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TITLE 7—AGRICULTURE

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

PART 906—MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA

ORDER AMENDING THE ORDER AS AMENDED

§ 906.0 Findings and determinations. The findings and determinations herein-after 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 Tulsa-Muskogee, Oklahoma, 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 supply and demand for milk in the 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.

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

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

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

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

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

1. Delete § 906.80 (c) and substitute therefor the following:

§ 906.80 Time and method of payment. . . .

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual

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PROPOSED RULE MAKING

[7 CFR Part 988]

[Docket No. AO 195-A6]

HANDLING OF MILK IN THE KNOXVILLE,
TENNESSEE, MARKETING AREANOTICE OF HEARING ON PROPOSED AMEND-
MENTS TO TENTATIVE MARKETING AGREEMENT
AND TO ORDER, AS AMENDED

(b) *Class II milk.* For each of the months of April, May and June, the price computed pursuant to § 943.50 (c), rounded to the nearest one-tenth cent; for each of the months of July 1954 through March 1955, the price computed pursuant to § 943.50 (b) less 16 cents or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent; and for each of the other months of the year, the price computed pursuant to § 943.50 (b) or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent: *Provided*, That for each of the months of April, May, June, and July 1954, the minimum price per hundredweight for Class II milk disposed of for use in Cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during such month, by 8.0.

2. Amend § 943.52 (b) to read as follows:

(b) *Class II milk.* For each of the months of April 1954 through June 1955, multiply such price for the current month by 1.08 and for each month after June 1955, multiply such price for the current month by 1.15.

3. Delete paragraph (b) (2) of § 943.41 and substitute therefor the following:

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption. *Provided*, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month.

[F. R. Doc. 54-2264; Filed, Mar. 30, 1954; 8:50 a. m.]

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Farragut Hotel, 530 South Gay Street, Knoxville, Tennessee, beginning at 10:00 a. m., April 15, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR 988 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposal No. 2, relative to the enlargement of the marketing area, raises the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended, or if not, what modifications of the classification, pricing (including differentials) and payment provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

Amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, milk marketing area were proposed as follows:

By R. T. Cochran on behalf of handlers regulated by Order No. 88:

1. Add the following proviso to § 988.51 (b): "*Provided*, That from the effective date hereof the price per hundredweight for all producer milk received at a fluid milk plant that is used to produce butter, or is transferred by

a handler, including a cooperative association as a handler, and used to produce any item other than those as set forth in § 988.41 (a) (1) shall be the price computed above less the appropriate amount that will effectuate the orderly marketing of such milk."

2. Delete § 988.5, and substitute therefor:

§ 988.5 *Knoxville, Tennessee, Marketing area.* "Knoxville, Tennessee, marketing area" called the "marketing area" in this subpart means the territories within the counties of Knox, Blount, Anderson, Campbell, and Jefferson, all in Tennessee, including but not being limited to all municipal corporations in said counties.

By the Knoxville Milk Producers Association:

3. Amend § 988.61 by deleting (b) and substituting therefor the following:

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if a base is held jointly and such joint holding is terminated any portion of such base may be transferred as indicated by the joint holders.

By the Dairy Division, Agricultural Marketing Service:

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

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 205 Flatiron Building, 705 Broadway NE., Knoxville, Tennessee, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 26, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2299; Filed, Mar. 30, 1954; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-35]

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF AUTHORITY RESPECTING
CERTAIN TAX RETURNS

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there are hereby conferred and imposed upon the Commissioner of Internal Revenue the functions of the Secretary of the Treasury prescribed by sections 463C.32

and 463C.33 (a) of Treasury Decision 4929, approved by the President on August 28, 1939, as amended by Treasury Decision 4991, approved on July 20, 1940 (C. B. 1939-2, 91, C. B. 1940-2, 92; 26 CFR 458.65, 458.66 (a)), with respect to permission to the head of a bureau or office of the Treasury Department, not a part of the Internal Revenue Service, or an employee in such bureau or office, or to the head of an executive department (other than the Treasury Department) or any other establishment in the Executive Branch of the United States Government, or an officer or employee in such department or establishment, to in-

spect a return made under the Internal Revenue Code to which Treasury Decision 4929, as amended, applies. The functions herein conferred and imposed upon the Commissioner of Internal Revenue may be exercised by any officer or employee of the Internal Revenue Service who is so authorized by the Commissioner, under such rules as may be prescribed by him.

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

MARCH 25, 1954.

[F. R. Doc. 54-2291; Filed, Mar. 30, 1954; 8:55 a. m.]