apply to cooperative marketing associations of producers:

(i) The association must maintain a record of the total quantity of rough rice acquired by or delivered to the association from all sources and a separate record of the quantity of eligible rice delivered to the association by eligible producer members. The books of such associations shall be made available to CCC for inspection at all reasonable times.

(ii) Eligible rice placed under loan by the association must be stored separately from all other rice and kept separately stored until redeemed from the loan or delivered to CCC.

(iii) Eligible rice delivered by the association to CCC under purchase agreements must represent the average quality of eligible rice delivered by eligible producers as shown in the records of the association.

(iv) The total quantity of rough rice delivered to CCC by a cooperative marketing association under loans and purchase agreements may not exceed a quantity determined by multiplying the quantity of rough rice in the inventory of the association on April 30, 1951, by a factor determined (by or under the direction of the PMA State Committee) by dividing the total quantity of eligible rice received from eligible producer members by the total quantity of rough rice received by the association from all sources during the period August 1, 1950, through April 30, 1951; except that this limitation shall not operate to reduce the quantity of rice under loan which may be delivered to CCC, below the quantity of eligible rice actually under loan by the association on April 30, 1951.

§ 601.373 *Eligible rice.* At the time the rice is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rice must have been produced in 1950 by an eligible producer in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, or Texas, on a farm on which the rice acreage is within the rice acreage allotment.

(b) Except in the case of eligible cooperative marketing associations, the beneficial interest in the rice must be in the person tendering the rice for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested.

(c) In accordance with the Official Standards of the United States for Rough Rice, the rice must be of the varieties included in classes I to IX, inclusive, or of the varieties Arkrose, Blue Bonnet, Calrose, Kamrose, Magnolia, Patna, Prelude, R. N., Rexark, and Zenith, included in the miscellaneous class X.

(d) The rice must (1) grade U. S. No. 4 or better, or U. S. No. 4 or better of special grades ("slightly seedy," "seedy," "slightly chalky," "chalky," "slightly muddy" or "muddy") (rice of special grades other than those listed shall not be eligible rice); (2) show a minimum yield of 25 pounds of head rice from 100 pounds of rough rice on the basis of the respective milling tests in California and in the southern States; and (3) contain not more than 14½ percent moisture, except that rice produced in California and Arizona may contain not more than 15 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.374 *Warehouse receipts.* Warehouse receipts, representing rice in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement. (In accordance with the terms of this agreement, the warehouseman must insure the rice.)

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse recept, must show weight, quality in terms of class, grade, test weight, dockage, moisture, and such applicable factors as damaged kernels, red rice, foreign material, milling quality or milling test, chalky kernels, mud lumps, muddy kernels, seeds, cereal grains, and rice of other classes.

(c) Warehouse receipts representing rice stored on a "commingled" basis must be accompanied by supplemental certificates (CCC Rice Form B, Supplement) executed in duplicate by the warehouseman, under which the warehouseman assumes responsibility for delivering rice of the quantity and quality indicated thereon.

(d) If the warehouse receipt states that the rice is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each class (or in the case of Class X, for each variety), grade, and milling quality or milling test of rice.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1951, on the rice represented by this warehouse receipt have been paid or otherwise provided for, and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

§ 601.375 *Determination of quantity.* Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

In determining the quantity of sacked rice by weight, a deduction of ¾ of a pound for each 100 pounds of gross weight will be made.

When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of the quantity determined for 45 pound rice:

For rice testing—	*Percent*
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

Proportionately lower for rice testing below 40 pounds.

In cases where the warehouseman guarantees the quantity and quality of rice shown on the warehouse receipt or the supplemental certificate, loans will be made on 100 percent of the quantity of rice determined in accordance with this section. In all other cases, loans will be made on 95 percent of the quantity of rice so determined, and at the time of delivery settlement will be made on the basis of the actual quantity and quality of rice delivered.

The percentage of dockage shall be determined in accordance with the United States Standards for Rough Rice with respect to all lots of rice produced in California and Arizona. The weight of such dockage shall be deducted from the gross weight of the rice in determining the net quantity available for loan or purchase.

§ 601.376 *Determination of quality.* The class, variety, grade, grade factors, milling quality or milling test and all quality factors shall be determined in accordance with the methods set forth in the official United States Standards for Rough Rice and the instructions for determining milling quality and milling test. The test weight and milling test for such rice shall be on a dockage-free basis.

At the time of making a loan on farm-stored rice or "identity preserved" warehouse-stored rice, the county committee will draw a representative sample of each lot of rice and obtain an official sample inspection certificate for each such lot. The producer will execute the supplemental certificate (C. C. C. Rice Form B, Supplement) for each such lot.

Whenever, at the time of delivery of rice to CCC, quality and quantity are guaranteed by the warehouseman under a warehouse-storage loan, the quality and quantity shown on the warehouse receipt or supplemental certificate shall be the basis for settlement with the producer. In all other cases, the producer shall submit an official Federal or Federal-State lot inspection certificate dated subsequent to April 30, 1951. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the delivery of rice to CCC will be for the account of the producer.

§ 601.377 *Maturity of loans.* Loans mature on demand but not later than April 30, 1951.

§ 601.378 *Support rates.* Loans will be made, and rice delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in store in an approved warehouse and with all accrued charges paid through April 30, 1951, shall be computed as follows:

Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety and geographical area).

Similarly, multiply the yield (in pounds per hundredweight) of broken rice by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents.

In the case of rough rice produced in California and Arizona, the milling test must be made on the basis of dockage-free rough rice and the head rice yield shall be stated on the basis of head rice with 4 percent broken kernels. In computing the loan or purchase rate, fractions of a pound of yields of heads or brokens shall be dropped and the rate shall be rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Class or variety	California and Arizona		Other areas	
	Head rice [1]	Broken rice	Head rice	Broken rice
Blue Bonnet, Nira, Patna, Rexark, and Rexoro	0.0974	0.0350	0.1000	0.0350
Edith, Fortuna, and R. N	.0875	.0350	.0912	.0350
Arkrose, Blue Rose, Calady, Calrose, Kamrose, Lady Wright, Magnolia, Prelude, and Zenith	.0746	.0350	.0762	.0350
Early Prolific, Pearl, and other varieties	.0673	.0350	.0686	.0350

[1] With 4 percent broken.

(b) *Discounts and premiums.* The basic support rates, specified under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the discounts and premiums for each grade applicable to an individual lot of rough rice, for which a premium or discount is specified:

(1) California and Arizona:

Grade U. S. No. 1: Premium of 10 cents per 100 pounds.

Grade U. S. No. 2: Premium of 5 cents per 100 pounds.

Grade U. S. No. 3: Discount of 10 cents per 100 pounds.

Grade U. S. No. 4: Discount of 20 cents per 100 pounds.

Special grade, slightly muddy: Discount of 5 cents per 100 pounds.

Special grade, muddy: Discount of 15 cents per 100 pounds.

(2) All areas other than California and Arizona:

Grade U. S. No. 1: Premium of 25 cents per 100 pounds.

Grade U. S. No. 2: Premium of 10 cents per 100 pounds.

Grade U. S. No. 3: Discount of 10 cents per 100 pounds.

Grade U. S. No. 4: Discount of 35 cents per 100 pounds.

Special grade, slightly seedy: Discount of 15 cents per 100 pounds.

Special grade, seedy: Discount of 50 cents per 100 pounds.

Special grade, slightly chalky: Discount of 10 cents per 100 pounds.

Special grade, chalky: Discount of 30 cents per 100 pounds.

Special grade, slightly muddy: Discount of 5 cents per 100 pounds.

Special grade, muddy: Discount of 15 cents per 100 pounds.

NOTE: Discounts for special grades are in addition to the applicable numerical grade premium or the applicable numerical grade discount.

(c) *Warehouse charges.* There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. In the case of rice placed under a warehouse-storage loan or stored in an approved warehouse and delivered to CCC under a purchase agreement, each warehouse receipt must be endorsed to show that warehouse charges through April 30, 1951, on the rice represented by the warehouse receipt have been paid or otherwise provided for, and that a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

(d) *Settlement—(1) Farm-storage and "identity preserved" warehouse-storage loans.* In the case of rice delivered to CCC from farm-storage or "identity preserved" warehouse storage under the loan program, settlement will be made at the applicable support rate. The support rate will be for the grade and quality of the total quantity of rice delivered.

If the rice under farm-storage or "identity preserved" warehouse-storage loan is, upon delivery, of a grade and/or yield (as shown by milling quality or milling test) for which no support rate has been established, the settlement value shall be the support rate established for the grade and yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and yield placed under loan and the market price of the rice delivered, as determined by CCC.

(2) *Purchase agreements.* Rice delivered to CCC under a purchase agreement must meet the eligibility requirements of rice placed under loan. The purchase rate per 100 pounds of eligible rice will be the applicable support

rate established for the grade and yield of the rice delivered.

Issued this 4th day of August 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-6950; Filed, Aug. 9, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.3, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO 1950

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.3, as amended (15 F. R. 2400; 15 F. R. 3982) which allots the 1950 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1950 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

The allotments established by the initial order and amendment 1 were based in part upon estimates of production of sugar from the 1949–50 crop by each allottee and to guard against the possibility of a processor exceeding its final allotment, the amount which could be marketed prior to September 1, 1950, was limited to 75 percent of the initial allotment, and later to 90 percent of the amended allotment.

Each allottee under § 814.3 agreed to waive its right to a public hearing prior to the issuance of a revised order based upon the same allotment formula as the initial order but using final 1949–50 crop production data in place of the estimated data used in the initial order.

Such actual production data are now available and this amendment provides for the substitution of the actual data. However, the revised allotments are determined by use of the same formula as that utilized in determining the initial allotments.

This amendment also removes the restriction on marketings prior to September 1, 1950, so that the full amounts of the allotments established herein may be marketed at any time during the remainder of the calendar year. The previous allotment order limits marketings prior to September 1, 1950, to 90 percent of the allotments. Since a number of allottees have already marketed 90 percent of their initial allotments, they are precluded from marketing additional quantities of sugar until this amendment becomes effective. It is imperative, therefore, that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, § 814.3 is hereby amended to read as follows:

§ 814.3 *Allotments of 1950 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1950 sugar quota for Puerto Rico for consumption in the continental United States, including raw sugar to be further processed and shipped within the direct-consumption portion of such quota, amounting to 910,000 short tons of sugar, raw value, and the 1950 sugar quota for local consumption in Puerto Rico, amounting to 105,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear opposite their respective names:

(Short tons, raw value)

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C.	16,432	18,463
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	3,977	1,635
Asociacion Azucarera Cooperativa (Lafayette)	27,466	764
Central Aguirre Sugar Co., a trust	102,305	2,142
Central Coloso, Inc.	46,411	823
Central Eureka, Inc.	27,124	1,347
Central Guamani, Inc.	8,415	1,157
Central Igualdad, Inc.	19,635	16,221
Central Juanita, Inc.	25,583	2,452
Central Mercedita, Inc.	51,300	15,259
Central Monserrate, Inc.	20,483	1,331
Central San Jose, Inc.	16,655	23
Central San Vicente, Inc.	41,972	1,796
Central Victoria, Inc.	17,185	333
Compania Azucarera del Carmy, Inc. (Rio Llano)	13,334	195
Compania Azucarera del Tea	22,885	0
Cooperativa Azucarera Los Canos	30,524	215
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	9,328	1,534
Eastern Sugar Associates, a trust	96,821	15,866
Fajardo Sugar Co.	86,498	5
Land Authority of Puerto Rico	66,825	23
Mario Mercado e Hijos (Rufina)	25,002	1,419
Mayaguez Sugar Co., Inc. (Rochelaise)	8,961	199
Plata Sugar Co.	38,529	514
Soller Sugar Co.	11,812	25
South Porto Rico Sugar Co. of Puerto Rico	73,460	18,259
Subtotal	909,272	105,000
Valdivieso, Jorge Lucas P. (Pallejas)	728	0
Total	910,000	105,000

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of each of its allotments for the marketings of each such producer. Such share shall be equal to the same percentage of the allotment that the producer's 1949–50 crop sugar plus carryover on January 1, 1950, is of the total production of 1949–50 crop sugar plus carryover on January 1, 1950, of the processor and all his producers.

(c) *Restrictions on marketing.* (1) During the calendar year 1950 each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into or marketing for entry into the continental United States for consumption therein, or from marketing for local consumption in Puerto Rico, any sugar in excess of the allotments established in paragraph (a) of this section.

(2) All persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the amounts of sugar acquired for such purpose within the limitations specified in paragraph (a) of this section, and subparagraph (1) of this paragraph.

(d) *Transfer or exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section shall not be transferred or exchanged without the approval of the Director or Assistant Director, Caribbean Area Office, Production and Marketing Administration, United States Department of Agriculture, San Juan, Puerto Rico.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into or marketed for entry into the continental United States for consumption therein or marketed for local consumption in Puerto Rico after December 31, 1949, but prior to April 28, 1950, shall be charged to the applicable allotment of the processor who processed such sugar.

(Sec. 205, 61 Stat. 926; 7 U. S. C. Supp., 1115)

Done at Washington, D. C., this 7th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 50-6997; Filed, Aug. 9, 1950; 8:51 a. m.]

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

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

PART 996—MILK IN THE SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN THE WORCESTER, MASS., MARKETING AREA

TERMINATION OF DETERMINATION OF EQUIVALENT PRICE

In accordance with the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) a determination by the Secretary of Agriculture of a price equivalent to or comparable with the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, was published in the June 6, 1950, issue of the FEDERAL REGISTER (15 F. R. 3501) to be effective immediately, pursuant to § 904.7 (f) of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, milk marketing area; § 934.6 (f) of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; § 947.14 of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area; § 996.7 (e) of the order regulating the handling of milk in the Springfield, Massachusetts, marketing area; and § 999.7 (e) of the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. The purpose of this determination was to provide an equivalent or a comparable price for use in the computation of minimum class prices and butterfat differentials under the orders referred to above during those months in which the United States Department of Agriculture did not report or publish a weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as specified in the respective orders. The determination recited that the United States Department of Agriculture had not published the aforesaid price during recent reporting periods and provided that the equivalent or comparable price determined should remain in full force and effect indefinitely. The United States Department of Agriculture has resumed reporting the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, therefore the determination of an equivalent or comparable price published in the June 6, 1950, issue of the FEDERAL REGISTER (15 F. R. 2501) is hereby terminated.

As required by section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure prior to this termination are unnecessary since the determination of equivalent or comparable price being terminated has already been rendered inoperative by the resumption of the reporting of a weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, by the United States Department of Agriculture, and for the reason that the submission at this time of oral or written data, views, or arguments relative to the future effect of the determination would serve no useful purpose inasmuch as all such data, views, and arguments would necessarily be subject to review when and if the use of a price equivalent is again required.

In accordance with section 4 (c) of the Administrative Procedure Act, it is also found and determined that good cause exists for making this termination of an equivalent or comparable price immediately effective because it results in no modification of the current regulation and requires no preparation by the persons affected.

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

Issued at Washington, D. C., this 7th day of August 1950, to become effective immediately.

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

[F. R. Doc. 50-6994; Filed, Aug. 9, 1950; 8:50 a. m.]

PART 950—PEACHES GROWN IN UTAH

REGULATION OF HANDLING

Notice was published in the FEDERAL REGISTER issue (15 F. R. 4514) of July 15, 1950, that consideration was being given to the approval of proposed administrative rules and regulations to be effective under the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the following rules and regulations are in accordance with the provisions of said marketing agreement and order and are hereby approved:

Sec.
950.100 Definitions
950.101 General
950.102 Exemption certificates
950.103 Reports

AUTHORITY: §§ 950.100 to 950.103 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 950.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement No. 91 and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah.

(b) All terms used herein shall have the same meaning as when used in the marketing agreement and order.

§ 950.101 *General.* Unless otherwise provided in the marketing agreement and the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to Administrative Committee, Room 412, State Capitol Building, Salt Lake City, Utah.

§ 950.102 *Exemption certificates.* (a) Each application for an exemption certificate shall be submitted on Form A "Application for Exemption from Grade and Size Regulation," which may be obtained from the Administrative Committee, and shall contain the following information:

(1) Name and address of applicant;

(2) Location of each orchard from which peaches will be shipped pursuant to the exemption certificate requested;

(3) Estimated total production of peaches from such orchard and all other orchards owned or controlled by such applicant;

(4) Estimated percentage of peaches of such production which cannot be shipped because of the then effective (i) grade regulation, and (ii) size regulation, together with the reasons why such percentage fails to meet the requirements of the grade and size regulations; and

(5) The total quantity of such peaches which the applicants shipped or otherwise disposed of since the beginning of the then current peach shipping season.

(b) The Administrative Committee shall promptly verify all statements contained in each application for an exemption certificate. In the event the Administrative Committee finds that the applicant is entitled to an exemption certificate, it shall issue, or cause to be issued, an appropriate form of exemption certificate. If the Administrative Committee finds that the applicant is not entitled to an exemption certificate, it shall so advise the applicant promptly in writing and state the reasons therefor.

(c) Each producer who ships peaches, or causes peaches to be shipped, pursuant to an exemption certificate, shall submit promptly to the Administrative Committee an accurate report with respect to the disposition of each such shipment, and the date and quantity thereof.

§ 950.103 *Reports.* Each handler shall, with respect to all peaches shipped by him each day, promptly report, or cause to be reported, to the Administrative Committee the point of origin of each shipment, the number and type of packages, the grades and sizes of the peaches, and the number of the railroad car or the license number of the truck in which such peaches were shipped.

Done at Washington, D. C., this 7th day of August 1950, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F. R. Doc. 50-6991; Filed, Aug. 9, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 4]

PART 60—AIR TRAFFIC RULES

SCHEDULED AIR CARRIER OPERATIONS

Proposed rules regarding compliance by scheduled air carriers with § 60.21, § 60.43 and § 60.47 were published on September 1, 1949, in 14 F. R. 5434. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules and policies are hereby adopted:

§ 60.21–1 *Adherence to air traffic clearances required of scheduled air carriers (CAA rules which apply to § 60.21 and SR–346).*[1] 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 be conducted in full compliance with § 60.21.

§ 60.43–1 *Air traffic clearance required of scheduled air carriers (CAA rules which apply to § 60.43 and SR–346).*[1] 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 be conducted in full compliance with § 60.43.

§ 60.47–1 *Radio communications required of scheduled air carriers (CAA rules which apply to § 60.47 and SR–346q.*[1] 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 be conducted in full compliance with § 60.47.

§ 60.47–2 *Route of flight and communication procedures (CAA policies which apply to § 60.47)*—(a) *Definition of route.* If a flight is to be conducted over an off-airway route which may join or cross civil airways, or terminate within civil airways, the route of flight should be indicated by the identification of reporting points and other check points over which the flight will pass. The check points selected should be points over which the position of the aircraft can be accurately determined and should not be more than approximately 200 miles apart.

(b) *Reports of progress.* Pilots should report by radio, as soon as possible, the time and altitude of passing each designated reporting point and other check points specified in the flight plan.

(c) *Change of flight plan.* Any change of altitude or route of flight from that specified in the traffic clearance, should be reported to the air traffic control center within which flight advisory area the change is made. A change of flight plan should be reported and approval received before the change is made while operating within a control area; or if outside of control area, prior to entering a control area.

(d) *Means of communication.* Communications should be handled directly with the nearest CAA communications station when the flight is within the flight advisory area of an air route traffic control center not equipped with direct Service "F" interphone communications with a ground radio station provided or contracted by the air carrier concerned.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules and policies shall become effective 30 days after publication in the FEDERAL REGISTER.

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

[F. R. Doc. 50–6966; Filed, Aug. 9, 1950; 8:46 a. m.]

[1] 15 F. R. 4186.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 267]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 264]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NORTH CAROLINA

Amendment 267 to the Controlled Housing Rent Regulation and Amendment 264 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

The Controlled Housing Rent Regulation (§§ 825.1–12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–92) are amended in the following respect:

Schedule A, Item 216a, is amended to describe the counties in the defense-rental area as follows:

In Guilford County, all incorporated cities, towns and villages other than those located in High Point Township.

This decontrols the unincorporated areas of the Greensboro, North Carolina, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective August 8, 1950.

Issued this 7th day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50–6955; Filed, Aug. 9, 1950; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

ESTABLISHMENT OF PIECE RATES

On July 22, 1950, notice was published in the FEDERAL REGISTER that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to establish minimum piece rates of 48 cents per gross for the hand-braiding of cotton tape buttons, 24 to 30 ligne, and 53⅓ cents per gross for the hand-braiding of leather buttons, 24 to 30 ligne, by homeworkers in Puerto Rico. Interested persons were afforded an opportunity to submit data, views, or arguments pertaining thereto within 15 days from the date of publication of the notice. No data, views or arguments have been received, and such 15-day period has expired.

Accordingly, pursuant to the authority in section 6 (a) (2) of the Fair Labor Standards Act, as amended (sec. 6 (a) (2), 63 Stat. 912; 29 U. S. C. 206 (a) (2)), minimum piece rates of 48 cents per gross for hand-braiding cotton tape buttons, 24 to 30 ligne, and 53⅓ cents per gross for hand-braiding leather buttons, 24 to 30 ligne, by homeworkers in Puerto Rico, are hereby established. The hand-braiding of cotton tape buttons consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting the ends of the strip into the braided part, and bringing the ends together. The hand-braiding of leather buttons consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting a leather shank at the base, and tucking the loose ends between the braided part and the shank.

So that the above minimum piece rates be effective on the same date as the minimum wage order for the Button, Buckle and Jewelry Industry in Puerto Rico (part 697 of this chapter) this order is hereby issued to become effective August 21, 1950.

Signed at Washington, D. C., this 8th day of August 1950.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211. Interprets or applies sec. 3, 54 Stat. 615, sec. 6, 63 Stat. 912; 29 U. S. C. and Sup., 205, 206)

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50–6985; Filed, Aug. 9, 1950; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

Correction

In F. R. Doc. 50-6222, published at page 4634 of the issue for Thursday, July 20, 1950, the following changes should be made:

1. In the 17th and 18th lines of subdivision (v) of § 202.25 (c) (1) the word "imfections" should read "imperfections".

2. In the middle column on page 4643 § 202.73 should be designated "§ 202.37".

TITLE 50—WILDLIFE

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

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—CHARLES SHELDON ANTELOPE RANGE, NEVADA

DEER HUNTING

Basis and Purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Nevada Fish and Game Commission, it has been determined that the public hunting of deer can be permitted on the Charles Sheldon Antelope Range without interfering with the primary purpose of the Range.

Inasmuch as the following regulation is a relaxation of the present prohibition against deer hunting on the Range, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are herewith found to be impracticable, and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, § 31.46 is added.

§ 31.46 *Deer hunting permitted.* Deer hunting is permitted during the period from October 8, to 15, inclusive, 1950, on that part of the Charles Sheldon Antelope Range situated east and south of the County road (State Highway 8A), otherwise known as the Vya-Denio Road, in accordance with the provisions of §§ 31.43 to 31.45, inclusive. Hunters, when entering or leaving the public hunting area, must report at such checking stations as may be established for the purpose of regulating the hunt.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 4, 1950.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 50-6967; Filed, Aug. 9, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 94]

RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), proposes to amend the regulations prohibiting and restricting the importation of certain animals and animal products into the United States because of rinderpest and foot-and-mouth disease (9 CFR Part 94) to read as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS); PROHIBITED AND RESTRICTED IMPORTATIONS

§ 94.1 *Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.* Notice is hereby given that the Secretary of Agriculture has determined that rinderpest or foot-and-mouth disease exists in the following designated countries: Mexico; all the countries of South America except Colombia; and all the countries east of the 30th meridian west longitude and west of the International Date Line, except Iceland, Greenland, Republic of Ireland, Northern Ireland, the Channel Islands, Australia, New Zealand, and the Union of South Africa. Official notice of such determination has been given to the Secretary of the Treasury. Therefore, the importation from such countries into the United States of cattle, sheep, other domestic ruminants, and swine, or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork (including the entry into any port of the United States of any vessel having on board as sea stores or otherwise such animals or meats from the above named countries), is prohibited.

§ 94.2 *Meat or products derived from goats, wild ruminants, or wild swine.* The importation of fresh, chilled, or frozen meat or products derived from goats, wild ruminants, or wild swine, originating in any country designated in § 94.1 is prohibited, except as provided in § 94.3.

§ 94.3 *Organs, glands, extracts, or secretions of ruminants or swine.* The importation of fresh, chilled, or frozen organs, glands, extracts, or secretions derived from ruminants or swine, originating in any country designated in § 94.1, except for pharmaceutical purposes, is prohibited.

§ 94.4 *Foreign cured meats from countries where rinderpest or foot-and-mouth disease exists.* The importation of cured meat derived from ruminants or swine, originating in any country designated in § 94.1 is prohibited unless the following conditions have been fulfilled:

(a) All bones shall have been completely removed in the country of origin.

(b) The meat shall have been held in an unfrozen, fresh condition for at least 7 days immediately following the slaughter of the animals from which it was derived.

(c) The meat shall have been thoroughly cured by the application of dry salt or by soaking in a solution of salt.

(d) The meat shall be limited to usual commercial wholesale cuts such as hams, loins, briskets, rounds and the like, and shall have been shipped and offered for importation in an unfrozen state.

§ 94.5 *Garbage from foreign meats or meat products.* No garbage derived in whole or in part from meats or meat products originating in any country designated in § 94.1 shall be unloaded from any vessel, aircraft or other carrier in the United States or within the territorial waters thereof: *Provided, however,* That such garbage, when contained in tight receptacles, may be so unloaded for incineration or other proper disposal in such manner and under such supervision as may be prescribed by the Chief of the Bureau of Animal Industry.

§ 94.6 *Dressed poultry.* The importation of dressed poultry from any foreign country except Canada is prohibited unless such poultry shall have been drawn and the feet and heads shall have been removed.

§ 94.7 *Disposal of animals, meats, products, and other commodities refused admission.* Animals, meats, products, and other commodities that are prohibited importation or entry under the regulations in this part shall be handled as follows:

(a) Animals and meats prohibited importation under § 94.1 which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Chief of the Bureau of Animal Industry may direct unless they are exported by the consignee within 10 days on the same vessel and meanwhile are retained on board such vessel under such isolation and other safeguards as said Chief of Bureau may require.

(b) Animals and meats prohibited importation under § 94.1 which come into the United States by any means other than ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Chief of the Bureau of Animal Industry may direct unless they

are exported by the consignee within 24 hours on the same carrier and meanwhile are retained on board such carrier under such isolation and other safeguards as said Chief of Bureau may require.

(c) Animals and meats prohibited importation under § 94.1 which come into the United States by any means but are not offered for entry into this country, and animals, meats, products and other commodities prohibited importation or entry under §§ 94.2, 94.3, 94.4, and 94.6 which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Chief of the Bureau of Animal Industry may direct.

The principal purposes of the proposed amendments are (1) to designate in simpler form the countries where foot-and-mouth disease or rinderpest has been found to exist; (2) to add fresh, chilled, and frozen goat meat to the coverage of § 94.2; (3) to prohibit the importation of dressed poultry from countries other than Canada unless the poultry have been drawn and their feet and heads removed; and (4) to consolidate in one regulation the provisions of several regulations dealing with the disposal of animals, meats, products, and commodities prohibited importation or entry into the United States.

Any interested person who wishes to submit data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of August 1950.

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

[F. R. Doc. 50-6974; Filed, August 9, 1950; 8:46 a. m.]

Forest Service

[36 CFR, Part 251]

NAVIGATION OF AIRCRAFT WITHIN AIRSPACE RESERVATION OVER CERTAIN AREAS OF THE SUPERIOR NATIONAL FOREST IN MINNESOTA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering the issuance of regulations, as hereinafter proposed, pursuant to the authority vested in him by Executive Order 10092 (14 F. R. 7637), which sets apart and reserves the airspace below the altitude of 4,000 feet above sea level over the below-designated areas in the Counties of Cook, Lake, and St. Louis, State of Minnesota, as an airspace reservation, and prohibits the navigation of aircraft within these areas after January 1, 1951, except in conformity with the provisions of said Executive order and as permitted by or under the authority of regulations prescribed by the Secretary of Agriculture.

Prior to the issuance of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are filed in writing with the Chief, Forest Service, United States Department of Agriculture, Washington, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

§ 251.26 *Description of areas.* Sections 251.27 to 251.31, inclusive, apply to those areas of land and water in the Counties of Cook, Lake, and St. Louis, State of Minnesota, within the exterior boundaries of the Superior National Forest which have heretofore been designated by the Secretary of Agriculture as the Superior Roadless Area, the Little Indian Sioux Roadless Area, and the Caribou Roadless Area, respectively, and which are more particularly described as follows:

FOURTH PRINCIPAL MERIDIAN

SUPERIOR ROADLESS AREA

T. 61 N., R. 6 W., sec. 4, W½; secs. 5 to 8, inclusive, and W½ sec. 9.
T. 61 N., R. 7 W., secs. 1 to 12, inclusive.
T. 61 N., R. 8 W., secs. 3 to 8, inclusive.
T. 61 N., R. 9 W., secs. 1 to 12, inclusive.
T. 61 N., R. 10 W., secs. 1, 2, 11, and 12.
T. 62 N., R. 3 W., sec. 3, W½; and secs. 4 to 9, inclusive.
T. 62 N., R. 4 W., secs. 1 to 6, inclusive, and secs. 8 to 15, inclusive.
T. 62 N., R. 5 W., secs. 1 to 24, inclusive.
T. 62 N., R. 6 W., secs. 1 to 20, inclusive, N½ sec. 21, secs. 22 to 24, inclusive, and secs. 29 to 32, inclusive.
T. 62 N., R. 7 W., all.
T. 62 N., R. 8 W., secs. 1 to 34, inclusive, N½ sec. 35, and N½ sec. 36.
T. 62 N., R. 9 W., all.
T. 62 N., R. 10 W., secs. 1 to 6, inclusive, secs. 8 to 17, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 62 N., R. 11 W., secs. 1 and 2.
T. 63 N., R. 1 W., secs. 4 to 9, inclusive, and secs. 16 to 21, inclusive.
T. 63 N., R. 2 W., secs. 1 to 16, inclusive, N½ sec. 17, N½ sec. 18, and secs. 21 to 24, inclusive.
T. 63 N., R. 3 W., secs. 1 to 12, inclusive, N½ sec. 13, N½ sec. 14, N½, SW¼, sec. 15, secs. 16 to 21, inclusive, W½ sec. 22, W½ sec. 27, secs. 28 to 33, inclusive, and W½ sec. 34.
T. 63 N., Rs. 4, 5, 6, 7, and 8 W.
T. 63 N., R. 9 W., sec. 15, lot 3, sec. 16, lots 4, 6, 7, 8, 10, 11, 12, sec. 19, lots 6, 7, 8, 10, 11, SE¼SW¼, and SE¼, sec. 20, lots 1, 2, 3, 7, 8, SE¼NW¼, S½NE¼, S½, sec. 21, NE¼, NE¼NW¼, lot 5, S½NW¼, S½, secs. 22 to 36, inclusive.
T. 63 N., R. 10 W., sec. 6, N½ sec. 7, sec. 24, lots 7, 8; sec. 25, NE¼, lots 1, 3, 4, SW¼ SW¼, E½SW¼, SE¼, sec. 26, lots 5, 6, 7, 8, 9, 10, SE¼SE¼, sec. 27, lots 3 to 6, inclusive, lot 8, SW¼, SW¼SE¼, sec. 28, lots 5 to 8, inclusive, S½ sec. 29, lots 5 to 8, inclusive, S½ sec. 30, lots 10 to 14, inclusive, SE¼SE¼, and secs. 31 to 36, inclusive.
T. 63 N., R. 11 W., secs. 1 to 4, inclusive, N½ secs. 9 to 12, inclusive, sec. 25, lots 9 to 12, inclusive, sec. 26, lots 5, 6, sec. 35, except lot 3, and sec. 36.
T. 64 N., R. 1 W., secs. 17 to 22, inclusive, and secs. 27 to 34, inclusive.
T. 64 N., R. 2 W., S½ secs. 3 to 6, inclusive, secs. 7 to 11, inclusive, and secs. 13 to 36, inclusive.
T. 64 N., R. 3 W., S½ secs. 1 to 4, inclusive, and secs. 5 to 36, inclusive.
T. 64 N., Rs. 4, 5, 6, 7, and 8 W., entire.
T. 64 N., R. 9 W., secs. 1 to 24, inclusive, and N½ secs. 25 to 30, inclusive.
T. 64 N., R. 10 W., secs. 1 to 24, inclusive, N½ secs. 25, 26, 27; and all secs. 28 to 33, inclusive.
T. 64 N, R. 11 W., secs. 1 to 4, inclusive, secs. 8 to 17, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 65 N., R. 3 W., sec. 18.
T. 65 N., R. 4 W., secs. 1, 2, 3, 10, 11, 12, 13, 14, S½ sec. 6, secs. 7, 18, 19, 30, 31.
T. 65 N., Rs. 5, 6, 7, 8, 9, 10, 11, entire.
T. 65 N., R. 12 W., secs. 1 to 30, inclusive, and secs. 32 to 36, inclusive.
T. 65 N., R. 13 W., secs. 1 to 14, inclusive, secs. 16, 17, and 24.
T. 65 N., R. 14 W., secs. 1 to 3, inclusive.
T. 66 N., R. 4 W., secs. 4 to 9, inclusive, secs. 16 to 22, inclusive, 26 to 28, inclusive, and 33 to 36, inclusive.
T. 66 N., R. 5 W., all except E½ sec. 36.
T. 66 N., Rs. 6, 11, 12, and 13.
T. 66 N., R. 14 W., secs. 1 to 30, inclusive, and secs. 33 to 36, inclusive.
T. 66 N., R. 15 W., secs. 1 to 30, inclusive.
T. 66 N., R. 16 W., secs. 1 to 5, inclusive, secs. 9 to 13, inclusive, secs. 24 and 25.
T. 67 N., R. 4 W., entire.
T. 67 N., Rs. 13, 14, and 15 W. entire.
T. 67 N., R. 16 W., secs. 8, 16, 17, 20, 21, 28, 29, and secs. 32 to 34, inclusive.
T. 68 N., Rs. 13, 14, and 15 W. entire.

LITTLE INDIAN SIOUX ROADLESS AREA

T. 63 N., R. 13 W., secs. 5, 6, 7, and 18.
T. 63 N., R. 14 W., secs. 1 to 24, inclusive.
T. 63 N., R. 15 W., secs. 1 to 24, inclusive.
T. 63 N., R. 16 W., secs. 1, 2, 3, 10 to 15, inclusive, and secs 22 to 24, inclusive.
T. 64 N., R. 13 W., secs. 5, 6, 7, 8, 14 to 23, inclusive, N½NW¼, SW¼NW¼, sec. 26, and secs. 27 to 32, inclusive.
T. 64 N., R. 14 W., secs. 6 to 36, inclusive.
T. 64 N., R. 15 W., secs. 1, 2, 3, and secs. 10 to 36, inclusive.
T. 64 N., R. 16 W., secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 65 N., R. 14 W., secs. 18, 19, 30, and 31.
T. 65 N., R. 15 W., secs. 13, 14, 23 to 26, inclusive, and secs. 35, 36.

CARIBOU ROADLESS AREA

T. 64 N., R. 1 E., secs. 1 to 4, inclusive, sec. 5, lot 15, sec. 7, lots 6 to 11, inclusive, sec. 8, lots 4 to 10, inclusive, sec. 9, lots 1 to 14, inclusive, and NE¼SE¼, secs. 10 to 12, inclusive, secs. 15 to 17, inclusive, and E½ sec. 18.
T. 64 N., R. 2 E., secs. 1 to 12, inclusive.
T. 64 N., R. 3 E., sec. 7, part south of Stump Lake.
T. 65 N., R. 1 E., secs. 19 to 30, inclusive, secs. 33 to 36, inclusive.
T. 65 N., R. 2 E., all.
T. 65 N., R. 1 W., secs. 19 to 30, inclusive.

§ 251.27 *Emergency landing and rescue operations.* The pilot of any aircraft landing within the area for reasons of emergency or for conducting rescue operations, shall inform the Forest Supervisor, Superior National Forest, Duluth, Minnesota (hereinafter called the "Forest Supervisor"), within seven days after the termination of the emergency or the completion of the rescue operation as to the date, place, and duration of landing, and the type and registration number of the aircraft.

§ 251.28 *Low flights.* Any person making a flight within said area for reasons of safety or for conducting rescue operations shall, upon request of the Forest Supervisor, make available to him all reports and records relating to such flight.

§ 251.29 *Permits.* Permits for the navigation of aircraft within the airspace

reservation until January 1, 1952, for the purpose of direct travel to and from private lands within the area will be issued by the Forest Supervisor to the pilot or owner of such lands whenever it is shown by the applicant to the satisfaction of the Forest Supervisor that air travel was a customary means of ingress to and egress from such lands prior to December 17, 1949. Upon request of the Forest Supervisor, the reports, records, and other information as to any flights made pursuant to such permits shall be made available.

§ 251.30 *Official flights.* The provisions of §§ 251.27, 251.28, and 251.29 will not apply to flights made for conducting or assisting in the conduct of official business of the United States, the State of Minnesota or of Cook, St. Louis or Lake County, Minnesota.

§ 251.31 *Conformity with law.* Nothing in these regulations shall be construed as permitting the operation of aircraft contrary to the provisions of the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended, or any rule, regulation or order issued thereunder.

Done at Washington this 4th day of August 1950. Witness my hand and the seal of the United States Department of Agriculture.

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

[F. R. Doc. 50-6976; Filed, Aug. 9, 1950; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Part 965]

[Docket No. AO-166-A12]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 6th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Cincinnati, Ohio, on March 13-14, 1950, pursuant to notice thereof which was issued on March 3, 1950 (15 F. R. 1240).

The material issues of record related to:

1. A revision of the basis for determination of the milk to be priced and included in the computation of the uniform price;
2. A revision of the definition of "emergency milk;"
3. A revision of the provisions for classifying milk;
4. A revision of the basis for determination of the price for Class III milk;
5. A change in the basic price used in the determination of the prices for Class I milk and Class II milk; and
6. A revision of the present method of accounting for milk.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The basis for determination of the milk to be priced and included in the computation of the uniform price should be revised.

The present order provides for pricing and including in the computation of the uniform price, milk which is received at a plant from which milk is disposed of in fluid form in the marketing area.

Objections raised to the present order in this respect were that milk may be priced and included in the uniform price pool without any obligation that such milk be supplied at times when it is need in the market. A plant may make only one small sale in the marketing area during any of the months of flush production and all the milk received from dairy farmers at such plant is now priced and pooled during such month even though the plant does not supply any milk to the market during the months of short supply. Also during any of the months of short supply a plant may make only one small sale in the marketing area, manufacture the remainder of its milk into dairy products and have all the milk received from dairy farmers priced and pooled during such month. The pooling and pricing of all milk received from dairy farmers at such plants tend to reduce the price received by producers whose milk is used regularly in the market and to discourage such producers from supplying an amount of milk sufficient to meet the needs of the market.

Milk received at plants outside the marketing area should not be pooled unless such plants (a) dispose of not less than 10 percent of their total route disposition of Class I milk on routes operating in the marketing area or (b) supply a reasonable amount of milk during the months of short supply to a plant which is located in the marketing area and from which milk is disposed of on routes operating in the marketing area or to a plant which is located outside the marketing area and from which not less than 10 percent of its entire route disposition of Class I milk is on routes operating in the marketing area.

Cincinnati is not the primary market for plants from which less than 10 percent of the total route disposition of Class I milk is in the marketing area. Very likely the market where the 90 percent rather than the market where the 10 percent of the milk is sold would have first claim upon the supplies of such a plant. The economic conditions in the territory where 90 percent of the milk is sold may be different from those prevailing in the area (i. e. regulated marketing area) where the 10 percent is sold and the prices specified in the order for the marketing area may not be appropriate in the territory outside the marketing area. The pricing of all milk received at such a plant from dairy farmers might well result in a serious financial disadvantage to the operator of such plant, especially if the prices paid by competitors were lower than those specified in the order. A requirement that at least 10 percent of the total route disposition of Class I milk from a plant be from routes operating in the marketing area before all milk received at such plant from dairy farmers would be priced and pooled is reasonable under the circumstances of this market.

Plants which are located outside the marketing area and from which no routes are operated in the marketing area should meet specified minimum requirements with respect to furnishing a supply of milk to the market during the months of short supply in order to have the receipts at such plants included in the pooling arrangement. More particularly, plants should furnish during the months listed below a determined amount of milk (i. e., not less than 1 percent of the total Class I milk in the pool for the second preceding month) in order to be included in the pool for the following months:

Months during which the determined amount of milk must be furnished:	*For inclusion in the pool during*
1 of the 2 months of October and November.	November.
2 of the 3 months of October, November, and December.	December.
3 of the 4 months of October, November, December, and January.	January through October.

This requirement recognizes the need for a standby supply during the months of short supply, furnishes a definite standard amount to be supplied by each and every plant, permits the operator of a plant to learn before the first of any given month what such determined amount is to be for such month and will not disqualify any plant whose supply is needed in the market. At the same time this requirement will tend to limit the abuse of handlers in entering plants in the Cincinnati pool without assuming any substantial responsibility for supplying the market.

It is necessary to delineate a method for determining what plants are to be

included in the pool between the date this amendment becomes effective and the date (i. e., November 1, 1950) upon which a plant would first be pooled pursuant to the above requirement. The most desirable method appears to be to include in the pool between the effective date of this amendment and November 1, 1950, all plants which were in the pool during the month next preceding the effective date of this amendment.

Producer milk diverted by a cooperative association during any month of the year to a plant from which no milk is disposed of in the marketing area should be priced and included in the pool.

The present order further provides for pricing and including in the computation of the uniform price, producer milk which is diverted by a cooperative association during April, May, or June to a plant from which no milk is disposed of in the marketing area.

There may be necessity for a cooperative association to divert milk, not needed in a bottling plant, to a manufacturing plant during months other than April, May, or June. Limitation of the period when diverted milk may continue in the pool to these three months would result in reduced prices to those producers whose milk was diverted during months other than April, May, or June as such producers probably would receive only the manufacturing price for their milk so diverted. This would result in uncertainty among producers as to the returns on the sale of their milk and would hinder the efficient production of milk for the market. It is desirable therefore to include in the pool producer milk diverted by a cooperative association during all months. Accordingly, the definitions of "producer" and "handler" are revised and definitions of "route," "fluid milk plant," and "pool plant" are added.

(2) The definition of "emergency milk" should be revised.

More particularly emergency milk should be defined as milk or skim milk in excess of the milk or skim milk, respectively, used in Class III milk received by a handler during any month when the receipts of producer milk by such handler are less than 120 percent of such handler's Class I utilization.

Under the present order emergency milk is that milk or skim milk received from outside sources in excess of the total quantity of milk diverted by a cooperative association on the same day.

The relationship between receipts of producer milk and utilization of Class I milk, however, is a more accurate criterion for the need of emergency milk than is the amount of milk diverted by a cooperative association. A supply equal to 120 percent of Class I milk is sufficient under normal conditions to cover the usual daily variations.

(3) The provisions for classifying milk should be revised by (a) including in Class I any product containing less than 8 percent butterfat not named in another class, (b) by including in Class II any product containing more than 8 percent butterfat not named in another class, (c) by naming the products in Class III milk, and (d) by allocating transfers from a pool plant to a plant other than a pool plant to the highest priced class utilization in such receiving plant during months other than April, May, June, and July.

Under the present order, fluid milk is the main item in Class I milk, cream is the main item in Class II milk, and all milk used to produce a milk product other than one specified in Class II is included in Class III.

When a new product is introduced to the market it should be classified in the class which appears to contain products which are similar to the new product. In the determination of whether such product shall be included in Class I or in Class II a standard based upon the percentage of butterfat in such product is appropriate. A new product containing 8 percent or more of butterfat more nearly resembles cream than milk and should be included in Class II milk. Likewise, a product containing less than 8 percent butterfat appropriately would be included in Class I milk. If the classification of a new product in this way is unsatisfactory to anyone, consideration may be given to classifying it in another class by the usual procedures for amending the order.

In order to avoid misunderstanding as to what products are included in Class III milk, the various products should be definitely named. Accordingly, whipped cream, whipped cream products, and eggnog are specified as products of Class III. These products have heretofore been in that class but producers proposed that they should be classified as Class II. These products, however, may be made from uninspected milk and sold in the marketing area and for this reason they are appropriately classified in Class III with other products which need not be made from inspected milk.

Transfers from a pool plant to a plant other than a pool plant during months other than April, May, June, and July should be allocated to the highest priced utilization in such receiving plant.

Under the present order, milk or cream transferred to another person not a handler may be classified as Class III subject to verification by the market administrator, if both parties agree to such classification.

There appears to be little reason why milk of producers, transferred to a plant other than a pool plant during the normally short season, should be classified as Class III milk if any milk has been used in Class I or Class II in the receiving plant. During the months when the supply of producer milk is usually shortest there may be need for such milk in Class I or Class II in the market.

A provision classifying such milk transferred during months other than the flush season in the highest priced class in which there is use in the receiving plant will assure the highest return to Cincinnati producers commensurate with the utilization of milk in plants having utilization in Class I and Class II, will not interfere with the transfer to plants in which only products named in Class III are manufactured and will not be unduly burdensome upon handlers.

(4) The basis for determination of the Class III price should be revised by changing the butter-powder formula.

The present order provides that the Class III price shall be the higher of the prices resulting from a butter-powder formula and the average price paid for milk at five Kentucky, Ohio, and Indiana manufacturing plants.

The present butter-powder formula makes use of a yield factor of 7 pounds of powder from 96 pounds of skim milk. This is equal to a yield of a slightly less than 7.3 pounds of powder per 100 pounds of skim milk. The average yield of powder from 100 pounds of skim milk in a plant representative of the Cincinnati area, however, approximates 8.5 pounds.

In converting prices of powder to equivalent prices for the skim milk in order to reflect accurately the value of skim milk used in making the powder, a representative yield of powder from skim milk should be used. Hence, the yield factor 8.5 pounds should be used instead of 7.3 pounds.

In months when the butter-powder formula price becomes the basic formula price, the increase in the powder yield factor will result in slightly increased Class I and Class II prices as compared to the present order. There will also be a similar increase in the Class III price during months when the butter-powder formula price becomes the Class III price. Since the result will be to effect a closer alignment among other fluid milk markets, the resultant increase is concluded to be justified.

The average price paid by the five Kentucky, Ohio, and Indiana plants should remain as an alternative Class III price.

The proposed substitution of the average price paid for milk at eighteen Wisconsin and Michigan manufacturing plants for the average price paid by the five Kentucky, Ohio, and Indiana plants as an alternative Class III price was not substantiated. The value of Class III milk is related to the prices paid for uninspected milk produced locally for manufacture into dairy products. The prices paid at the five Kentucky, Ohio, and Indiana plants are more representative of the local value of milk used for manufacturing purposes than are the prices paid at the eighteen Wisconsin and Michigan plants.

(5) The basic price used in the determination of the prices for Class I milk and Class II milk should be changed by substituting the average price paid for milk by eighteen Michigan and Wisconsin manufacturing plants for the average price paid for milk by five Kentucky, Ohio, and Indiana manufacturing plants.

Under the present order, prices for Class I milk and Class II milk are determined by adding a differential to the higher of a butter-powder formula price or the average of the prices paid by five local manufacturing plants.

The average of the prices paid for milk at 18 Michigan and Wisconsin plants would appear to represent better the national level of prices paid for milk to be used in the manufacture of dairy products than would the average of the prices reported as paid for milk at the five local plants.

It is important that class prices be kept in alignment with those in other nearby fluid milk markets and the aver-

age paid for milk at the 18 plants is widely used as a basic price for the determination of prices in other milk markets in the Ohio area. A closer correlation between class prices in the Cincinnati market and in other nearby markets would result therefore from the use of the price paid by the 18 plants.

(6) The present method of accounting for milk should be changed to one of accounting for the actual pounds of milk and butterfat used in each class.

Under the provisions of the present order the pounds of Class I milk have been computed on a volume basis and the pounds of Class II milk and Class III milk have been computed on the basis of the 4.0 percent milk equivalent of the butterfat used in each such class. If the total volume in all classes computed in this manner has been more or less than the total volume of receipts, the pounds of Class III milk have been decreased or increased, as the case may be, by the difference in such volume.

A method of accounting on a volume basis for the pounds of milk and butterfat used in each class should be adopted. There should be a butterfat differential for each class in order to reflect the combined value of the skim milk and butterfat used in each class.

The new accounting procedure will result in more accurate volumes classified as Class II milk and Class III milk, will make it possible for handlers to compute the cost of milk in the several products in the various classes, will simplify order operations and will result in costs of milk more nearly equal according to the use of skim milk and butterfat in each class among handlers.

Each class price should be divided into separate values for skim milk and butterfat. This is accomplished by the use of a butterfat differential. By application to the Class I price and to the Class II price of the same percentage that the butterfat value in the butter-powder formula used in the computation of the Class III price is of the total value resulting from such formula, the same relationship between skim milk and butterfat is applied to Class I milk and Class II milk as prevails in the value of milk which is manufactured into nonfat dry milk solids and butter.

The above change necessitates revision of the language of several provisions of the order.

Changes resulting from other issues are as follows:

The number of classes should be increased to four and Class IV should contain only milk manufactured into butter.

The present order provides for a reduction in the price of both skim milk and butterfat used in the manufacture of butter and Cheddar cheese during any month when the receipts of milk from producers by all handlers exceed 140 percent of the total Class I milk and Class II milk.

Although the manufacture of cheese in this market is a comparatively large volume operation carried on throughout the year, it does not serve as an outlet for surplus milk for any appreciable number of handlers. On the other hand, the manufacture of butter in the Cincinnati market affords salvage outlet for small amounts of butterfat which cannot be efficiently processed and for which no other use is available.

The Class III price is indicative of the value of milk manufactured into those products named in Class III and should apply in the case of large scale year-round operations. However, a reduction in the price of butterfat, below the price of butterfat in Class III, should be continued as a means of disposing of surplus butterfat used in the manufacture of butter. It is possible that some butterfat may have to be disposed of in the form of butter during the season of short supply as well as during the flush season; hence, the lower price should be operative during all months of the year, rather than only during the months of May, June and July, as proposed, or during any month when the receipts of milk from producers exceed 140 percent of the total Class I milk and Class II milk in the market as now provided in the order.

To accomplish this reduction and to avoid the confusion of having two prices for Class III milk, butter should be placed in a separate class (Class IV) and the price for Class IV milk should be the price for Class III milk less 17.5 cents per hundredweight ($0.05 x 3.5).

Class prices and uniform prices should be determined on the basis of milk containing 3.5 percent butterfat. Heretofore class prices have been determined on the basis of milk containing 4 percent of butterfat while the uniform price has been computed on the basis of 3.5 percent butterfat. A change in the method of accounting for milk (see Issue 6) to a 3.5 percent basis makes it possible to provide for the determination of the class prices and the uniform price on a single butterfat test without resulting in substantial changes in either cost of milk to handlers or returns on milk to producers. The use of a single butterfat test will reduce confusion regarding the determination of prices and will facilitate aligning prices under this order in appropriate relationship to the prices in other orders in the Ohio area.

A minor administrative change is made in the determination of the milk which is included in the computation of the uniform price. This change will have no effect on the cost of milk of any handler. The provision of the uniform price computation which insures the solvency of the producer-settlement fund is continued.

The definitions of "market administrator" and "delivery period" are deleted. Other provisions which relate to the market administrator render unnecessary a definition of that term. The term "month" has been used throughout the order in place of the term "delivery period."

The section "Expense of Administration" is revised so that the Secretary rather than the market administrator determines the minimum rate of assessment.

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

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers associations and the majority of the handlers.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order, as amended, and as hereby amended. The following order, as amended, and as hereby amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

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

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in preparation or processing of milk all or a portion of which is disposed of on routes operating wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on routes operating wholly or partially within the marketing area;

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraphs (a) or (b) of this section an amount of milk equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October or November.	November.
Two of the months of October, November, December.	December.
Three of the months of October, November, December, January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraphs (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm, producing milk under a dairy farm permit issued by an appropriate health authority, which is received at a "pool plant" described in § 965.7 or diverted from a pool plant by a cooperative association: *Provided,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I or Class II milk, on a route extending into the marketing area; or any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by a cooperative association, to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such association, and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Emergency milk.* "Emergency milk" means milk or skim milk other than producer milk received by a handler under a permit to receive such milk or skim milk issued to him by proper health authorities during months when receipts of producer milk or skim milk of the individual handler are less than 120 percent of such handler's Class I utilization of milk or skim milk, respectively.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part; and

(b) Report to the Secretary complaints of violations of the provisions of this part.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date upon which he enters his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

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

(c) Pay, out of the funds provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times.

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

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differential computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform price computed pursuant to § 965.64, and the butterfat differential computed pursuant to § 965.52.

REPORTS

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and milk products received by him during the month:

(1) The receipts at each plant from producers, from his own production, and from other handlers;

(2) The receipts of emergency milk, the date or dates upon which such milk was received during the month, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk;

(3) The receipts from any other source together with the butterfat content;

(4) The utilization of all receipts during the month;

(5) The name and address of each new producer; and

(6) His producer pay roll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On

or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (2) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (3) payments to producers and cooperative associations.

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

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in § 965.41 subject to the provisions of §§ 965.42, 965.43 and 965.44.

§ 965.41 *Class of utilization.* The classes of utilization of milk and butterfat shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of in the form of milk and milk drinks and any product containing less than 8.0 percent butterfat not specified in Class II milk, Class III milk or Class IV milk and all unaccounted for butterfat in excess of 2½ percent of receipts of butterfat from producers and emergency milk.

(b) Class II milk shall be all milk and skim milk disposed of as buttermilk, cottage cheese, cream for consumption as cream, and any product containing 8.0 percent or more of butterfat, not specified in Class I milk, Class III milk or Class IV milk.

(c) Class III milk shall be all milk (1) disposed of as plain or sweetened condensed or evaporated milk, spray or roller powder, margarine, animal feed, cheese except cottage cheese, commercially manufactured candy, eggnog, and whipped cream and whipped cream substitute; (2) used to produce ice cream, ice cream mix and frozen desserts; (3) dumped or spilled; (4) inventory variations, and butterfat not accounted for to the extent of 2½ percent of total receipts of butterfat from producers and emergency milk.

(d) Class IV milk shall be all milk disposed of as butter.

§ 965.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

(b) Any milk or milk product classified in one class shall be reclassified if such milk or milk product is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

§ 965.43 *Transfers between pool plants and between pool plants and plants other than pool plants.* (a) Milk and skim milk transferred from a pool plant to another pool plant shall be Class I milk, and cream so transferred shall be Class II milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants have received milk other than producer milk or emergency milk, the milk, skim milk or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk.

(b) Milk or skim milk transferred from a pool plant to a plant other than a pool plant shall be classified as Class I milk and cream so transferred shall be Class II milk: *Provided*, That if the operator of the pool plant on or before the 10th day after the end of the month furnishes to the market administrator a statement, which is signed by the operators of both plants, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further*, That in making such verification for months other than April, May, June, and July, the market administrator will assign milk, skim milk or cream so transferred to the highest use classification in the plant of the receiver.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of butterfat in producer milk and in milk other than producer milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat respectively in such class allocated to producer milk:

(a) The pounds of milk in Class III shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes.

(b) Subtract from the pounds of butterfat in Class III the pounds of producer butterfat in plant shrinkage which is not in excess of 2½ percent of all butterfat received from producers and in emergency milk.

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other handlers, in the classes transferred pursuant to § 965.43.

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, except emergency milk, received other than producer milk.

(e) Add to the Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section.

(f) Subtract prorata out of the remaining pounds of milk and butterfat, respectively, in each class, the total pounds of emergency milk and butterfat.

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the

following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture.

Company and Location

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

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46.

(a) The price for Class I milk shall be the basic formula price plus $1.05 for the months of April through July and $1.35 for the months of August through March.

(b) The price for Class II milk shall be the basic formula price plus $0.60 for the months of April, through July and $0.90 for the months of August through March.

(c) The price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The price as computed pursuant to § 965.50 (b);

(2) The simple average, as computed by the market administrator, of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Company, Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc., (Osgood Milk Company) Osgood, Indiana.
Carnation Milk Company, Maysville, Kentucky.

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I, Class II and Class III, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I, Class II and Class III prices for 3.5 percent milk computed pursuant to § 965.51 (a), (b), and (c) and divide by 35, the resulting sum (to the nearest hundredth of a cent) shall be the handler butterfat differential for each class, respectively. The handler butterfat differential for Class IV milk shall be such differential for Class III milk less 0.5 cent.

DETERMINATION OF UNIFORM PRICE

§ 965.60 *Computation of value of milk for each handler.* The value of the milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding any amount resulting from the following computation: Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the applicable class adjusted by the applicable butterfat differential.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying by the difference between the Class I and the Class III prices, the hundredweight of milk disposed of as Class I milk by such handler on routes operating within the marketing area less the hundredweight of Class I milk purchased by such handler during the month from a pool plant. On or before the thirteenth day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him subject to adjustment pursuant to § 965.62 and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the thirteenth day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers.* (a) Computation of uniform price for Grade A producers. For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.50 (b) (1), was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents;"

(3) Subtract an amount equivalent to the moneys retained pursuant to § 965.76;

(4) Add the unobligated balance in the producer-settlement fund;

(5) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(6) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight

for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) Computation of uniform price for Grade B producers. For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments made pursuant to §§ 965.61 and 965.72 and from which he shall make all payments pursuant to § 965.73.

§ 965.72 *Payment to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) The market administrator shall compute the payment due to each producer for milk delivered each month by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting if the butterfat is above or below 3.5 percent, one-tenth of the rate provided in § 965.64 (b) for each one-tenth of one percent variation from 3.5 percent, and subtracting any charges or deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided*, That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Payments to cooperative associations.* (a) Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and with the standards set forth in § 965.75 (a); to be operating as a producer-controlled marketing association exercising full authority in the sale of the milk of, and assuming responsibility for payments to, its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association shall be entitled, under the further conditions hereafter specified, to receive payments from the date of its qualification as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for hearing, that it has failed to continue to meet any condition set forth in this section for the receipt of such payments:

(1) At the rate of one-half cent per hundredweight on all milk (i) marketed by it in the manner indicated above on behalf of members, and (ii) on which reports and payments have been made as required under §§ 965.30, 965.70 and 965.74, except that payment at this rate shall not be made on milk with respect to which the same association is eligible to receive payment under subparagraph (2) of this paragraph.

(2) At the rate of 3 cents per hundredweight on all milk which is received from members at any plant operated by such an association, or subsidiary thereof, and which is included in the computations made pursuant to § 965.64.

(b) The market administrator shall, upon notice of the filing of an application by a cooperative association, retain each delivery period in the producer-settlement fund such sum as he estimates is ample to make payments to the applicant, to be held in reserve until the Secretary has ruled upon said application and shall, when the application has been ruled upon by the Secretary, make payment or issue credit out of such reserves in accordance with said ruling and shall release the balance of the reserved sums, if any, for disposition pursuant to § 965.64 (d); and shall on or before the 20th day of each month thereafter, make such payments or issue credit therefor out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to its conformity with any of the conditions for qualification or to the use of such payments and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) The market administrator shall suspend payment upon his own initiative or upon request by the Secretary or by such officer of the United States Department of Agriculture as he may designate, by giving written notice to a cooperative association and to the Secretary whenever there is good reason to believe that such association is no longer quali-

fied to receive payment. Such suspended payments shall be aggregated and held in reserve until the Secretary, after notice and opportunity for hearing, has appraised the performance of the cooperative and either has ordered a partial or complete payment of funds held in reserve to the cooperative or has disqualified such cooperative, in which event the balance of funds held in reserve shall be released for disposition pursuant to § 965.64 (d).

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

(1) The amount of the obligation;

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

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

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

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

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

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

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

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

Filed at Washington, D. C., this 7th day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6995; Filed, Aug. 9, 1950; 8:51 a. m.]

[7 CFR, Part 973]

[Docket No. AO-178-A2]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Minneapolis, Minnesota, on April 13 and 14, 1950, pursuant to notice thereof which was issued on March 23, 1950 (15 F. R. 1695).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on July 12, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 15, 1950 (15 F. R. 4514).

The material issues of record related to (1) the addition of the city of Anoka to the marketing area, (2) revision of the classification of milk, specifically with respect to natural buttermilk, unaccounted for milk, and flavored milk in hermetically sealed containers, (3) allocation of milk received from nonpool plants, (4) revision of the Class II pricing formula, (5) revision of the Class I differentials, (6) classification of receipts from producer-handlers, and (7) a reissuance of the entire order.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

FINDINGS AND CONCLUSIONS

Findings and conclusions on the record. The findings and conclusions of the recommended decision set forth in

the FEDERAL REGISTER (F. R. Doc. 50-6163; 15 F. R. 1695) with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. These findings and conclusions are supplemented by the following general findings.

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

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

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," and "Order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of August 1950.

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

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area*

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date of this part the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Pool plant.* "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (a) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (b) is transferred as Class I milk from such plant to a plant described in paragraph (a) of this section unless such transfer is made only during the months of August to November, inclusive, or (c) is transferred as Class I milk from such plant to a plant described in paragraph (b) of this section unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

§ 973.6 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in § 973.5. Any such plant shall

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

become a "pool plant" during any delivery period within which it meets the requirements set forth in § 973.5.

§ 973.7 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 973.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

§ 973.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80 and 973.83; and may at any time thereafter so disclose any such name if authorized by the Secretary;

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

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this part as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period of reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products, disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants, and the sources thereof;

(b) The utilization of all skim milk or butterfat disposed of;

(c) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (c) payments to producers and cooperative associations, and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified by the market administrator pursuant to the provisions of §§ 973.41 to 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for con-

sumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (except flavored milk and flavored milk drinks in hermetically sealed containers), cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

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

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (2) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(d) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a nonpool plant located more than 100 miles from the marketing area.

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

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner: (1) Subtract from the pounds of skim milk in Class II the pounds of skim milk received from nonpool plants: *Provided*, That if the receipts from nonpool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I; (2) subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to § 973.43 (a); (3) if the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall, subject to the provisions of §§ 973.52 and 973.53, pay at the time and in the manner set forth in § 973.80 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; plus 85 cents during the delivery periods of August to November, inclusive.

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received; (2) multiply by 8.2 the average price of spray process nonfat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph and (4) subtract 65 cents therefrom.

§ 973.51 *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to § 973.50 (b) or that derived from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

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

(b) (1) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (2) add 2.4 times the weekly prevailing price of "Cheddars" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by seven (7); (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this section the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was re-

ceived from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

§ 973.53 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.50 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.50 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.54 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.46, 973.50 to 973.54, 973.70 to 973.78, 973.80 to 973.84, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date of this part, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date of this part in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat in bulk in the form of whole milk to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

§ 973.63 *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.71, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided,* That if any skim milk has been subtracted pursuant to § 973.45 (a) (3), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

§ 973.71 *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(a) To the value computed pursuant to § 973.70 add an amount equal to the total value of the location differentials computed pursuant to § 973.82.

(b) From the sum obtained in paragraph (a) of this section subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiply the result by the total hundredweight of milk received directly from producers' farms.

(c) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(d) Divide the result by the total hundredweight of milk received directly from producers' farms.

(e) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

§ 973.72 *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.50 and the butterfat differentials computed pursuant to § 973.53 and § 973.81.

§ 973.73 *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to § 973.71.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.71, subject to the differentials set forth in §§ 973.81 and 973.82.

(b) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section, and less the amount of the payment made pursuant to paragraph (d) of this section.

(c) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.50, subject to the differentials set forth in §§ 973.52 and 973.53, and less the amount of the payment made

pursuant to paragraph (d) of this section.

(d) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in § 973.80 (a) and (b) shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such viaduct.

§ 973.83 *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in § 973.80 shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.70.

§ 973.84 *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 973.80 and 973.83;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* As his prorata share of the expense of administration of this part each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information: (1) The amount of the obligation; (2) the month(s) during which the milk, with respect to which the obligation exists, was received or handled; and (3) if the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market adminstrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 9c (15) (A) of the act, a petition claiming such money.

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

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F. R. Doc. 50-6996; Filed, Aug. 9, 1950; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 695]

HOME WORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to issue regulations relating to homeworkers in industries in the Virgin Islands, to read as hereinafter set forth. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, U. S. Department of Labor, Washington 25, D. C., or to the Territorial Director, Wage and Hour Division, U. S. Department of Labor, P. O. Box 3906, Santurce 29, Puerto Rico, within fifteen days from publication hereof in the FEDERAL REGISTER.

The regulations are to be issued pursuant to the authority contained in sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended (sec. 3 (f), 54 Stat. 616, as amended; sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (2), 211 (c)).

Sec.

AUTHORITY: §§ 695.1 to 695.12 issued under sec. 3 (f), 54 Stat. 616, as amended, sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (2), 211 (c).

§ 695.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home workers in the Virgin Islands.

§ 695.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning; provided, however, that the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the Fair Labor Standards Act of 1938, as amended, hereinafter referred to as the act.[1]

(a) "Employer" includes any natural or artificial person, who, for his own account or benefit, or on behalf of any other person, directly or indirectly, through any other person:

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in or about a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in or about a home and then rebuys such goods after such processing or fabricating, either himself or through some other person.

(3) Purchases any goods from a homeworker whom he suffers or permits to work, even though such homeworker has purchased the material used in the processing or fabrication of such goods from a source other than such employer.

(b) "Employ" includes to suffer or permit to work.

(c) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(d) "Home worker" includes any employee performing in or about a home any operation on goods produced for commerce, provided that such work is not performed under either actively or personally regulated or supervised conditions.

(e) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 695.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker (or prior to the commencement of work by a homeworker, in cases where the homeworker purchases the raw materials) shall file with the Territorial Office of the Wage and Hour Division in Puerto Rico,

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 695.8, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

§ 695.4 *Delivery and collection of goods.* Where goods for production in a home are distributed to the homeworker by the employer, such goods shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the employer's principal office in the Virgin Islands or by employees expressly employed by the employer to distribute and collect such goods outside such principal office.

§ 695.5 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay the home worker immediately for such work. Payment shall be made to each home worker at rates not less than those required under §§ 695.8 or 695.9, and in accordance with the requirements of sections 6 and 7 of the act.

[1] Sec. 3, 52 Stat. 1060; 29 U. S. C. 203.

§ 695.6 *Records to be kept.*[1] (a) Every employer shall make and have available at his principal office in the Virgin Islands a record of the following information:

(1) The name and address of each firm situated outside the Virgin Islands, if any, from whom the goods for delivery to a home worker were received.

(2) The name and address of each home worker, and the date of birth of each home worker under 19, to whom goods were delivered or from whom goods were purchased.

(3) The dates upon which goods were delivered to and collected from, or purchased from, each home worker.

(4) The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rates to be paid or paid and the net amount actually paid each home worker for the operations performed upon such goods.

(5) The date upon which each home worker was paid for operations performed on the goods.

(b) At the time work is given out to or received or purchased from a home worker, as the case may be, every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

(1) The dates upon which goods were delivered to and collected from, or purchased from, the home worker.

(2) The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rate to be paid or paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date upon which the home worker was paid for operations performed on the goods.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal office in the Virgin Islands, and enters in the handbook of each such home worker, a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work delivered to the employer.

(2) The total hours worked each week.

(3) The wages paid the home worker each week at regular piece rates.

(4) The extra amount paid to the home worker for hours worked in excess of 40 in each week.

[1] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, or other persons acting in behalf of the employer. No particular order or form of records is prescribed by the regulations contained in this part. The employer may keep his own record system, so long as he keeps all the required information available in understandable form.

§ 695.7 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than three years at his place of business the records required above. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 695.8 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each home worker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates prescribed in § 695.12 for the operations described therein.

§ 695.9 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 695.10 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 695.11 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired, and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

§ 695.12 *Piece rates established in accordance with § 695.8.*

Schedule A—Piece Rate Schedule for the Hand-Made Art Linen Industry in the Virgin Islands.
(Hand-embroidery operations)

Design No.	Description of design	Piece rate per unit (cents)
1	Native Woman No. 1—Woman carrying tray of fruit on head, palm tree; embroidered in solid-cord and back stitch, without hoop, as per embroidered design No. 1, filed with the Wage and Hour Division. Size: 1" high, ¾" at base.	10.5
2	Native Woman No. 2—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 2, filed with the Wage and Hour Division. Size: 1 9/16" high, 1 3/16" at base.	12.7
3	Native Woman No. 3—Woman carrying tray of fruit on head, palm tree with 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 3, filed with the Wage and Hour Division. Size: 2" high, 2 1/16" at base.	16.8
4	Native Women No. 4—Woman carrying tray of fruit on head, 2 palm trees, each with 3 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 4, filed with the Wage and Hour Division. Size: 3¾" high, 6¼" at base.	72.9
5	Palm Tree No. 1—Palm tree, 6 leaves, 2 small fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 5, filed with the Wage and Hour Division. Size: 1½" high, 1¼" at base.	11.8
6	Palm Tree No. 2—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 6, filed with the Wage and Hour Division. Size: 2½" high, 1⅝" at base.	13.9
7	Palm Tree No. 3—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 7, filed with the Wage and Hour Division. Size: 3¾" high, 2½" at base.	21.4
8	Donkey and Rider No. 1—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 8, filed with the Wage and Hour Division. Size: 1½" high, 1¼" at base.	12.4
9	Donkey and Rider No. 2—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 9, filed with the Wage and Hour Division. Size: 1½" high, 1¾" at base.	17.4
10	Donkey and Rider No. 3—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 10, filed with the Wage and Hour Division. Size: 2⅛" high, 2¼" at base.	21.4
11	Donkey and Boy No. 1—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 11, filed with the Wage and Hour Division. Size: 2" high, 1⅝" at base.	18.1
12	Donkey and Boy No. 2—Boy leading donkey, man carrying bundle of bananas; palm tree, embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 12, filed with the Wage and Hour Division. Size: 2⅜" high, 2¾" at base.	24.3
13	Bluebeard Castle No. 1—Castle in shape of tower, 4 windows, door, flag, and 2 palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 13, filed with the Wage and Hour Division. Size: 1⅞" high, 1⅞" wide.	16.4
14	Bluebeard Castle No. 2—Castle in shape of tower, 4 windows, door, flag, 1 large and 2 small palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 14, filed with the Wage and Hour Division. Size: 2¼" high, 2¾" wide.	21.3
15	Bluebeard Castle No. 3—Castle in shape of tower, 4 windows, door, flag, 2 large and 3 small palm trees, 2 banana plants; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 15, filed with the Wage and Hour Division. Size: 4½" high, 6¼" wide.	53.0

Signed at Washington, D. C., this 4th day of August 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-6986; Filed, Aug. 9, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 2]

[Docket No. 9748]

USE OF GOVERNMENT FREQUENCIES BY NON-GOVERNMENT STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rulemaking in the above entitled matter.

2. It is proposed to amend § 2.103 by adding the following paragraph:

(c) The use of frequencies allocated exclusively to Government stations in columns 5 and 6 of § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

3. The proposed revision of Part 2 is issued under authority of section 303 (c), (d), (e), (f), and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed changes should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before Sept. 15, 1950, a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking final action in this matter, and if any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 2, 1950.

Released: August 3, 1950.

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

[F. R. Doc. 50-6989; Filed, Aug. 9, 1950; 8:49 a. m.]

[47 CFR, Part 20]

[Docket No. 9749]

DISASTER COMMUNICATIONS SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On June 5 and 6, 1950, the Commission in accordance with its Public Notices of March 23 and June 1, 1950 (FCC 50-382 and FCC 50-705), held an informal public conference to plan the establishment of a new Disaster Communications Service. That conference discussed the principles that should be covered in such rules as might eventually be adopted to govern a Disaster Communications Service. The subsequent pressure of recent world events makes the early establishment of such a service both highly desirable and necessary. Accordingly, the Commission has accelerated the preparation of proposed rules based on the data obtained at the conference. Because of the urgency of the matter, comments of all interested parties both as to substance and form are earnestly requested.

3. The proposed rules which are set forth in the attached appendix are issued under the authority of sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before September 15, 1950, a statement or brief setting forth his comments. At the same time, persons favoring the rules may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and six copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 2, 1950.

Released: August 3, 1950.

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

PART 20—DISASTER COMMUNICATIONS SERVICE

§ 20.1 *Basis and purpose.* (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses to stations.

(b) The purpose of the rules in this part is to make provision for the authorization of radio stations to operate in a Disaster Communications Service. These stations will provide communications in connection with disasters and other incidents involving loss of communications facilities normally available or demanding the temporary establishment of communications facilities beyond those normally available. As used in this part, the term "disaster and other incidents" means an occurrence of such a nature as to involve the health or safety of a community or larger area and shall include, but not be limited to, floods, earthquakes, hurricanes, explosions, and consequences of armed attack.

§ 20.2 *Scope of service.* (a) Stations operating in this service are authorized to transmit and receive only disaster communications as set forth in § 20.5 for:

(1) Liaison purposes between individual or network stations handling disaster communications on their own regularly assigned service frequencies; or

(2) Direct operation of Disaster Communications Service networks having no other frequencies available or none satisfactory for the distances to be covered.

(b) Payment in any form for handling any communications in this service is prohibited: *Provided, however,* That the utilization of persons on a salary basis in connection with the service is permitted.

§ 20.3 *Disaster station defined.* Any government or non-government radio station able to function as a fixed, land, or mobile station and authorized, if government by its controlling federal government agency or if non-government by the Federal Communications Commission, to operate in the Disaster Communications Service.

§ 20.4 *Activation and points of communication.* (a) All stations in the Disaster Communications Service are authorized to communicate with one another only when competent local authority:

(1) Determines that a pending or actual disaster warrants their activation, or

(2) Schedules training operations, practice drills, or tests to keep the networks and associated stations alert and the frequencies in use.

(b) Competent local authority is defined as meaning that authority within a community or larger area which is so designated in the coordinated disaster communications plan for the area concerned. In the absence of a specific authority named in the plan, the individual in charge of the net control station, or his representative, for the local Disaster Communications Service net established in accordance with the disaster plan shall be considered as competent local authority for activating the net. Nothing in this paragraph shall be deemed to preclude any station from using the Scene of Disaster Frequency at any time the safety of life and property are in danger as a result of a disaster as that term is defined in § 20.1 (b).

§ 20.5 *Disaster communications defined.* Disaster communications shall comprise only the following: (a) Communications when there is no impending or actual disaster.

(1) Necessary drills and tests to insure the establishment and maintenance of efficient networks of disaster stations. These drills and tests may include the pre-arranged exchange of communications by stations of established networks with stations outside any established network provided that the purpose of such exchange is to provide training and practice in the establishment and maintenance of liaison and coordination between such network and non-network stations

(b) Communications when there is an impending or actual disaster, the order of priority to be descending in the order named:

(1) Communications directly concerning:

(i) The activation of a disaster network, or

(ii) The establishment and maintenance of liaison and coordination between:

(*a*) The stations of one network and the stations of any other network,

(*b*) Any network station and any non-network station of any agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster, or

(c) Any non-network station of one agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster and any non-network station of any other agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster.

(2) Communications directly concerning the conduct of service by an activated disaster network.

(3) Communications directly concerning safety of life, preservation of property, or maintenance of law and order by authorized government agencies.

(4) Communications directly concerning the accumulation and dissemination of public information regarding safety of life, preservation of property, or maintenance of law and order by authorized government agencies.

(5) Communications directly concerning the transaction of business.

(6) Communications directly concerning personal matters not included in any of the foregoing categories.

§ 20.6 *Eligibility.* (a) Authorizations to operate in the Disaster Communications Service will be issued to any person eligible under the Communications Act of 1934, as amended, provided the station or proposed station will operate as an element of a disaster communications network set up under a locally coordinated disaster plan.

(b) If the station to be operated in the service is a United States Government station, the authority to so operate will be granted by the appropriate United States Government agency concerned.

§ 20.7 *Organization of networks.* Local disaster communications networks shall be organized by whatever local group or groups of people may be interested in providing such a service. In any particular area there may be several networks and each network may be independent of the others. Wherever there are several networks in the same area, however, they will all share the available frequencies in an efficient and orderly manner, under a single coordinated disaster communication plan. Any particular network shall be organized and set up along such lines and include the making of such written records that an inspection of the network will show that there is in fact a local disaster network of definitely identified stations with appropriate leadership and rules for self-government and operating procedure that will tend to assure an orderly and reasonably efficient service. The various networks in different areas shall establish proper liaison arrangements so that in case of need they can all work together under a coordinated inter-area plan.

§ 20.8 *Specific frequencies, emission, power.* (a) Within the band 1750–1800 kc., disaster stations shall be limited to their choice of the following specific frequencies with the specific type of emission indicated: (Selection and use of frequencies shall be in accordance with a coordinated local area and adjacent area disaster communication plan)

(1) *C.' channels* (15–1.0 kc. channels):
1. 1750–1751 kc., 1.0A1 (1750.5 kc. center).
2. 1751–1752 kc., 1.0A1 (1751.5 kc. center).
3. 1752–1753 kc., 1.0A1 (1753.5 kc. center).
4. 1753–1754 kc., 1.0A1 (1753.5 kc. center).
5. 1754–1755 kc., 1.0A1 (1754.5 kc. center).
6. 1755–1756 kc., 1.0A1 (1755.5 kc. center).
7. 1756–1757 kc., 1.0A1 (1756.5 kc. center).
8. 1757–1758 kc., 1.0A1 (1757.5 kc. center).
9. 1758–1759 kc., 1.0A1 (1758.5 kc. center).
10. 1759–1760 kc., 1.0A1 (1759.5 kc. center).
11. 1760–1761 kc. 1.0A1 (1760.5 kc. center).
12. 1761–1762 kc., 1.0A1 (1761.5 kc. center).
13. 1762–1763 kc., 1.0A1 (1762.5 kc. center).
14. 1763–1764 kc., 1.0A1 (1763.5 kc. center).
15. 1764–1765 kc., 1.0A1 (1764.5 kc. center).

(2) *Scene of disaster channel* (1–7 kc. channel): S. O. D. 1765–1772 kc., 2.5A1 or 7A3 (1768.5 kc. center).

(3) *Phone channels* (4–7 kc. channels):
1. 1772–1779 kc., 7A3 (1775.5 kc. center).
2. 1779–1786 kc., 7A3 (1782.5 kc. center).
3. 1786–1793 kc., 7A3 (1789.5 kc. center).
4. 1793–1800 kc., 7A3 (1796.5 kc. center).

(b) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency, removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage:	*Attenuation (db)*
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(c) When an authorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

(d) The carrier frequency of each authorized transmitter in these services shall be maintained within 0.005 percent of the assigned frequency.

(e) The transmitting equipment in a radio station in the disaster communications service shall be adjusted in such a manner as to produce the minimum radiation necessary to carry out the communication desired when such station is sending radio communications or signals of disaster and radio communications relating thereto.

§ 20.9 *Operator requirements.* Any amateur radio operator license issued by the Federal Communications Commission authorizing operation of an amateur station in the amateur segments of the 1800–2000 kc. band qualifies the holder of such license to operate an authorized Disaster Station in the 1750–1800 kc. band, in accordance with these rules. Any commercial radio operator license qualifies its holder to operate authorized Disaster Stations under these rules to the extent that the same method of operation is permitted in any other service in which the commercial license can normally be used. All transmitter adjustments or tests during or coincident with the installation, servicing or maintenance of a disaster station which may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding the above-type amateur operator license or the holder of either a first or second class commercial radio operator license which authorizes adjustments and repair to the type of equipment being used in the Disaster Communication Service, in accordance with the type of emission being employed.

§ 20.10 *Station applications, licenses, and authorizations.* (a) An application for authorization to operate, in the Disaster Communications Service, a radio station already licensed in a different service shall be submitted as a notarized letter directly to the Secretary, Federal Communications Commission, Washington 25 D. C. Such letter shall describe in detail the applicant's eligibility under § 20.7, and shall be supported by an attached certified copy of the locally coordinated disaster communication plan, or if already submitted shall include a reference to it in the application letter.

(b) An application (by an applicant not presently licensed in another radio service) for license to operate a radio station in the Disaster Communications Service only, shall be submitted as indicated in paragraph (a) of this section for an authorization, and shall be accompanied by an application for a radio station construction permit (FCC Forms Nos. 401 and 401a).

§ 20.11 *Term of station authorizations and licenses.* (a) Authorizations to operate in the Disaster Communications Service for stations already licensed in other services will be issued, upon satisfactory application, for a term concurrent with the present station licenses.

(b) Licenses for new stations to operate in this service only, will be issued upon application on FCC Form 403, after completion of construction or installation in accordance with the terms and conditions set forth in the construction permit. Such licenses normally will be issued for an original term of from one to four years, as the Commission may determine in each case, to permit the orderly scheduling of renewals, and for a renewal term of four years.

§ 20.12 *Station identification.* (a) Call signs. Radio stations licensed in a service other than the Disaster Communications Service shall identify their transmissions in the Disaster Communications Service by using the regular station call signs assigned to them for the service in which they normally operate. Radio stations licensed only in the Disaster Communications Service shall use a special call sign assigned to them for that service.

(b) Use of call signs. Each station shall transmit the call sign of the station being called followed by its own call sign at the beginning of each series of communications with the called station, at least once each fifteen minutes of such operation, and when signing off communication with the called station. One-way transmissions intended for several Disaster Communications Stations shall be identified in the same manner except that a general call or group name may be used in place of the call signs of the several stations intended to receive the transmission. Test transmissions of a station tuning up or making adjustments with a signal on the air must be identified by announcement of its sign at the beginning and end of the test period and each two minutes of that period.

§ 20.13 *Equipment requirements.* (a) Frequencies, types of emission, bandwidth limitations, frequency tolerance and power are specified in § 20.8.

(b) Transmitting equipment shall include specific means for practicable limitations of emissions to the frequency channel being employed.

(c) When the radio frequency carrier of a station in the Disaster Communications Service is amplitude modulated, such modulation shall not exceed 100 percent on negative peaks.

§ 20.14 *Radio station log.* The licensee of each radio station authorized to operate in the Disaster Communications Service shall keep a log of all operations in the 1750–1800 kc band which shall include the following:

(a) Name and address of the disaster station licensee or authorization holder, station call sign used in the disaster service, disaster station authorization date and number, and d. c. plate power input to the r. f. tube or tubes supplying power to the antenna system. This information need be entered only once in the log unless there is a change in any of the above items. Each change shall be entered with the date the change is made.

(b) Date and time of beginning and end of each period during which the disaster station is manned.

(c) Signature of each licensed operator who manipulates the key of a manually operated radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter using any other type of emission, and the name (or signature) of any person not holding a radio operator license who transmits by voice. The signature of the operator shall be entered with the date and time at both the beginning and end of each period during which he is manning the controls of the disaster station and at least once on each page additional to the first page covering the period for which he is the responsible operator. The signature of any additional operator who operates the station during the regular watch of another operator shall be entered in the proper space for that additional operator's transmissions.

(d) Upon completion of each period of operation for drill, training, or liaison purposes and each period of operation in connection with an imminent or actual disaster, there shall be entered in the log a summary of such operation describing its nature and giving pertinent details.

(e) There shall be no erasures, obliteration or destruction of any part of the disaster station log. Corrections shall be made by striking out erroneous portions and initialling and dating the correction.

§ 20.15 *Availability of station license or authorization and operator licenses.* (a) The station license or authorization for a radio station in the Disaster Communications Service, or photo copy thereof, shall be permanently attached to the transmitter if the transmitter is readily accessible, or permanently posted at the transmitter control position.

(b) The original radio operator license or license verification card of the operator controlling the emissions of a station in the Disaster Communications Service shall be carried on his person, or kept immediately available at the place where he is operating the disaster station.

[F. R. Doc. 50-6988; Filed, Aug. 9, 1950; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 17]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Doc. 50-6921, appearing at page 5102 of the issue for Tuesday, August 8, 1950, the 22d line of paragraph 6 of the Findings of fact should read: "ylated tartaric acid assumed, but did".

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 29

AUGUST 2, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska land district, embracing approximately 99.5 acres:

FOR LEASING AND SALE

FOR HOME AND CABIN SITES

T. 17 N., R. 3 W., Seward Meridian
Section 20: W½SW¼NE¼NE¼.
Lot 4
Lot 5, that portion if described in terms of a normal subdivision would be: W½SW¼NE¼SE¼, N½N½NE¼SE¼, and SW¼NW¼NE¼SE¼.
Lot 6
Lot 7, that portion if described in terms of a normal subdivision would be: NE¼SW¼ and E½SE¼SW¼

2. The lands are located on the northeast shore of Big Lake, approximately fifteen miles west of Wasilla, Alaska. The land is accessible by seaplane or by boat from an airfield and a road terminal at the east end of the lake. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south-central Alaska and the extreme continental climate typical of the interior of Alaska. The winter is typically long and moderately cold, and the summer short and fairly warm.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 22, 1950. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference-right filings.* For a period of 90 days from 10:00 a. m. on August 22, 1950, to close of business on November 20, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference

rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on August 2, 1950, or thereafter, up to and including 10:00 a. m. on August 22, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 21, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the general public filed on November 1, 1950, or thereafter, up to and including 10:00 a. m. on November 21, 1950, shall be treated as simultaneously filed.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the Small Tract Act by the general public filed on November 1, 1950, or thereafter, up to and including 10:00 a. m. on November 21, 1950, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraph 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 3 acres to 7.5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[P. R. Doc. 50-6968; Filed, Aug. 9, 1950; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PROCEDURE FOR THE CONDUCT OF REFERENDA AMONG PRODUCERS IN CONNECTION WITH MARKETING ORDERS (EXCEPT THOSE APPLICABLE TO MILK AND ITS PRODUCTS) TO BECOME EFFECTIVE PURSUANT TO THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Unless otherwise prescribed by the Secretary of Agriculture, the following procedure will be applicable to each producer referendum conducted for the purpose of ascertaining whether the issuance by the Secretary of a marketing order or amendment thereto (except marketing orders and amendments applicable to milk and its products) is approved or favored, as required under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.):

(a) For the purpose of such referendum:

(1) "Producer" means any individual, partnership, corporation, association, or other business unit who or which: (i) Owns and farms land, resulting in his or its ownership of the commodity produced thereon; (ii) rents and farms land, resulting in his or its ownership of all or a portion of the commodity produced thereon; or (iii) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the commodity produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the commodity grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

(2) Each producer shall be entitled to only one vote in such referendum, except that: (i) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum; and (ii) a cooperative association of producers, bona fide engaged in marketing the commodity or product thereof proposed to be regulated, or in rendering services for or advancing the interests of the producers of such commodity or product, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association. Each ballot cast by, or on behalf of, a producer shall reflect the total volume of the commodity of which he or it was the producer during the representative period determined by the Secretary.

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

(b) The agents designated by the Secretary to conduct any such referendum shall perform their functions subject to, and at the direction of, the Director of the Fruit and Vegetable Branch, Production and Marketing Administration.

(c) Such agents shall:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the representative period determined by the Secretary, have been engaged, within the specified production area, in the production for market of the commodity specified, to cast their ballots relative to the issuance of such order or amendment.

(2) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(3) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(4) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information, and (ii) by such other means as said agents may deem advisable.

(5) Make available to producers and the aforesaid cooperative associations copies of the text of the proposed order or amendment, instructions on voting, and appropriate ballot and other necessary forms.

(6) In the event such agents determine that ballots may be cast by mail, cause all the material specified in paragraph (b) (5) hereof to be mailed to each such cooperative association and each such producer whose name and address is known.

(7) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places, and designate and announce such polling places and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four (4) consecutive daylight hours during each day announced.

(8) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places, and designate and announce such meeting places, and the time of each such meeting.

(d) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(1) Give public notice of the referendum in the manner specified herein;

(2) Preside at a meeting of producers or as poll officer at a polling place;

(3) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(4) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(e) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(f) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(1) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots; and

(3) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(g) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (f) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(h) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(i) All ballots shall be treated as confidential; and the contents of ballots shall not be divulged except as provided herein or as the Secretary may direct.

(j) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

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

Done at Washington, D. C., this 7th day of August 1950.

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

[F. R. Doc. 50-6992; Filed, Aug. 9, 1950; 8:50 a. m.]

PROCEDURE FOR THE CONDUCT OF REFERENDA TO DETERMINE PRODUCER APPROVAL OF MILK MARKETING ORDERS TO BE MADE EFFECTIVE PURSUANT TO THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937 AS AMENDED

Unless otherwise prescribed by the Secretary of Agriculture, the following procedure will be applicable to each producer referendum conducted for the purpose of ascertaining whether the issuance by the Secretary of a marketing order or amendment thereto with respect to the handling of milk in a specified marketing area is approved or favored, as required under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

1. The agent (or agents) to conduct the referendum shall be designated by the Secretary of Agriculture or his duly authorized representative.

2. Each producer, as defined in the order or amendment with respect to which the referendum is to be conducted, who, during the representative period determined by the Secretary, was engaged in the production of milk for sale in the marketing area, shall be entitled to one vote in any such referendum: *Provided*, That no person who alleges that during all or any part of the representative period he was a producer as defined in the order or amendment shall be refused a ballot: *And provided further*, That any cooperative association of producers which the Director of the Dairy Branch has found to be qualified to express approval or disapproval on behalf of its producers pursuant to section 8c (12) of the Agricultural Marketing Agreement Act of 1937, as amended, may, if it elects to do so, cast its vote for the producers who are members of, or stockholders in, or under contract with, such association.

3. Any cooperative association of producers, which has not previously been determined by the Director of the Dairy Branch to be qualified to express approval or disapproval on behalf of the producers who are members of, stockholders in, or under contract with, such association, and desires to obtain such qualification, shall, at least five days prior to the time of the referendum, make application to the Director of the Dairy Branch for the required determination. Copies of the association's articles of incorporation, by-laws and membership contracts must accompany such application.

4. Subject to direction of the Director of the Dairy Branch, Production and Marketing Administration, the referendum agent shall perform the following functions in connection with such referendum:

(a) Ascertain the names of all producers eligible to vote.

(b) Ascertain whether any qualified cooperative association desires to cast a ballot on behalf of its eligible producers. If it does,

(1) Verify the names of all of such association's eligible producers and make a record of all duplications of names (names appearing on more than one verified association list) without attempting to judge as to which association the person legally belongs. Special inquiry should be made to determine whether any producer shown on more than one association list has taken action to withdraw from either association.

(c) If the referendum agent has knowledge of any other producer association which might claim the right to vote its producers, he should notify it in writing of the requirements set forth in section 3 hereof. The referendum agent should also request from the association a certified list of producers who are members of, stockholders in, or under contract with such association, and should advise such association that refusal or failure to comply with the provisions of section 3 hereof, and to permit an immediate verification of the certified list of producers will be regarded as an indication of its desire to waive the right to vote on behalf of its producers.

(d) Referendum conducted by mail. At least three days prior to the time of the referendum

(1) Mail to the chairman of the board of directors of each qualified cooperative association electing to vote its producers, copies of the order or amendment under consideration, enclosing a ballot, notice as to the time prior to which all ballots must be cast, and an addressed envelope for the return of the ballot. The chairman should be instructed that the association's ballot must be accompanied by a certified copy of the resolution of the board of directors authorizing the casting of the ballot;

(2) Mail to each producer who does not appear to be a member of any qualified cooperative association voting in the referendum, a copy of the order or amendment under consideration, a ballot, a letter of instructions for casting the ballot (including notice as to the time prior to which the ballot must be cast), and an addressed envelope for the return of the ballot.

(3) On the day the ballots are mailed to producers, present to the daily newspapers generally distributed throughout the area, to the radio stations serving the area, and to all county agents and PMA county committees within the milkshed, a statement setting forth notice of the referendum, of the mailing of ballots to all known producers, of the final date for the return of the ballots, and of the time and places where eligible producers who have failed to receive the voting materials described in paragraph (d) hereof, may obtain the same. The aforementioned notice should also be given at the same time by such other means as the referendum agent may deem desirable, including paid advertising in daily newspapers.

(e) Referendum conducted at polling places or at meetings of producers.

(1) Designate the polling or meeting places, the day for the referendum, and the time of such meetings or the hours during which such polling places shall be open and closed: *Provided*, That all polling places shall remain open not less than four hours during such day.

(2) Give notice of the day, places, and hours of polling or time of meetings by (i) issuing a statement to the press and to the radio stations serving the area, giving such information; (ii) posting a copy of such statement at each polling or meeting place at least one day prior to the date of balloting; (iii) mailing to all county agents and to all PMA county committees within the milkshed copies of the order or amendment thereto, on which the referendum is to be conducted, together with the notice of the date, places, and hours of polling or meetings; (iv) mailing at least three days prior to the date of the referendum, to each qualified cooperative association voting on behalf of its producers, and to each eligible producer whose name does not appear on the certified list of such association's producers, a letter giving notice of the date, places, and hours of polling, and enclosing a copy of the order or amendment thereto; and (v) such other means as the referendum agent may deem desirable, including paid advertising in daily newspapers.

(3) Appoint the person or persons who shall be in charge of each polling place, or who shall preside at such meetings and instruct all such officers as to the conduct of the referendum and the manner of transmittal of the ballots. Each person so appointed shall serve without compensation.

(4) Personally supervise the counting and tabulation of all ballots cast.

(f) During the period within which the referendum is to be conducted, present to each handler defined in the order or amendment, a copy of the marketing agreement, containing identical terms, for his signature.

(g) Unless otherwise directed, the referendum shall be completed on or before the 15th day from the date on which the Secretary signs an order directing that a referendum be conducted. All ballots cast shall be treated as confidential and the contents thereof shall be divulged only to the Secretary or to such other persons as the Secretary may direct. The referendum agent shall make no public announcement of, and shall not discuss with any interested person the results of the referendum prior to the official announcement of such results by the Secretary.

(h) Upon receiving the ballots submitted within the specified time for the casting of ballots, tabulate such ballots in a manner which will show the total number of ballots mailed to producers, the number of producers voting in the referendum, the number of producers favoring and the number opposed to the issuance of the order or amendment, and the number of producers whose ballots were disqualified. (If, in checking the ballots, it is found that any ballots were cast by persons who were not producers during the representative period, such ballot shall be disqualified. Likewise, if a ballot is cast by any person whose name appears on the list of producers on whose behalf a qualified cooperative association is voting, such ballot shall be disqualified.)

(i) In the event a poll is also being taken with respect to the inclusion of an individual handler pool provision in the order or amendment, a separate tabulation should be made of the number of producers opposed to or in favor of such a provision, and the number of producers whose ballots were disqualified. The results should be reported separately to the Secretary at the same time that the results of the vote on the issuance of the order or amendment are reported.

(j) Within 2 days after the close of the referendum, transmit to the Secretary, for the attention of the Director of the Dairy Branch, a complete detailed report of all action taken in connection therewith, together with all of the ballots received. A copy of each statement as it appeared in each newspaper shall also be transmitted with the report of the referendum.

5. The Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe the type of referendum to be conducted and to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agent and appointees in conducting said referendum.

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

Done at Washington, D. C., this 7th day of August 1950.

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

[F. R. Doc. 50-6993; Filed, Aug. 9, 1950; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Regulations, Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR, 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Alabama Textile Products Corp., Brantley, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work shirts).

Angela Frock, 159 Oak Street, Browntown, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts, etc.).

Blue Bell, Inc., 626 South Elm Street, Greensboro, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls, denim jackets).

Blue Bell, Inc., Shenandoah, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Mt. Jackson, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Madison, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Luray, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Elkton, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Abingdon, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls).

Braeburn Manufacturing Co., 65 Bedford Street, Boston, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's rainwear and sportswear).

Bridge Sewing Co., Union Bridge, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's pajamas).

Brownstown Manufacturing Co., Brownstown, Pa., effective 7-29-50 to 3-31-51; 10 percent normal labor turnover (ladies underwear).

Carolyn's Fashions, Inc., Route 3, Moscow, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (ladies blouses, etc.).

Lee Champion Garment Co., Inc., 900 LaGarde Avenue, Anniston, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

The Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work shirts and pants).

Condor-Murphy, Inc., Mount Holly Springs, Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Connellsville Sportswear Co., Connellsville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants).

Connellsville Sportswear Co., Connellsville, Pa., effective 7-26-50 to 3-31-51; 15 learners for expansion purposes (pants).

D & D Sewing Co., Delta (York County), Pa., effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (infants' and children's outerwear).

De Vare Dress Co., 26 Brand Avenue, Clementon, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

The Douglas Corp., Box 366, Douglas, Ga., effective 7-26-50 to 3-31-51; 10 learners for expansion purposes (overalls and dungarees).

The Douglas Corp., Box 366, Douglas, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (overalls and dungarees).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies and maids uniforms).

Economy Blouse Co., 94 Sawyer Street, New Bedford, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Elder Manufacturing Co., Bloomfield, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants).

Empire Manufacturing Corp., Statesville, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (hunting clothing, knitwear).

Empire Manufacturing Co., 918 Broadway, Kansas City, Mo., effective 7-26-50 to 3-31-51; 10 learners (men's uniform caps).

William F. Fretz and Son, Bedminster, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Fuller Shirt Co., Inc., Kingston, N. Y., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (shirts).

Gerstman Manufacturing Co., Inc., 706 William Street, Buffalo 6, N. Y., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (snowsuits and outerwear).

Gilbert Sportswear, 1346 Centre Avenue, Reading, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Glaser Brothers, Inc., Eldon, Mo., effective 7-26-50 to 1-31-51; 44 learners for expansion purposes (men's and boys' colthing).

Glaser Brothers, Inc., Eldon, Mo., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's and boys' clothing).

Gort Girls' Frocks, Inc., 75 Stark Street NE., Wilkes-Barre, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (housecoats, playsuits, etc.).

Great Lakes Garment Manufacturing Co., 518-522 North Main Street, Cheboygan, Mich., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Gunnin Manufacturing Co., Dawson, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Hagerstown Manufacturing Co., 607 West Washington Street, Hagerstown, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Hagerstown Manufacturing Co., 113 Summit Avenue, Hagerstown, Md., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

The Hercules Trouser Co., Wellston, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (single pants).

The Hercules Trouser Co., Hillsboro, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (single pants).

The Hercules Trouser Co., Manchester, Ohio, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (cotton trousers).

Hickory Flat Manufacturing Co., New Albany, Miss., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (cotton work shirts).

Hopkinsville Clothing Manufacturing Co., 1100 South Main Street, Hopkinsville, Ky., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (cotton trousers).

Hughesville Manufacturing Co., Inc., Route 1, P. O. Box 56, Hughesville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

I. B. S. Manufacturing Co., Second and Clark Streets, New Albany, Miss., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work shirts, etc.).

Iowa Needlecraft, Greenfield, Iowa, effective 7-24-50 to 3-31-51; 8 leraners (girls' underwear).

Irwin Manufacturing Co., Second and Clark Streets, New Albany, Miss., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts and work shirts).

The Jay Garment Co., Portland, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overalls, etc.).

Jonabelle Frocks Co., Inc., 235 New Brunswick Avenue, Perth Amboy, N. J., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Kahn Manufacturing Co., Inc., St. Louis and Royal Streets, Mobile, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overalls, suits).

The Kaynee Co., Williamsburg, Ky., effective 7-26-50 to 3-31-51; 22 learners for expansion purposes (shirts, pajamas and trousers).

The Kaynee Co., Williamsburg, Ky., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (shirts, pajamas and trousers).

Julius Kayser & Co., Susquehanna, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies' woven underwear).

Knickerbocker Manufacturing Co., West Point, Miss., effective 7-31-50 to 3-31-51; 10 percent normal labor turnover (men's pajamas).

Kresgeville Manufacturing Co., Inc., Kresgeville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (ladies' wearing apparel).

Lackawanna Pants Manufacturing Co., Cedar Avenue and Brook Street, Scranton 2, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Lakeland Manufacturing Co., Sheboygan, Wis., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sportswear).

Legion Dress Co., Main and Paxton Streets, Centralia, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Linwood Mills, Inc., Lafayette, Ga., effective 7-27-50 to 3-31-51; 10 percent normal labor turnover (pants, shirts).

Lu Rae Fashions, 124 South Third Street, Lehighton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

M. & G. Sportwear Co., 613 Main Street, Rockland, Maine, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (single pants).

Magolia Sportswear Inc., 140 Green Street, Worcester, Mass., effective 7-31-50 to 3-31-51; 10 percent normal labor turnover (skirts, shorts).

Man-Lee Manufacturing Co., 201 South Church Street, Asheboro, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Marissa Manufacturing Co., Marissa, Ill., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's cotton robes).

Mark-Jay Dress Co., Riverside, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Michael Stern Co., Inc., 87 North Clinton Avenue, Rochester, N. Y., effective 7-25-50 to 11-30-50; 7 percent of the number of productive factory workers (men's clothing).

Mode O'Day Corp., 39 Federal Avenue, Logan, Utah, effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

New England Shirt Co., Inc., 7 Montgomery Street, Danbury, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's dress and sport shirts).

Penn State Mills, Inc., Washington and Meadow Streets, Allentown, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (knitted polo shirts).

Perfect Maid Apparel Co., 513 Maple Street, Old Forge, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (children's dresses).

Phillips-Jones Corp., Patton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Phillips-Jones Factory, Barnesboro, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sport shirts).

Phillips-Jones Factory, Muir, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's sport shirts).

Phillips-Jones Factory, Minersville, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's dress shirts).

Phillips-Jones Factory, Geneva, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's dress shirts).

Roger Williams Shirt Corp., 4459 Devine Street, Columbia, S. C., effective 7-26-50 to 3-31-51; 10 percent of productive factory force (men's shirts).

Romay Garments, Inc., 967 Montello Street, Brockton, Mass., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Sanmar Dress Co., Inc., Canal Street, Hollidaysburg, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Schwob Manufacturing Co., 945 Broad Street, Columbus, Ga., effective 7-26-50 to 3-31-51; 7 percent of productive factory force (suits, pants, etc.).

Boris Smoler and Sons, 507 Jefferson Street, La Porte, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dresses).

Soperton Manufacturing Co., Soperton, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (shirts).

Southern Garment Manufacturing Co., Inc., Culpeper, Va., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (work pants).

Southern Garment Manufacturing Co., Inc., Culpeper, Va., effective 7-26-50 to 3-31-51; 20 learners for expansion purposes (work pants).

Stylecraft Foundations, Inc., 1043 East Genesee Street, Saginaw, Mich., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (brassieres, corsets, and girdles).

Sylvania Sportswear Co., 1766 Main Street, Northampton, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (sports shirts).

Tennessee Overall Co., 401 North Atlantic Street., Tullahoma, Tenn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants, overall, etc.).

Troy Textiles, Inc., Troy, Ala., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts).

Union Underwear Co., Inc., Bowling Green, Ky., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (men's and boys' underwear).

United Pants Co., Inc., 222-228 Beade Street., Plymouth, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (pants).

United Shirt and Blouse Co., Inc., 84 Center Street., Shelton, Conn., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts, collars, etc.).

Van Baalen, Heilbrun & Co., Inc., 87-95 Camden Street, Rockland, Maine, effective 7-24-50 to 3-31-51; 10 percent normal labor turnover (bathrobes and lounging robes).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Warren Shirt Co., 7th and Locust Streets, Lebanon, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (dress shirts, collars, etc.).

The Watson-Scott Co., Thomasville, Ga., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (industrial uniforms).

Arthur Winer Inc., Gary, Ind., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (trousers).

Woltz Textile Products Inc., Old Lowgap Road, Mount Airy, N. C., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (brassieres, garter belts, etc.).

York Maid Dress Co., 131 North George Street, York, Pa., effective 7-26-50 to 3-31-51; 10 percent normal labor turnover (infant's and children's wear).

Hosiery Learner Regulations (29 CFR, 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Ohio Willow Wood Co., Mount Sterling, Ohio, effective 7-25-50 to 1-10-51; 2 learners.

Glove Learner Regulations (29 CFR, 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Escanaba Glove Co., Escanaba, Mich., effective 7-28-50 to 3-31-51; 5 learners (ladies' fabric gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind., effective 7-25-50 to 3-31-51; 10 percent of its total number of employees listed in the occupations (work gloves).

Julius Kayser & Co., Hornell, N. Y., effective 7-25-50 to 3-31-51; 8 learners (knit fabric gloves).

Julius Kayser & Co., Westfield, Pa., effective 7-25-50 to 3-31-51; 3 learners (knit fabric gloves).

Julius Kayser & Co., Wellsville, N. Y., effective 7-25-50 to 3-31-51; 8 learners (knit fabric gloves).

Julius Kayser & Co., Elkland, Pa., effective 7-25-50 to 3-31-51; 8 learners (knit fabric gloves).

Marso & Rodenborn Manufacturing Co., Fort Dodge, Iowa, effective 7-25-50 to 3-31-51; 3 learners (work gloves).

Newton Glove Manufacturing Co., P. O. Drawer 271, Newton, N. C., effective 7-25-50 to 3-31-51; 10 percent of its total number of employees listed in the occupations (work gloves).

Frank Russell Glove Co., Berlin, Wis., effective 7-25-50 to 3-31-51; 4 learners (leather dress gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt., effective 7-25-50 to 3-31-51; 10 percent of its total number of employees listed in the occupations (knit fabric gloves).

Star Glove Co., Detroit 8, Mich., effective 7-25-50 to 3-31-51; 4 learners (work gloves).

The Spartan Glove Co., 440 Maryland Avenue, Dayton 4, Ohio, effective 7-25-50 to 3-31-51; 4 learners (work gloves).

Zwicker Knitting Mills, Appleton, Wis., effective 7-25-50 to 3-31-51; 50 learners (knit wool gloves).

Knitted Wear Learner Regulations (29 CFR, 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

The Atlas Underwear Co., North Tenth and D Streets, Richmond, Ind., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted underwear).

Blue Ridge Textile Co., Inc., Bangor, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (warpknit fabrics).

William Carter Co., 33 Morris Street, Springfield, Mass., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted underwear).

Clarke Mills, Jackson, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (ladies' lingerie).

Devon Knitting Mills, Ashbach, Pa., effective 7-26-50 to 3-31-51; 5 learners (tee shirts, undershirts).

E-Z Mills, Inc., Cartersville, Ga., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (cotton knit underwear).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 7-26-50 to 3-31-51; 5 learners (knitted outerwear).

Gibbs Underwear Co., Indiana Avenue and A Street, Philadelphia, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knit underwear and polos).

Greenway Mfg. Co., Waynesburg, Pa., effective 7-26-50 to 3-31-51; 5 learners (tee shirts).

Holeproof Hosiery Co., Luxite Division, New London, Wis., effective 7-26-50 to 3-31-51; five learners (ladies woven underwear).

Holeproof Hosiery Co., Luxite Division, Cullman, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (women's underwear).

Holeproof Hosiery Co., Luxite Division, Milwaukee 1, Wis., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (women's underwear).

Julius Kayser Co., Allentown Plant, Allentown, Pa., effective 7-26-50 to 3-31-51; five learners (slips and gowns).

Knitwear Associates, Inc., 1427 Chew Street, Allentown, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted polo shirts).

J. J. Miller Knitting Mills, Shenandoah, Pa., effective 7-26-50 to 3-31-51; two learners (cotton knit shirts).

Monroe Mills, Monroeville, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (ladies lingerie).

Necho Mills, Inc., 108 Logan Street, Pottsville, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (polo shirts).

The Perry Knitting Co., Fillmore Branch, Fillmore, N. Y., effective 7-26-50 to 3-31-51; five learners (knitted outerwear).

The Perry Knitting Co., 101 Water Street, Perry, N. Y., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted outerwear).

The Perry Knitting Co., Main Street, Mount Morris, N. Y., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (children's knitted wear).

Pottsville Mills, Inc., 480 Peacock Street, Pottsville, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (polo shirts).

O. Joseph Rutch Manufacturing, 203 Hamilton Street, Allentown, Pa., effective 7-26-50 to 3-31-51; 5 learners (knitted outerwear).

Taylor Manufacturing Co, Court Street, Campbellsville, Ky., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (men's and boys' knit briefs, etc.).

Taylor Manufacturing Co., West Main Street, Campbellsville, Ky., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (knitted athletic undershirts).

Charles P. Thornley, Inc., Smyrna, Del., effective 7-26-50 to 3-31-51; 5 percent of the productive factory force engaged (men's broadcloth shirts).

Utica Knitting Co., 2100 Walnut Avenue, Anniston, Ala., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (tee shirts).

Valley Knitting Co., Inc., Seventeenth Street and West End Avenue, Pottsville, Pa., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (cotton knit underwear).

Van Raalte Co., Inc., Bristol, Vt., effective 7-26-50 to 3-31-51; five learners (knit underwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich., effective 7-26-50 to 3-31-51; 5 percent of productive factory workers (underwear).

Regulations Applicable to the Employment of Learners (29 CFR, 522.1 to 522.14).

The Deshler Broom Factory, Deshler, Nebr., effective 7-27-50 to 1-26-51; 10 percent of its productive factory workers, not including sales or office personnel; broom and whisk winders, 320 hours; corn sorter, 320 hours; sewing machine operator, 320 hours, 60 cents (broom and whisks).

Desley Fabrics, Chicopee, Mass., effective 7-26-50 to 1-25-51; 3 percent of total productive factory workers, not including sales or office personnel; sewing machine operator, 240 hours, 65 cents (manufacturing bedspreads, draperies, pillow covers, etc.).

Dustproof Mattress Cover Co., Ellwood City, Pa., effective 7-26-50 to 1-25-51; five learners; sewing machine operators only, 240 hours, 60 cents (mattress covers).

Paperlynen Co., Division of White Castle System, Inc., Columbus, Ohio, effective 7-25-50 to 1-24-51; five learners; folders, 160 hours, 60 cents (manufacturing disposable, sanitary, adjustable head covering).

Philadelphia Textile Finishers, Inc., Norristown, Pa., effective 7-21-50 to 1-20-51; one learner; laboratory technician, 240 hours, 70 cents (treating canvas duck).

Salisbury Burlap & Bag Co., Columbia, S. C., effective 7-19-50 to 1-18-51; three learners; sewing machine operators only, 160 hours, 60 cents (reconditioned burlap products).

R. S. L. Shuttlecock Co., Altoona, Pa., effective 7-27-50 to 1-26-51; 10 percent of its productive factory workers not including office and sales personnel; shuttlecock makers, 320 hours, 60 cents (badminton shuttlecocks).

A. G. Spalding & Bros., Inc., Chicopee, Mass., effective 7-25-50 to 1-24-51; 10 percent of total productive factory workers, not including sales or office personnel; hand sewers, 480 hours; coverers, stringers, inflaters, 160 hours; ball and club makers, 160 hours, 60 cents; hand sewers only, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (athletic goods).

Tamale-etta Corp., 1316 North Grand Avenue, Gainesville, Tex., effective 7-26-50 to 1-25-51; 15 learners; chili makers, 240 hours, 65 cents for the first 160 hours and 70 cents for the remaining 80 hours (cannery, manufacturing chili and tamales).

Victor Products Corp. of Pennsylvania, 39 North Washington Street, Gettysburg, Pa., effective 7-26-50 to 1-25-51; 10 learners; machine operators, millers, and inspectors, 160 hours, 60 cents (rubber heels).

The following special learner certificates were issued in the Shoe Industry. These certificates authorize the employment of learners in any occupations except custodial, maintenance, supervisory, and office and clerical occupations. The learning period is 480 hours at not less than 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the next 240 hours, except as otherwise indicated in parentheses.

Adams Shoe Co., Adamsdale, Pa., effective 7-27-50 to 8-25-50; six learners.

M. Beckerman & Sons, Inc., 326 East Fourth Street, Boyertown, Pa., effective 7-26-50 to 8-25-50; 25 learners for expansion (expanding plant).

Bijou Manufacturing Co., Inc., 478 Smithfield Avenue, Providence, R. I., effective 7-27-50 to 8-25-50; four learners.

International Shoe Co., St. James, Mo.; replacement certificate; 10 percent learners; effective 7-27-50 to 8-25-50.

The following special learner certificates were issued to the school-operated industries listed below:

Forest Lake Academy, Maitland, Fla., effective 9-1-49 to 9-15-50; print shop, typesetting, press work and bindery work; 15 learners; 500 hours at 30 cents, 500 hours at 30 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify the nonavailability of experienced workers. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

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

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-6969; Filed, Aug. 9, 1950; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Boston Tuberculosis Association, 554 Columbus Avenue, Boston, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaded in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 22 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Goodwill Industries of Scranton, Inc., 334 Penn Avenue, Scranton, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective August 1, 1950, and expires January 31, 1951.

Upper Susquehanna Branch, Pennsylvania Association for the Blind, 1246 Vine Avenue, Williamsport, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires January 31, 1951.

Northampton County Branch, Pennsylvania Association for the Blind, 129 East Broad Street, Bethlehem, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires January 31, 1951.

Philadelphia Society for Crippled Children & Adults, 2000 South College Avenue, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Goodwill Union Mission & Industries, 713 East Tuscarawas, Canton, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Goodwill Industries of Toledo, Ohio, 601 Cherry Street, Toledo, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

Veterans of Foreign Wars of the U. S., Soldiers' Home, St. James, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 19 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 26, 1950, and expires June 30, 1951.

Goodwill Industries of Central Calif., Inc., 707 Que St., Sacramento 14, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 60 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 24, 1950, and expires July 23, 1951.

Goodwill Industries of San Diego County, 402 Fifth Avenue, San Diego, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 24, 1950 and expires January 24, 1951.

Seattle Goodwill Industries, 1400 Lane Street, Seattle 44, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective July 24, 1950 and expires July 23, 1951.

Springfield Goodwill Industries, Inc., 139 Lyman Street, Springfield, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950 and expires July 31, 1951.

The Merrimack Valley Goodwill Industries, Inc., 99 Willis Street, Lowell, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950 and expires July 31, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' repre-

sentations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of August, 1950.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 50-6984; Filed, Aug. 9, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-216]

ACCIDENT NEAR DENVER, COLO.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-67960, which occurred at Denver, Colorado, July 30, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, August 11, 1950, at 9:00 a. m., m. s. t., in Room 409, New Customs Building, Nineteenth and Stout Streets, Denver, Colorado.

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

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 50-6983; Filed Aug. 9, 1950; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

AMENDMENT TO STATEMENT OF ORGANIZATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission, having under consideration the necessity for amending the Statement of Organization of the Commission to reflect a change in internal procedures of the Commission relating to delegation of authority;

It appearing, that such amendment is designed to improve the internal administration of the Commission and will best conduce to the proper dispatch of the Commission's business and to the ends of justice;

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

It is ordered, That, effective immediately, the Statement of Organization of the Commission's rules and regulations is amended (1) by adding to section 0.107 (b) (1) the words "and (b)" after the words "and 0.147 (a)" and (2) by adding a new paragraph (b) to section 0.147, as follows:

(b) Requests for reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted under section 214 of the Communications Act, but will not be used by applicant because of conditions arising subsequent to the filing of the application.

Released: August 3, 1950.

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

[F. R. Doc. 50-6987; Filed, Aug. 9, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1416]

SYRACUSE SUBURBAN GAS CO., INC., AND NIAGARA MOHAWK POWER CORP.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 8, 1950, Syracuse Suburban Gas Company, Inc. (Suburban), a public utility corporation of the State of New York, filed with the Commission a complaint against Niagara Mohawk Power Corporation (Niagara Mohawk), a public utility corporation of the State of New York, and a natural-gas company within the meaning of the Natural Gas Act as defined in Title 15, section 717 (a) of the United States Code, alleging among other things, that Suburban has been served with gas since 1913 by Niagara Mohawk and predecessor companies for a number of years at pressures ranging from approximately 2 to 5 or more pounds in the summer months and 3 to 6 or more pounds in the winter months from the intermediate pressure system of Niagara Mohawk, which pressures Suburban has been informed will be reduced by Niagara Mohawk upon completion of a new high pressure line from Therm City to DeWitt, New York.

Suburban alleges Niagara Mohawk is unwilling to guarantee pressures in excess of 1 pound in the summer months and 2 pounds in the winter months; that the contemplated reduction in pressures and change in operation and practice is the equivalent to a rate increase, and operating expenses will be increased if and when it becomes necessary to use a booster to increase the pressure of gas in Suburban's distribution system.

Suburban further alleges additional points of connection have been proposed and considered but that negotiations have not resulted in any satisfactory conclusion; that in each instance Niagara Mohawk has been unwilling to guarantee pressures of more than 1 pound during the summer months and 2 pounds during the winter months at any point on its intermediate system; that it has been proposed to Niagara Mohawk that Suburban's pressure and volume needs could be adequately met with no detriment to Niagara Mohawk by service from its proposed high pressure line at DeWitt where it connects with the 8-inch line to Utica, or if necessary, at approximately one-half mile further south at the terminus of the 14-inch line from Therm City to DeWitt, and for which Suburban has offered to construct the necessary lateral. A delivery pressure of 25 to 30 pounds has been requested at a point of connection on the Utica or Therm City-DeWitt lines.

The complainant recites that a delivery pressure of 10 to 15 pounds would be adequate for the present to meet its requirements; that for the past several years it is experiencing a very rapid growth in the number of customers in therms sold and in gross revenues, and a still greater increase in the supply of gas will be necessary on or about October 1, 1950, as a result of the plant expansion of the Carrier Corporation, whose requirements are estimated at approximately 22,000 cubic feet per hour; that Suburban experienced a maximum day of 474 Mcf. in November 1949, and peak day for 1950-51 is estimated at 900 Mcf., with an estimated hourly peak demand of 75 Mcf.

The Complainant (Suburban) requests an order requiring Niagara Mohawk to continue serving it through an existing connection at present pressures and volume, and in addition thereto to render the same present service through a new connection at Court Street and North Midler Avenue (all in East Syracuse, New York) or in lieu of an additional connection and the continuation of a minimum pressure of higher than 2 pounds in the winter months and 1 pound in summer months at James Street that Niagara Mohawk be required to provide a direct connection at DeWitt, delivery to be made (in order of preference by Suburban) (1) at the limit of Suburban's franchise territory on Erie Boulevard about 1 mile southeast of Thompson Road, or (2) at the junction of Niagara Mohawk's 10-inch high pressure line and 8-inch line on Route 5 in DeWitt, or, if necessary, (3) at the terminus of the proposed 14-inch high pressure line of Niagara Mohawk in DeWitt under such terms and conditions as the Commission may determine to be reasonable and just; or an order requiring continuation of the present service and pressure at the present James Street connection and a direct connection to Niagara Mohawk's high pressure line at DeWitt under such terms and conditions as may be just and reasonable.

Suburban further requests in the event it develops adequate service making it necessary for it to proceed with

and complete the construction of a connecting line to Court Street and North Midler Avenue prior to the final determination of this complaint, that Niagara Mohawk be required to maintain the present service and pressures on gas delivered at James Street and no lesser pressures at Court Street and North Midler Avenue until such time as Suburban shall find it prudent to make a connection and accept service from Niagara Mohawk's high pressure line in DeWitt under such terms and conditions as the Commission may determine to be just and reasonable; and for such other and further orders as the Commission may consider proper.

Due notice of the filing of the complaint has been given to Niagara Mohawk Power Corporation and the New York Public Service Commission. Niagara Mohawk has filed an answer to the complaint of Suburban and the New York Public Service Commission has filed a notice of intervention.

The Commission orders:

(A) A public hearing be held on September 5, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to the matters involved and the issues presented by: The complaint of Syracuse Suburban Gas Company and the answer filed thereto by Niagara Mohawk Power Corporation.

(B) Interested State Commissions may participate as provided by §§ 1.8 or 1.37 (f) (18 CFR 1.8 or 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 4, 1950.

By the Commission.

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

[F. R. Doc. 50-6980; Filed, Aug. 9, 1950; 8:47 a. m.]

[Docket No. G-1428]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 27, 1950, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities pursuant to section 7 of the Natural Gas Act, as amended. The facilities are more particularly described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 13, 1950 (15 F. R. 4453).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 15, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 4, 1950.

By the Commission.

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

[F. R. Doc. 50-6981; Filed, Aug. 9, 1950; 8:48 a. m.]

[Docket No. G-1433]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1950.

On June 30, 1950, El Paso Natural Gas Company, Applicant, a Delaware corporation having its principal place of business at El Paso, Texas, filed 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 natural gas transmission facilities subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to due notice of the filing of application, including publication in the FEDERAL REGISTER on July 15, 1950 (15 F. R. 4529).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 7, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 4, 1950.

By the Commission.

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

[F. R. Doc. 50-6982; Filed, Aug. 9, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25301]

PETROLEUM PRODUCTS FROM MISSOURI RIVER CITIES, KANSAS AND OKLAHOMA TO ARKANSAS

APPLICATION FOR RELIEF

AUGUST 7, 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: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum products, carloads.

From: Missouri River Cities and stations in Kansas and Oklahoma.

To: Mena, Ark.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supplement 418.

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. 50-6977; Filed, Aug. 9, 1950; 8:47 a. m.]

[4th Sec. Application 25300]

MURIATIC ACID FROM WEEKS, LA., TO CHICAGO AND JOLIET, ILL.

APPLICATION FOR RELIEF

AUGUST 7, 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: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3906.

Commodities involved: Acid, muriatic (hydrochloric), tank-carloads.

From: Weeks, La.

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

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

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3906, Supplement 10.

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. 50-6978; Filed, Aug. 9, 1950; 8:47 a. m.]

[4th Sec. Application 25299]

PULPBOARD AND RELATED ARTICLES FROM CAMDEN AND CROSSETT, ARK., TO NEW ORLEANS

APPLICATION FOR RELIEF

AUGUST 7, 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: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3788 and 3895.

Commodities involved: Pulpboard, fibreboard, wallboard, wrapping paper and paper bags, carloads.

From: Camden and Crossett, Ark.

To: New Orleans, La.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3788 and 3895, Supplements 55 and 1, respectively.

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. 50-6979; Filed, Aug. 9, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2443]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1950.

In the matter of New England Gas and Electric Association, Plymouth County Electric Company, Cape & Vineyard Electric Company; File No. 70-2443.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("Negea"), a registered holding company, and its wholly owned utility subsidiaries, Plymouth County Electric Company ("Plymouth"), and Cape & Vineyard Electric Company ("Cape"). Applicants-declarants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 16, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, 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 after August 16, 1950, said joint 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 under the 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 joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cape proposes to issue and sell to Negea 8,000 additional shares of its common capital stock of a par value of $25 per share at a price of $50 per share. Plymouth proposes to issue and sell to Negea 10,000 additional shares of its common capital stock of a par value of $25 per share at a price of $35 per share. The proceeds from the sale of the stock are to be used to reimburse the Plant Replacement Fund Assets accounts of Cape and Plymouth for amounts borrowed therefrom for the purpose of financing extensions, additions and improvements to their respective properties.

The proposed issuances and sales of stock have been approved by the Department of Public Utilities of Massachusetts.

By the Commission.

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

[F. R. Doc. 50-6970; Filed, Aug. 9, 1950; 8:46 a. m.]

[File No. 70-2453]

MIDDLE SOUTH UTILITIES, INC., AND NEW ORLEANS PUBLIC SERVICE INC.

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 4th day of August A. D. 1950.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary, New Orleans Public Service Inc. ("New Orleans"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) thereof, and Rule U-43 thereunder, as applicable to the transactions proposed in said joint application-declaration which may be summarized as follows:

New Orleans proposes to issue and sell 160,074 shares of its authorized and unissued common stock without nominal or par value. New Orleans proposes to offer said shares of common stock (in the ratio of 0.168 shares for each share held of record on a date to be determined by the board of directors of New Orleans) for subscription pro rata by the common stockholders of New Orleans at a cash price of $25.00 per share which is the amount per share at which the issued and outstanding common stock is carried on the company's books. Subscription warrants (transferable to any assignee except to a dealer who takes the rights for the purpose of exercise and resale of the stock certificates obtainable by the exercise of such rights) expiring approximately 20 days after their issue and evidencing such right to subscribe

for the additional shares would be issued to all present holders of New Orleans common stock. Warrants in respect of fractions of a share would be issued entitling the holder, upon surrender thereof and of other warrants together aggregating one or more full shares, to subscribe to the number of full shares which such warrants shall together aggregate, but no subscription would be accepted for fractional shares. New Orleans proposes to appoint the Transfer Agent for its common stock Transfer Agent also for the subscription warrants and for fractional subscription warrants.

Middle South as the holder of 906,671.823 shares (95.16%) of New Orleans outstanding common stock proposes to purchase pursuant to the offering of said stock, 152,320 shares, the number of full shares to which it would be entitled pursuant to the pro rata offering.

Rights evidenced by subscription warrants which shall not have been exercised on or prior to the date of termination of the right, to be fixed by the board of directors of New Orleans as aforesaid, will expire and all rights evidenced by such subscription warrants shall thereupon terminate.

New Orleans states that the proceeds from the sale of the common stock proposed to be issued will be used for the construction of additions and betterments to its property and for general corporate purposes.

The application-declaration states that the proposed issuance and sale of New Orleans common stock as above described has been expressly authorized by the Commission Council of the City of New Orleans, which is asserted to be the only state regulatory body having jurisdiction over the issuance and sale of said shares of common stock.

Applicants-declarants request that the Commission's order herein issue as promptly as may be practicable and that any order authorizing the proposed transactions become effective upon issuance.

Notice is further given that any interested person may, not later than August 21, 1950, at 5:30 p. m., e. d. 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 which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 21, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the 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 the application-declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

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

[F. R. Doc. 50-6971; Filed, Aug. 9, 1950; 8:46 a. m.]

[File No. 70-2448]

MICHIGAN CONSOLIDATED GAS 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 4th day of August 1950.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Michigan Consolidated Gas Company ("Michigan Consolidated"), a public-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company. Declarant designates section 7 of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than August 18, 1950 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission shall 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 after August 21, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the 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 declaration, as filed or as amended, which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Michigan Consolidated proposes to enter into a credit agreement with certain banks hereinafter named which will commit such banks to lend Michigan Consolidated, from time to time on demand prior to December 31, 1950, sums aggregating a maximum of $25,000,000, as follows:

National Bank of Detroit	$5,400,000
The National City Bank of New York	5,400,000
Central Hanover Bank and Trust Company—New York	5,400,000
Mellon National Bank and Trust Company—Pittsburgh	5,400,000
The Detroit Bank	1,500,000
The Manufacturers National Bank of Detroit	1,500,000
Old Kent Bank, Grand Rapids, Michigan	400,000
	25,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and it is contemplated that the first borrowing is to be made promptly upon the execution of the credit agreement. Each borrowing shall be pro rata from the respective banks and evidenced by separate notes bearing interest at the rate of 2¼ percent per annum and maturing February 20, 1951. The notes are to be prepayable any time in aggregate amounts of $2,500,000, or multiples thereof, without penalty, except that if prepayment is made out of the proceeds of borrowings from banks not parties to the proposed credit agreement, a penalty is to be paid at the rate of one-quarter of one percent (¼ of 1 percent) per annum for the unexpired term of the notes being prepaid. At the option of the company and with approval of the Commission, the notes are to be renewable upon ten days' notice on the same terms and conditions for an additional term of six months from February 20, 1951. A commitment fee is to be paid computed at the rate of one-half of one percent (½ of 1 percent) per annum on the average daily unused balance of the commitment from the date of the credit agreement to December 31, 1950, or until the entire $25,000,000 shall have been taken down, whichever shall occur first. The company may reduce the amount of the commitment at any time without penalty.

The credit agreement is to contain certain limitations with respect to the payment of dividends by Michigan Consolidated and with respect to mergers, consolidations, and the incurrence of other obligations by Michigan Consolidated and its subsidiary, Austin Field Pipe Line Company.

It is stated that the proceeds from borrowings under the commitment are to be used to finance the construction requirements of the company, estimated at $51,000,000 during the years 1950 and 1951. It is further stated that as soon as practicable and prior to the maturity of the notes to be issued, it is proposed to consummate a permanent financing program, which it is contemplated will provide for the elimination of the notes and will include, during 1950, the sale of $20,000,000 of first mortgage bonds and $6,000,000 of common stock, and the sale, in 1951, of about $10,000,000 of preferred stock.

It is also stated that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions, and that the proposed issue and sale of notes is exempt from the competitive bidding requirements of Rule U-50, under the provisions of paragraph (a) (2) thereof.

It is requested that the Commission enter an order, to become effective upon its issuance, by August 22, 1950, or as soon thereafter as possible, permitting the declaration to become effective.

By the Commission.

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

[F. R. Doc. 50-6972; Filed, Aug. 9, 1950; 8:46 a. m.]