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VOLUME 12 NUMBER 139

Washington, Thursday, July 17, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9872

AMENDMENT OF EXECUTIVE ORDER NO. 7658, RESTORING TO THE TERRITORY OF HAWAII A PORTION OF THE FORT DE RUSSY MILITARY RESERVATION

WHEREAS by Executive Order No. 7658 of July 15, 1937, the President restored to the Territory of Hawaii a certain parcel of land comprising a part of the Fort De Russy Military Reservation but reserved to the United States the right to construct on the said parcel of land a railroad from the Fort De Russy Military Reservation to the existing line of the Honolulu Rapid Transit and Land Company; and

WHEREAS it now appears that there is no necessity for the construction of the said railroad by the United States; and

WHEREAS it is deemed advisable and in the public interest that the United States relinquish its right to construct such railroad:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, the said Executive Order No. 7658 of July 15, 1937, is hereby amended by deleting from the first paragraph thereof the provision reserving to the United States the right to construct a railroad from the Fort De Russy Military Reservation to the existing line of the Honolulu Rapid Transit and Land Company upon the land restored by the order to the Territory of Hawaii.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 15, 1947

[F. R. Doc. 47-6771; Filed, July 15, 1947; 4:17 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED, DEPARTMENT OF LABOR

Under authority of § 6.1 (a) of Executive Order No. 9830 (12 F. R. 1263) and at the request of the Secretary of Labor, the Commission has determined that appointments to the position of Administrative Officer, CAF-15 (Special Assistant to the Under Secretary of Labor) should be made in the same manner as appointments are made to positions under Schedule A. Section 6.4 (a) (13) is therefore amended by the addition of the following subdivision:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(13) *Department of Labor.* * * *

(xii) Administrative Officer, CAF-15 (Special Assistant to the Under Secretary of Labor).

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1263)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-6684; Filed, July 16, 1947; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Flaxseed Bulletin 1]

PART 271—FLAXSEED LOANS AND PURCHASE AGREEMENTS

SUBPART 1947

This bulletin states the requirements with respect to the 1947 Flaxseed Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on flaxseed produced in 1947 in accordance with this bulletin.

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[1] E. O. 9872.
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271.125 Field Offices of Commodity Credit Corporation.

AUTHORITY: §§ 271.101 to 271.125, inclusive, issued under sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup., 713 (a), 713a-8, 50 U. S. C. App., Sup., 969; Article Third, paragraphs (b), (j), Charter of Commodity Credit Corporation.

§ 271.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of State PMA Committee. Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from CCC branch offices. County committees will determine or cause to be determined the quantity and grade of the flaxseed, the amount of the loan, and the value of the flaxseed delivered under a loan or purchase agreement. All loan and purchase agreement documents will be completed and approved by the county committee, which will retain copies of all documents. The county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the CCC branch offices to which loan documents may be forwarded for disbursement.

§ 271.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans will be available on eligible flaxseed stored on farms in the States and counties for which loan rates are established in Supplement 2 to this bulletin.

(2) Loans shall be available on eligible flaxseed stored in approved public grain warehouses in all areas.

(3) Purchase agreements shall be available on eligible flaxseed in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available from harvest through October 31, 1947, for California, Texas, and Arizona, and through January 31, 1948, for all other states.

§ 271.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97) or other form prescribed by the Administrator of PMA.

§ 271.104 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the flaxseed in 1947, as landowner, landlord, tenant, or sharecropper.

§ 271.105 *Eligible flaxseed.* Eligible flaxseed shall be flaxseed which meets the following requirements.

(a) Such flaxseed must be flaxseed produced in 1947 by the eligible producer, or flaxseed represented by a "Certificate of Indemnity" (Form FCI-574, Revised), covering 1947-crop year flaxseed, issued by the Federal Crop Insurance Corporation to the eligible producer.

(b) The beneficial interest in the flaxseed must be in the person tendering the flaxseed for a loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) Such flaxseed must grade No. 1 or No. 2. Flaxseed which contains more than 30 percent damage or which contains more than 11 percent moisture or which is musty, sour, heating, hot, or which has any commercially objectionable odor, or which is otherwise of low quality is not eligible for loan or purchase.

(d) In order to be eligible for a farm storage loan, flaxseed 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 county agricultural conservation association.

§ 271.106 *Eligible storage.* Eligible storage for flaxseed shall meet the following requirements:

(a) Under the loan program eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the flaxseed, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H) has been executed (Warehouseman desiring approval may communicate with the CCC branch offices serving the area in which the warehouse is located); or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission. A list of approved warehouses will be furnished State PMA Offices and county committees, and information relating to such warehouses may be obtained from these offices.

(c) Under the purchase agreement program, flaxseed stored in other than eligible warehouse storage will be purchased on a delivered basis.

§ 271.107 *Approved forms.* The approved forms constitute the loan and purchase agreement documents which, together with the provisions of §§ 271.101 to 271.125, inclusive, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement, or in executing any of the loan or purchase agreement documents, will render him subject to prosecution under the United States Criminal Code.

Notes, note and loan agreements and purchase agreements, must be dated on or before October 31, 1947, for California, Arizona, and Texas, and on or before January 31, 1948, for all other States, and executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producers' notes on CCC Commodity Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Commodity Form B, secured by negotiable warehouse receipts representing the flaxseed stored in approved warehouses. All flaxseed pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* Approved forms shall consist of the Purchase Agreement (CCC Purchase Form 1) signed by the Producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Fats and Oils Branch, PMA.

(d) *Warehouse receipts.* Flaxseed in eligible warehouse storage under the loan and purchase agreement program must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the flaxseed is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) The flaxseed represented by each warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for warehouse charges will be recognized by CCC only from April 1, 1947, or the date of the warehouse receipt, whichever is later.

(4) Warehouse receipts must set forth in the written or printed terms the gross weight or bushels, grade, class, subclass, test weight and such other information as is required by the Uniform Warehouse Receipts Acts or be accompanied by a certificate of the warehouseman identified with such warehouse receipt, setting out such information, and shall be based on the inbound movement on delivery of the flaxseed to the warehouse.

§ 271.108 *Determination of quantity.* Loans and purchases will be made at values expressed in cents per bushel. A

bushel will be 56 pounds of flaxseed free of dockage, when determined by weight, or 1.25 cubic feet of flaxseed testing 56 pounds per bushel when determined by measurement. A deduction of ¾ pound for each sack will be made in determining the net quantity of the flaxseed when stored as sacked grain. In determining the quantity of flaxseed in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 56-pound flaxseed:

For flaxseed testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

§ 271.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 271.110 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the flaxseed, proper waivers must be obtained.

§ 271.111 *Service fees*—(a) *Loans.* Where the flaxseed under loan is farm-stored, the producer shall pay a service fee of 1 cent per bushel, and where the flaxseed under loan is warehouse-stored, the producer shall pay a service fee of ½ cent per bushel.

(b) *Purchase agreement.* At the time the producer applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of flaxseed is made under the purchase agreement, the producer shall pay a service fee of ½ cent per bushel on each bushel of flaxseed delivered in excess of 300 bushels.

§ 271.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien holders. Indebtedness owing to CCC shall be given first consideration after claims of prior lien holders.

§ 271.113 *Loan rates and purchase price*—(a) *Loan rates.* Loan rates for the designated grades and subclasses will be set out in 1947 CCC flaxseed Bulletin 1, Supplements 1 and 2. An additional payment of $1.00 per bushel will be made to the producer if and when CCC takes title to the flaxseed.

(b) *Purchase price.* The price paid for flaxseed delivered under a purchase agreement shall be the applicable loan rate established for the flaxseed at the approved point of delivery plus $1.00 per bushel.

§ 271.114 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 271.115 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the flaxseed under loan or his remaining interest may be restricted by CCC.

§ 271.116 *Safeguarding of the flaxseed.* The producer who places the flaxseed under loan is obligated to maintain the farm storage structures in good repair, and to keep the flaxseed in good condition.

§ 271.117 *Insurance.* CCC will not require the producer to insure the flaxseed placed under farm storage loan; however, if the producer does insure such flaxseed, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the flaxseed involved in the loss.

§ 271.118 *Loss or damage to the flaxseed.* The producer is responsible for any loss in quantity or quality to the flaxseed placed under farm storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, and resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 271.119 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the flaxseed by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 271.120 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than January 31, 1948, in California, Arizona, Texas, and April 30, 1948 in other states. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged commodity in accordance with instructions of the county committee. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the commodity under loan was stored, at the applicable loan rate, according to grade and/or quality plus $1.00 per bushel. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to the Corporation, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the County Committee. In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the flaxseed in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 271.121.

(b) *Purchase agreements.* The producer who signs a Purchase Agreement (CCC Purchase Form 1) shall not be obligated to deliver any specified quantity of flaxseed to CCC. If the producer who signs a purchase agreement wishes to sell flaxseed to CCC, he shall, within 30 days from the maturity date shown on the loan notes, or such earlier date as demand for payment of loan notes may be made, submit eligible warehouse receipts representing flaxseed stored in eligible warehouse storage to the county committee for the quantity of such flaxseed he elects to sell to CCC, or in the case of flaxseed stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA, or his authorized representative. When delivery is completed, payment shall be made as prescribed by the Administrator of PMA, subject to the provisions for set-offs in § 271.112. The producer shall direct to whom payment of the purchase price will be made.

In the case of flaxseed stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts and accompanying documents. Flaxseed delivered from other than eligible warehouse storage will be purchased on the basis of official weight, grade, and other quality factors at destination; or on the basis of official weight at destination and official grade, and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the United States Grain Standards Act; or, if such flaxseed is delivered to a local CCC binsite, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the

loan program), and approved by the producer at the time of delivery.

§ 271.121 *Removal of the flaxseed under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the flaxseed and sell it, either by separate contract or after pooling it with other lots of the same flaxseed similarly held. The producer shall have no right of redemption after the flaxseed is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled flaxseed as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the flaxseed even though part or all of such pooled flaxseed is disposed of under such policies at prices less than the current domestic price for such flaxseed. Any sum due the producer as a result of the sale of the flaxseed or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 271.122 *Release of the flaxseed under loan.* A producer may at any time obtain release of the flaxseed remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the flaxseed prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan plus charges and accrued interest, represented by the quantity of the flaxseed to be released. In case of warehouse storage loans, each partial release must cover all the flaxseed under one warehouse receipt number.

§ 271.123 *Storage allowance*—(a) *Warehouse-stored loans.* Under the loan program, CCC will assume accrued warehouse charges on flaxseed in eligible warehouse storage.

(b) *Farm-stored loans.* A farm storage payment of 7 cents per bushel will be paid to the producer (1) on flaxseed delivered to CCC on or after the maturity dates in the respective areas, or (2) on flaxseed delivered to CCC prior to the maturity dates in the respective areas, pursuant to demand by CCC for repayment of the loan. If delivery is made prior to January 31, 1948 in Arizona, California, and Texas, or April 30, 1948, in all other States, upon request by the producer and with the approval of CCC, the storage payment will be as follows:

	Arizona, California, and Texas	Other States
6 cents per bushel if delivered in month of	January 1948	April 1948.
5 cents per bushel if delivered in month of	December 1947	March 1948.
4 cents per bushel if delivered in month of	November 1947	February 1948.
3 cents per bushel if delivered in month of	October 1947	January 1948.
2 cents per bushel if delivered prior to	October 1947	December 1947.

Earned storage shall be computed after delivery has been completed.

No storage payment will be made on flaxseed delivered to CCC prior to April 30, 1948, pursuant to demand by CCC for the repayment of a loan if such demand for repayment was due to any fraudulent representation on the part of the producer or the fact that the flaxseed was damaged, threatened with damage, abandoned, or otherwise impaired.

In the case of losses assumed by CCC under the loan program, CCC will pay the producer the full storage payment of 7 cents per bushel for the flaxseed lost.

(c) *Purchase agreements.* Under the purchase agreement program, CCC will assume accrued warehouse charges on flaxseed in eligible warehouse storage, or make a payment of 7 cents per bushel to the producer on flaxseed in such storage if it is shown that all warehouse charges other than receiving charges have been paid by the producer up to the time he submits the warehouse receipt to the county committee. A payment of 7 cents per bushel will be made to the producer on flaxseed delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

(d) *Track-loaded flaxseed.* Under the loan and purchase agreement program a payment of 2 cents per bushel will be made to the producer by CCC on flaxseed delivered on track at a country point.

§ 271.124 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 CCC Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and they are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum on the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC Branch office serving the area.

§ 271.125 *Field offices of Commodity Credit Corporation.* The field offices of Commodity Credit Corporation and the areas served by each are shown below:

Address and Area

623 South Wabash Avenue, Chicago 5, Ill.:
Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

300 Interstate Building, 418 East Thirteenth Street, Kansas City 6, Mo.:
Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

326 McKnight Building, Minneapolis 1, Minn.:
Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Eastern Outfitting Building, 515 Southwest 10th Street, Portland 5, Oreg.:
Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Date program announced: February 13, 1947.

[SEAL] C. C. FARRINGTON,
Acting President,
Commodity Credit Corporation.

JULY 11, 1947.

[F. R. Doc. 47-6693; Filed, July 16, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE SUGARCANE WAGE RATES IN FLORIDA DURING JULY 1, 1947, TO JUNE 30, 1948

Pursuant to section 301 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 10, 1947, the following determination is hereby issued:

§ 802.24aa *Fair and reasonable sugarcane wage rates in Florida during the period July 1, 1947, to June 30, 1948.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation and harvesting of sugarcane in Florida during the period July 1, 1947 to June 30, 1948, if all persons employed on the farm during such period in the production, cultivation and harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as follows:

(a) The wage rates agreed upon between the producer and the laborer but after the date of this determination not less than the rates prescribed under paragraphs (b) and (c) of this section.

(b) *For work performed on a time basis.*

	Cents per hour
(1) All work except as otherwise specified:	
Adult males	45.0
Adult females	38.0
(2) Tractor drivers and operators of mechanical harvesting or loading equipment	55.0

	Cents per hour
(3) Workers between 14 and 16 years of age (maximum employment per day of such workers, without deductions from Sugar Act payments, is 8 hours	38.0

(c) *For work performed on a piece work basis.* The piece rate for any operation shall be the rate agreed upon between the producer and the laborer and such rate shall be the same for comparable work for all workers: *Provided, however,* That the individual earnings of not less than 90% of all workers employed on a piece rate basis during each pay period (such period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in paragraph (b) of this section.

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

(e) The provisions of this determination are subject to such changes as may be required by termination of the Sugar Act of 1937 or by such further legislation as the Congress may enact relating to the subject matter hereof. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 11th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6694; Filed, July 16, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

FORT DE RUSSY MILITARY RESERVATION

CROSS REFERENCE: For order amending Executive Order 7658 with respect to Fort De Russy Military Reservation, Territory of Hawaii, and affecting the tabulation in § 501.1 of this chapter, see Executive Order 9872, *supra*.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

LIMITATION OF TIME FOR PAYMENT OF GOVERNMENT CHECKS

JULY 14, 1947.

Part 202 (appearing also as Treasury Department Circular No. 176 (Revised), dated December 21, 1945, as amended) is hereby further amended by deleting § 202.28, "*One-year restriction on payment of checks,*" and substituting in lieu thereof the following § 202.28:

§ 202.28 *Limitation of time for payment*—(a) *Checks drawn on the Treasurer of the United States.* Checks drawn on the Treasurer of the United States (including checks payable through designated Federal Reserve Banks) are not payable by him after the expiration of ten years from the date on which they were issued, and in cases where the owner or holder has died or is incompetent are not payable by the Treasurer after the expiration of one year following the close of the fiscal year (ending June 30) in which they were issued. Such checks should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by an application for payment over the signature and address of the owner or holder of such checks: *Provided, however,* That checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws are payable without limitation of time.

(b) *Checks drawn on depositaries.* After the expiration of one year following the close of the fiscal year (ending June 30) in which they are drawn, checks, with the exception of those issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, drawn by authorized officers of the United States on designated depositaries are not payable by those depositaries and should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by a request for payment over the signature and address of the owner or holder of such checks. This paragraph does not apply to checks drawn by wholly owned or mixed-ownership Government corporations on designated depositaries. (R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6800; Filed, July 16, 1947; 11:45 a. m.]

PART 204—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

ISSUANCE OF SUBSTITUTE CHECK

JULY 14, 1947.

Part 204 (appearing also as Treasury Department Circular No. 327 (Revised), dated December 3, 1945) is hereby amended by deleting § 204.3, "*Issuance of substitute check,*" and substituting in lieu thereof the following § 204.3:

§ 204.3 *Issuance of substitute check.* Upon approval of the undertaking of indemnity (Form 2244) or application (Form 2244a), and prior to the expiration of ten years from the date on which the original check was issued, the Treasurer of the United States will transfer the amount of the original check from the account of the drawer or the account available for payment of the original check to a Special Deposit Account carried in the name of the Secretary of the Treasury. A substitute check payable from the Special Deposit Account will be issued in favor of the claimant under current date and showing such information as may be necessary to identify the original check. In the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws substitutes may be issued without limitation of time. (R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6801; Filed, July 16, 1947; 11:45 a. m.]

Subchapter C—Office of the Treasurer of the United States

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

LIMITATION OF TIME FOR PAYMENT

JULY 14, 1947.

Part 360 (appearing also as Treasury Department Circular No. 21 (Revised), dated September 5, 1946) is hereby amended by deleting § 360.9, "*Limitation of time for payment,*" and substituting in lieu thereof the following § 360.9:

§ 360.9 *Limitation of time for payment.* (a) Checks drawn on the Treasurer of the United States (including checks payable through designated Federal Reserve Banks) are not payable by him after the expiration of ten years from the date on which they were issued, and in cases where the owner or holder has died or is incompetent are not payable by the Treasurer after the expiration of one year following the close of the fiscal year (ending June 30) in which they were issued. Such checks should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by an application for payment over the signature and address of the owner or holder of such checks:

(b) *Provided, however,* That checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws are payable without limitation of time. (R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6799; Filed, July 16, 1947; 11:44 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

PERDIDO BAY, FLORIDA; RESTRICTED AREA FOR SEAPLANES

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the following § 207.177 is hereby prescribed to govern the use and navigation of waters of Perdido Bay, Florida, compris-

ing a restricted area for seaplanes used in night flying operations by the Naval Air Training Bases, Pensacola, Florida:

§ 207.177 *Perdido Bay, Fla.; restricted area for seaplanes, Naval Air Training Bases, Pensacola, Fla.*—(a) *Area.* That portion of Perdido Bay, Florida, bounded by a line beginning at latitude 30°22'30", longitude 87°27'00"; thence to latitude 30°22'00", longitude 87°26'55"; thence to latitude 30°20'45", longitude 87°25'50"; thence to latitude 30°20'35", longitude 87°25'50"; thence to latitude 30°20'10", longitude 87°26'30"; thence to latitude 30°19'15", longitude 87°27'20"; thence to latitude 30°19'20", longitude 87°28'35"; thence to latitude 30°19'40", longitude 87°29'20"; thence to latitude 30°20'15", longitude 87°29'50", thence to latitude 30°20'25", longitude 87°29'45"; thence to latitude 30°20'20", longitude 87°29'00"; thence meandering and following the one-fathom line to latitude 30°21'50", longitude 87°27'25"; thence to latitude 30°22'30", longitude 87°27'25"; thence to latitude 30°22'30", longitude 87°27'00"; thence to the point of beginning.

(b) *Regulations.* (1) The area will be used for seaplane operations two nights each week for periods of three hours beginning fifteen minutes before sundown. When such operations are being conducted navigation will be warned by means of a lighted rotating beacon located on a hangar building at Bronson Field, and the area will be lighted and patrolled by Navy surface craft.

(2) When seaplane operations are being conducted, no vessel or other craft shall enter or remain in the area. At all other times navigation shall not be restricted.

(3) The regulations in this section shall be enforced by the Commander, Naval Air Training Bases, Pensacola, Florida, and such agencies as he may designate. [Regs. June 19, 1947 (800.-2121, Perdido Bay, Ala.-Fla.)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 47-6685; Filed, July 16, 1947; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 01—ORGANIZATION

CENTRAL AND BRANCH OFFICES

§ 01.61 *Branch No. 2 area (New York State, Puerto Rico).* (a) Address of Branch Office No. 2: Deputy Administrator, Veterans' Administration Branch Office No. 2, 346 Broadway, New York 13, N. Y.

(b) This is a guide to the location of VA Centers, Regional Offices and Hospitals, the Subregional Offices and Contact Offices thereunder, in Branch No. 2 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

NEW YORK STATE

Type of Activity, Location, and Address

Regional office: Albany 1, Watervliet Arsenal.
Contact offices:
- Albany 7, 112 State Street.
- Amsterdam, 20 Market Street.
- Glens Falls, 35 Ridge Street.
- Gloversville, 33 Bleeker Street.
- Kingston, 286 Fair Street.
- Liberty, 111 North Main Street.
- Oneonta, Post Office Building.
- Plattsburg, Post Office Building.
- Poughkeepsie, 13 Washington Street.
- Saratoga Springs, 374–376 Broadway.
- Schenectady, 9–11 Yates Street.
- Troy, 297 River Street.

Regional office: Brooklyn 5, 35 Ryerson Street.
Contact offices:
- Brooklyn, Kings County Hospital, 451 Clarkson Avenue.
- Brooklyn, 1 Hanson Place.

Regional office: Buffalo 1, 151 West Mohawk Street.
Contact offices:
- Buffalo, Ellicott Square Building.
- Dunkirk, Elementary School No. 7, Lake Shore Drive, East.
- Lockport, Post Office Building.
- Jamestown, 101 West Third Street.
- Lackawanna, 706 Ridge Road.
- Niagara Falls, 42 Falls Street.
- North Tonawanda, City Hall Building.
- Olean, City Building, 108 North Union Street.

Sub-regional office: Rochester, 39 State Street.
Contact offices:
- Geneva, 380 Main Street.
- Hornell, Federal Building, 38–46 Broadway.
- Corning, Veterans' Administration Contact Office.

Regional office: New York City 1, 252 Seventh Avenue.
Contact offices:
- Bronx, 851 Grand Concourse.
- Flushing, 39–15 Union Street.
- Harlem District, 271 West 125th Street, New York, 27.
- Huntington, Long Island, 375 New York Avenue.
- Jamaica, Long Island, 92–32 Union Hall Street.
- Middletown, 16 Mulberry Street.
- Mineola, Long Island, Old Nassau County, Courthouse.
- Mt. Vernon, 3 North Third Street.
- Newburgh, Post Office Building.
- New City, Main Street.
- Patchogue, Long Island, Brookhaven Town Hall.
- Peekskill, City Hall, 840 Main Street.
- St. George, Staten Island 1, 25 Hyatt Street.
- White Plains, County Office Building.
- Yonkers, 20 South Broadway.

Regional office: Syracuse 2, Chimes Bldg., 500 S. Salina Street.
Contact offices:
- Auburn, 22 North Street.
- Binghamton, 64 Henry Street.
- Cortland, Post Office Building.
- Endicott, 131 Washington Avenue.
- Elmira, 170 Lake Street.
- Herkimer, Virginia Contact Office.
- Ithaca, Masonic Temple.
- Newark, Virginia Contact Office.
- Ogdensburg, 301–305 Crescent Street.
- Oswego, Post Office Building.
- Rome, YWCA—105 West Liberty Street.
- Utica 2, 110 Genessee Street.
- Watertown, Post Office, 163 Arsenal Street.

Branch of central office: New York 13, 80 Lafayette Street.
Hospitals:
- Batavia, Veterans' Administration Hospital.
- Bronx 63, 130 West Kingsbridge Road.
- Brooklyn 29, Manhattan Beach.
- Canandaigua, Veterans' Administration Hospital.
- Castle Point, Veterans' Administration Hospital.
- Northport, Long Island, Veterans' Administration Hospital.
- Sampson, Veterans' Administration Hospital.
- Saratoga Springs, Veterans' Administration Hospital.
- Staten Island 2, Veterans' Administration Hospital.
- Sunmount, Veterans' Administration Hospital.

Center (hospital and domiciliary): Bath, Veterans' Administration Center.
Supply Depot;[1] Hordseheads, care of A. Q. M. Depot.

PUERTO RICO (INCLUDING THE VIRGIN ISLANDS)

Center (Hospital and regional office): San Juan, Post Office Box 4424 (All Veterans' Administration mail to be sent air mail: C-files by registered regular mail).
Contact Offices:
- Aguadilla, Veterans' Administration Contact Office.
- Arecibo, 8 Nicolas Frese Street.
- Barranquitas, Munoz Rivera Street.
- Bayamon, 115 Dr. Veve Street.
- Cabo Rojo, Logia Cuna de Betances, 30 Betances Street.
- Caguas, Aldrich Building.
- Cayey, 45 Santiago Palmer Street.
- Fajardo, Carmoda & Colon Building, Corner Calls Aquilera Street and A. R. Barcelo Street.
- Guayama, 21 North Hostos Street.
- Humacao, 6 Isidro A. Vidal Street.
- Mayaguez, 200 Mendez Vigo Street.
- Ponce, 106 Commercio Street.
- Rio Piedras, Palma and Garcia Moreno Street.
- St. Thomas (Virgin Islands), Charlotte Amalie.
- Vega Baja, Veterans' Administration Contact Office.
- Yauco, City Hall.

§ 01.66 *Branch Office No. 7 area (Illinois, Indiana, Wisconsin).* (a) Address of Branch Office No. 7: Deputy Administrator, Veterans' Administration Branch Office No. 7, 226 West Jackson Boulevard, Chicago 6, Ill.

(b) This is a guide to the location of VA Regional Offices and Centers, Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 7 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ILLINOIS

Type of Activity, Location, and Address

Regional office: Chicago 6, 366 West Adams Street.
Contact offices:
- Aurora, 44½ Downer Place.
- Chicago, 6225 Cottage Grove Avenue.
- Elgin, 11 South Spring Street.
- Evanston, 823 Davis Street.
- Joliet, 58 Chicago Street.
- Kankakee, Arcade Building.
- Oak Park, 4 Madison Street.
- Waukegan, Old Post Office Building, 325 Washington Street.

Subregional office: Centralia, 187–9 North Locust Street.
Contact offices:
- Effingham, 104 East Section Street.
- Harrisburg, 1 North Vine Street.
- Metropolis, Post Office Building.
- Mt. Vernon, Grigg Building, Eleventh and Main Streets.
- Olney, Negley Building, 108 York Street.

Subregional office: Danville, 6 West Seminary Street.

[1] Not for contacts concerning benefits.

Contact offices:
Champaign, 248 Armory Building, University of Illinois Campus.
Mattoon, 1521 Charleston Avenue.
Urbana, 301 West Main Street,
Subregional office: East St. Louis, 485 Missouri Avenue.
Contact offices:
Alton, Luly Building, 123 West Third Street.
Cairo, Post Office Building.
Carbondale, 205½ West Main Street.
Litchfield, 108 East Kirkham Street.
Subregional office: Gary, Ind., City Hall, Fourth Avenue and Broadway.
Contact offices:
East Chicago, Ind., Post Office Building.
Hammond, Ind., 5236 Hohman Avenue.
LaPorte, Ind., First National Bank Building.
Subregional office: Moline, 1630 Fifth Avenue.
Subregional office: Peoria, 517 Fulton Street, Graham Building.
Contact offices:
Bloomington, 427 North Main Street.
Galesburg, 311 East Main Street.
Subregional office: Quincy, 801-3 Maine Street.
Contact office: Macomb, 232 East Jackson Street.
Subregional office: Rockford, 301-5 South Main Street, Cutler Building.
Contact offices:
De Kalb, First National Bank Building.
Dixon, 119 Hennepin Avenue.
Freeport, 2-4-6 East Stephenson Street.
La Salle, 206 Marquette Street.
Subregional office: Springfield, 400-410 East Monroe Street.
Contact offices:
Decatur, County Building.
Jacksonville, 205 East Morgan Street.
Hospitals:
Danville, Veterans' Administration Hospital.
Downey (near Waukegan), Veterans' Administration Hospital.
Dwight, Veterans' Administration Hospital.
Hines (near Maywood), Veterans' Administration Hospital.
Marion, Veterans' Administration Hospital.
Supply depot:[1] Hines, Veterans' Administration Supply Depot.

INDIANA

Regional office, Indianapolis 9, 36 South Pennsylvania Street.
Contact offices:
Anderson, 27 West Twelfth Street.
Bedford, 929 Fifteenth Street.
Bloomington, 102½ West Sixth Street.
Greensburg, 105 East Main Street.
Kokomo, 221½ North Main Street.
Madison, 416 North Jefferson Street.
New Albany, Division Street School Building.
Seymour, 300 North Chestnut Street.
Subregional office:[2] Evansville, Post Office Building.
Contact offices:
Jasper, County Court House.
Vincennes, City Hall Building.
Subregional office: Fort Wayne 2, Utility Building, 116 East Wayne Street (for activities other than contact: Transfer Building, Maine and Calhoun Streets).
Subregional office:[2] La Fayette, Post Office Building.
Subregional office: Muncie, 1128 South Mulberry Street.
Contact office: Richmond, Morton Center, Ninth and B Streets.
Subregional office: South Bend 2, 224 West Jefferson Street.

[1] Not for contacts concerning benefits.
[2] Now operating as contact office.

Subregional office:[2] Terre Haute, 601 Ohio Street, Star Building.
Hospitals:
Indianapolis 44, 2601 Cold Spring Road.
Marion, Veterans' Administration Hospital.
Fort Benjamin Harrison (near Indianapolis), Veterans' Administration Hospital.

WISCONSIN

Regional office: Milwaukee 2, 342 North Water Street.
Contact office: Racine, Arcade Building, 423 North Main Street.
Subregional office: Eau Claire, Mappa School, 118 Mappa Street.
Contact office: Rice Lake, 102½ Main Street.
Subregional office: Green Bay, 112 North Washington Street.
Contact offices:
Appleton, Court House Building.
Fond du Lac, City Hall, 76 East Second Street.
Marinette, 1825½ Hall Avenue.
Oshkosh, Post Office Building, 80 Washington Boulevard.
Sheboygan, 601 North Eighth Street.
Subregional office: La Crosse, 408 South Fourth Street.
Subregional office: Madison 8, 448 State Street.
Contact offices:
Beloit, 603 East Grand Avenue.
Platteville, City Hall.
Subregional office: Superior, 805 East Belknap Street.
Contact office, Ashland, 209 Vaughn Avenue.
Subregional office: Wausau, Court House Annex, Fourth and Scott.
Contact offices:
Rhinelander, 8 A South Brown Street.
Stevens Point, City Hall, 610 Clark Street.
Hospitals:
Mendota, Veterans' Administration Hospital.
Tomah, Veterans' Administration Hospital (opened 3-4-47).
Waukesha, Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Wood, Veterans' Administration Center.

§ 01.67 *Branch No. 8 area (Iowa, Minnesota, Nebraska, North Dakota, South Dakota)*. (a) Address of Branch Office No. 8. Deputy Administrator, Veterans' Administration Branch Office No. 8, Fort Snelling, St. Paul, Minn.

(b) This is a guide to the location of VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals in Branch No. 8 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

IOWA

Type of Activity, Location, and Address

Center (regional office and hospital): Des Moines 9, Veterans' Administration Center.
Contact offices:
Algona, McEnroe Building, State and Thorington Streets.
Ames, 302 Kellogg Avenue.
Atlantic, 15-17 East Sixth Street.
Centerville, 100½ East Jackson Street.
Creston, 114 North Maple Street.
Fort Dodge, Snell Building, 803 Central Avenue.
Newton, Jasper County Courthouse.
Iowa Falls, 511½ Washington Avenue.
Marshalltown, 102½ West Main Street.
Mason City, 115 First Street S. E.
Ottumwa, 208 South Green Street.
Shenandoah, 812 West Sheridan Street.
Subregional office: Cedar Rapids, 111 Third Avenue SW.
Contact offices:
Burlington, 214-16 Washington Street.
Clinton, Howes Building, 419 South Second Street.
Davenport, Arcade Building, 111 East Third Street.
Decorah, Water and Winnebago Streets.
Dubuque, Bank and Insurance Building.
Iowa City, 104 South Clinton Street.
Keokuk, 619-629 Blondeau Street.
Waterloo, East Park Avenue and Mulberry Street.
Subregional office: Sioux City 9, Badgerow Building; 632 Fourth Street.
Contact offices:
Council Bluffs, Savings Bank Building.
Sheldon, 416 Ninth Street.
Spencer, 13 West Sixth Street.
Hospital: Knoxville, Veterans' Administration Hospital.

MINNESOTA

Regional office: Minneapolis 8, 1006 West Lake Street.
Contact offices:
Albert Lea, 243 South Broadway.
Alexandria, Chamber of Commerce Building, 608 Broadway.
Austin, 100 West Oakland.
Brainerd, Parker Building, 623 Laurel Street.
Faribault, 229 Central Avenue.
Mankato, 203 South Second Street.
Marshall, 410 West Main Street.
Montevideo, 304 First Street.
Rochester, 332 First Avenue, SW.
St. Cloud, Grand Central Hotel, No. 2 Fifth Avenue.
Tracy, City Hall.
Wilmar, 512 Benson Avenue, W.
Winona, Choate Building, 51 East Third Street.
Worthington, 906 Third Avenue.
Subregional office: Duluth 2, Christie Building, 120 North Fourth Avenue, W.
Contact offices:
Grand Rapids, City Hall, Pokegema Avenue.
Hibbing, 1937 Fifth Avenue, E.
International Falls, 345 Third Street.
Sandstone, Jack Spratt Store Building, Main Street.
Virginia, 302 Chestnut Street.
Subregional office: St. Paul 1, Commerce Building, Fourth and Wabasha.
Hospitals:
Minneapolis 17, Veterans' Administration Hospital.
St. Cloud, Veterans' Administration Hospital.

NEBRASKA

Regional office: Lincoln 1, Veterans Building, Twelfth and O Streets.
Contact offices:
Ainsworth, 155 Main Street.
Alliance, 114 East Fourth Street.
Beatrice, Post Office Building.
Falls City, 1711½ Stone Street.
Grand Island, 314½ North Locust Street.
Hastings, Post Office Building.
Kearney, City Hall Building.
McCook, City Auditorium, 300 West Fifth.
North Platte, 118½ East Sixth Street.
Scottsbluff, 1604 Broadway.
Subregional office: Omaha (overflow of regional office), Federal Office Building, Fifteenth and Dodge Streets.
Contact offices:
Columbus, City Hall, 2522 Fourteenth Street.
Fremont, 546½ North Main Street.
Hartington, City Auditorium.
Norfolk, 111 South First Street.
Hospital: Lincoln 1, Veterans' Administration Hospital.

NORTH DAKOTA

Center (regional office and hospital): Fargo, Veterans' Administration Center.

Contact offices:
Bemidji, Minn., 308 Third Street.
Bismarck, 318 Main Street.
Detroit Lakes, Minn., 112½ Front Street.
Devils Lake, 202 Fourth Street.
Dickinson, 37 East Villard.
Fargo, 114½ Roberts Street, also Universal Building, 510 Fourth Avenue N.
Fergus Falls, Minn., 104 South Court Street.
Grand Forks, 102 North Fourth Street.
Jamestown, 111 First Street West.
Minot, 104 First Avenue Southwest.
Thief River Falls, Minn., 114 North La Bree Avenue.
Williston, Federal Building.

SOUTH DAKOTA

Regional office: Sioux Falls, Veterans' Administration Regional Office.
Contact offices:
Aberdeen, 5 First Avenue, SE.
Brookings, 324 Main Avenue.
Deadwood, 31 Deadwood Street.
Huron, 373 Wisconsin Avenue, SW.
Mitchell, 221–223 North Main.
Pierre, 101 East Capital Avenue.
Rapid City, 521 South Eighth Avenue.
Watertown, 5 West Kemp Avenue.
Yankton, City Hall.
Hospital: Fort Meade, Veterans' Administration Hospital.
Center (hospital and domiciliary): Hot Springs, Veterans' Administration Center.

§ 01.69 *Branch No. 10 area (Louisiana, Mississippi, Texas).* (a) Address of Branch Office No. 10: Deputy Administrator, Veterans' Administration Branch Office No. 10, 1114 Commerce Street, Dallas 2, Texas.

(b) This is a guide to the location of VA Regional Offices and Centers, Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 10 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

LOUISIANA

Type of Activity, Location, and Address

Regional office, New Orleans 12, 333 Saint Charles Street.
Contact offices:
Baton Rouge, 701–703 Laurel Street.
Bogalusa, 110 Louisiana Avenue.
Hammond, City Hall.
Houma, 316 Church Street.
Subregional office: Lafayette, 216 Jefferson Street.
Contact offices:
Franklin, Seller Building, Willow and First Streets.
Lake Charles, 429 Broad Street. (Mail: P. O. Box 444).
New Iberia, New Court House.
Opelousas, Court House.
Regional office: Shreveport 63, 501 Ockley Drive.
Contact Offices:
Bastrop, 225 East Madison Street.
Mansfield, Post Office, Jefferson and Texas Streets.
Minden, 101½ North Broadway Street.
Monroe, 136 S. Grand Street.
Natchitoches, 514 Second Avenue.
Ruston, 102 West Alabama Avenue.
Subregional office: Alexandria 3, 1201 Sixth Street.
Contact offices:
Bunkie, 101 West Church St.
Leesville, 306 Court House Street.
Winnfield, Winn Parish Courthouse.
Winnsboro, Muncipal Building.
Hospitals:
Alexandria, Veterans' Administration Hospital.
New Orleans 12, Veterans' Administration Hospital.

MISSISSIPPI

Regional office: Jackson, Veterans' Administration Regional Office.
Contact offices:
Forest, Masonic Building.
Brookhaven, 121–125 South Railroad Street.
Kosciusko, Potts Building, North Jackson Street.
McComb, 104½ Main Street.
Natchez, 328½ Main Street.
Vicksburg, 1323 Washington Street.
Yazoo City, Yazoo City Hall.
Subregional office: Greenwood, 815 Howard Street.
Contact offices:
Clarksdale, McWilliams Building, Third and Yazoo Streets.
Cleveland, 102 Sharpe Avenue.
Greenville 1, Paxton Building, Main and Poplar Streets.
Grenada, Honeycutt Building, 30 South Main Street.
Indianola, 126½ Main Street.
Senatobia, William Yaffe Building.
Subregional office: Hattiesburg, U. S. O. Building, 222 West Front Street.
Contact offices:
Gulfport, American Legion Building, 13th Street and 26th Avenue.
Columbia, Pope Building, 702½ Main Street.
Laurel, 408 North Magnolia Street.
Pascagoula, Bacot Building, 262 Delmas Avenue.
Subregional office: Meridian, 814–818 Twenty-second Avenue.
Contact offices:
Columbus, City Auditorium, 605 Second Avenue.
Louisville, Ford Building, Columbus and Main Street.
Philadelphia, Stubbs Building, Church and Beacon Streets.
Starkville, Merchants & Farmers Bank Building, Main and Lafayette Streets.
Subregional office: Tupelo, 409 South Spring Street.
Contact offices:
Corinth, County Court House.
Holly Springs, 363 College Street.
Oxford, 116–117 Jackson Avenue.
Center (hospital and domiciliary): Biloxi, Veterans' Administration Center.
Hospitals:
Gulfport, Veterans' Administration Hospital.
Jackson, Veterans' Administration Hospital.

TEXAS

Regional office: Dallas 9, Love Field.
Contact offices:
Greenville, 2716 Lee Street.
Paris, 231 Lamar Avenue.
Sherman, Post Office Building.
Subregional office:[1] Fort Worth, 1107 Commerce Street.
Contact offices:
Cleburne, 111½ East Henderson.
Denton, 107 East Oak Street.
Eastland, Sinclair-Prairie Building, South Seaman Street.
Graham, Boaz Building, 507 Elm Street.
Mineral Wells, 207 Southwest First Avenue.
Vernon, County Court House.
Wichita Falls, 903 Indiana Avenue.
Subregional office:[1] Longview, Buildings 78 and T–79, Letourneau Technical Institute.
Contact offices:
Marshall, Mahon Building.
Mount Pleasant, 105 West Fourth Street.
New Boston, U. S. O. Building.
Tyler, 116½ South College Avenue.
Regional office, Houston 2, Federal Office Building.
Contact offices:
Brenham, 105 East Main Street.
Galveston, Twenty-fifth and Church Streets.

[1] Now operating as contact office.

Contact offices—Continued.
Goose Creek, 114 North Ashbel Street.
Huntsville, 1118 Avenue L.
Lufkin, 116 North Cotton Square.
Wharton, Vineyard Building.
Subregional office: Beaumont, 450 Tevis Street.
Contact offices:
Center, 211 Austin Street.
Orange, 116 Market Street.
Port Arthur, Post Office Building.
Regional office: Lubbock, Lubbock Army Air Field.
Contact offices:
Abilene, 104 Pine Street.
Big Spring, 116 West Second Street.
Lubbock, Lubbock National Bank Building.
Odessa, County Court House.
San Angelo, 201 Rust Building.
Subregional office: Amarillo, Oliver-Eakle Building.
Contact offices:
Borger, Borger City Hall.
Childress, County Court House.
Subregional office: El Paso, 109 North Oregon Street.
Contact office: Pecos, 243 South Oak Street.
Regional office: San Antonio 5, 102 West Crockett Street.
Contact offices:
Alpine, Holland Hotel Building.
Del Rio, Post Office Building.
Luling, 203 South Laurel Avenue.
Subregional office: Corpus Christi, Weber Building, 319 Mesquite Street.
Contact offices:
Harlingen, 210 East Harrison Street.
Laredo, Post Office Building.
Victoria, Federal Building.
Weslaco, 516 Texas Avenue.
Center (regional office and hospital): Waco, Veterans' Administration Center.
Contact offices:
Austin 15, 900 Lavaca.
Brownwood, 200 East Baker Street.
Bryan, Bryan City Hall.
Cameron, 206 North Central Street.
Corsicana, State National Bank Building, 101 North Beaton Street.
Georgetown, 114 East Eighth Street.
Mexia, Kendrick Building, North Sherman and Commerce Streets.
Palestine, Post Office Building.
Stephenville, 313 North Belknap Street.
Temple, Municipal Building.
Hospitals:
Amarillo, Veterans' Administration Hospital.
Dallas 2, Veterans' Administration Hospital.
Legion (near Kerrville), Veterans' Administration Hospital.
McKinney, Veterans' Administration Hospital.
Temple, Veterans' Administration Hospital.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

[F. R. Doc. 47-6708; Filed, July 16, 1947; 8:47 a. m.]

PART 35—VETERANS REGULATIONS

VOCATIONAL REHABILITATION

Paragraph (h) of § 35.017 *Vocational rehabilitation* is amended to read as follows:

(h) There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, available immediately and until expended, the sum of $3,000,-

000, to be utilized by the Veterans' Administration under such rules and regulations as the Administrator may prescribe, as a revolving fund for the purpose of making advancements, not exceeding $100 in any case, to persons commencing or undertaking courses of vocational rehabilitation under this part and advancement to bear no interest and to be reimbursed in such installments as may be determined by the Administrator by proper deductions from any future payments of compensation, pension, or retirement pay. (Public Law 115, 80th Congress)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

JUNE 25, 1947.

[F. R. Doc. 47-6709; Filed, July 16, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

WITHDRAWAL OF TELEVISION CHANNEL NO. 9 FROM DETROIT, MICH.

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having, since April 1946, carried on conversations and negotiations with representatives of the Dominion of Canada for the purpose of determining mutual problems relative to the allocation of television stations in their respective border areas; and

It appearing, that pending the conclusion of a final television allocation plan by the United States and the Dominion of Canada, an arrangement has been reached by the representatives of both countries whereby television channel No. 9, currently assigned to the Detroit area in Michigan, will be reassigned to the Windsor area in Canada; and

It further appearing, that, the reassignment of said channel No. 9 involves a foreign affairs function of the United States and, as such, is exempt from the requirements of section 4 of the Administrative Procedure Act; and

It further appearing, that said television channel No. 9 is the only channel in the Detroit area in Michigan which has not been assigned to any applicant in the United States, nor is any application pending therefor; and

It further appearing, that, in honoring the reservation by the Dominion of Canada of said channel No. 9, the United States will have taken an important and necessary step in concluding agreements between both countries leading toward a solution of mutual allocation problems for television broadcasting;

It is ordered, That pursuant to the authority vested in the Commission by sections 301, 303 (c) and 303 (r) of the Communications Act of 1934, as amended, § 3.606 of the Commission's rules and regulations be amended so that channel No. 9 is withdrawn from the Detroit metropolitan area in the table showing the allocation of television channels to metropolitan districts in the United States, effective immediately.

(Sec. 301, 48 Stat. 1081, sec. 303 (c), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 301, 303 (c), 303 (r))

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

[F. R. Doc. 47-6712; Filed, July 16, 1947; 8:48 a. m.]

PART 12—AMATEUR RADIO SERVICES

ELIGIBILITY FOR LICENSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the revision of § 12.21 of its rules governing amateur radio service which requires, among other things, that an applicant for a Class A amateur radio operator license shall, within five years prior to receipt of his application by the Commission, have held, for a period of a year or more, an amateur operator license issued by the Commission; and

It appearing, that it is desirable to amend § 12.21 of the above-mentioned rules insofar as it applies to Class A amateur operator licenses by deleting the words "within 5 years" and inserting the words "at any time", thereby making eligible to apply for a Class A amateur operator license any citizen of the United States who at any time prior to the receipt of his application by the Commission has held, for a period of a year or more, an amateur operator license issued by the Commission; and

It further appearing, that authority to amend § 12.21 as aforesaid is contained in section 303 (l) and (r) of the Communications Act of 1934, as amended, that such amendment relieves an existing restriction is non-controversial and in the public interest and that Public Notice and Procedure required by section 4 of the Administrative Procedure Act are unnecessary;

It is ordered, That § 12.21 of the Commission's rules governing Amateur Radio Service, insofar as it applies to Class A amateur operator licenses, be, and it is hereby, amended to read as follows:

§ 12.21 *Eligibility for license*. The following are eligible to apply for amateur operator license and privileges:

Class A: Any citizen of the United States who at any time prior to receipt of his application by the Commission has held, for a period of a year or more, an amateur operator license issued by the Commission.

It is further ordered, That this order shall take effect immediately.

(Sec. 303 (l), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

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

[F. R. Doc. 47-6713; Filed, July 16, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

A hearing was held at Fall River, Massachusetts, on March 21-22, 1947. Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 47, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action has been taken with respect to all of the issues except one which were developed at that hearing. The issue upon which action had not been completed deals with contraseasonal changes in the Class I price which might occur as the result of the formula-determined price.

A notice of recommended decision and opportunity to file written exceptions with respect to the issues developed at the March 1947 hearing and the open issue of the hearing held November 20, 1946 was published in the FEDERAL REGISTER June 10, 1947 (12 F. R. 3772). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed

at the hearing held November 20, 1946 is included under the issue "Class I prices."

(1) Class I prices.

(2) Pricing all milk sold in the marketing area.

(3) Method of pooling.

(4) Definitions for "producer" and "dairy farmer."

(5) Classification of milk.

(6) Base rating plan.

(7) Class II prices.

(8) Administration assessment.

(9) Language changes to comply with present organization of the Department of Agriculture.

(10) General.

Exceptions were filed on behalf of New England Milk Producers' Association and H. P. Hood & Sons, Inc. Neither party filing exceptions took exception to the findings and conclusions contained in the aforesaid recommended decision with regard to issues (2), (4), (6), (7), (8), and (9). The findings and conclusions hereinafter set forth on these issues are the same as those contained in the recommended decision and, in effect, are adopted as the findings and conclusions of this decision. With regard to the findings and conclusions of the recommended decision to which specific exception has been taken, this decision contains a ruling thereon in the discussion of the material issues to which the exception refers.

The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) *Class I prices.* The butter-nonfat dry milk solids formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. Minimum floor prices should be established for each of the months of August through December 1947, and any price decrease in January or February 1948, should be limited to 44 cents per hundredweight below the price of the previous month. The Class I price should be maintained at its present relationship to the Class I price established by the Boston order for milk received at the 201–210 mile zone from that market.

The minimum floor prices should be $5.52 per hundredweight for August and $5.96 per hundredweight for September, October, November, and December. If the butter-nonfat dry milk solids formula yields a price higher than $5.96 in any of the months of August, September, October, or November, that price should continue through December.

There is a serious need for encouraging a shift toward more fall production in the Fall River milk shed. Prior to 1946, for a period of six years, seasonal variation in production increased each year. In 1946 fall production increased relative to spring production. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production in the area. The short season rise in prices which should normally take place on October 1 should be advanced to September 1 this year in order to encourage feeding during the fall season to get more milk this fall.

The uncertainty of economic conditions in the fall and winter makes necessary a safeguard in addition to minimum floor prices. The butter-nonfat dry milk solids formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by prices of other dairy products and by the general price level. The formula should be modified to prevent contraseasonal price changes in the months just preceding or during the seasons of greater shortage or flush production. The Class I prices for any of the months of September, October, November, and December of any year should not be lower than the Class I price in effect for the preceding month and the Class I prices for the months of March, April, May, and June of any year should not be higher than the Class I price in effect for the preceding month. The provision to prevent contraseasonal price changes will avoid the nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level. The limitation of price drops from December to January and January to February to 44 cents will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

Exact prices cannot be determined from this record for a period of 8 to 12 months in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter preclude a fixed guarantee of exact Class I prices. The formula will establish prices this fall above the floor prices if conditions warrant higher prices and will provide a method of pricing after December. If the rise in prices of butter and nonfat dry milk solids which took place in 1946 is repeated in 1947, the formula will establish prices as high as those established in November 1946.

The large quantities of milk which move from the Boston market into Fall River and the nearness of the two markets make it imperative that the Class I prices in the two markets move together. The prices set forth herein are such that the established relationship will be maintained between Fall River prices and the prices established for the Boston 201–210 mile zone in a decision of the Secretary of Agriculture issued June 30, 1947. The Boston 201–210 mile zone price represents the average price of Boston milk which may be offered for sale in Fall River. An increase of 2 cents in the differential between the Boston price and the prices established herein should not be adopted since the record supports the continuation of the present relationship between prices in the two markets.

Price differentials for Class I milk received at plants located 100 miles or more from Fall River should be continued on the same basis.

(2) *Pricing all milk sold in the marketing area.* The order should be revised to price all milk entering the marketing area except milk from another marketing area regulated by an order of the Secretary of Agriculture, milk which is a part of a handler's normal supply for a market other than the marketing area, and milk delivered by dairy farmers to plants located outside of the New England States and New York.

Large quantities of milk which are not subject to the pricing provisions of the Fall River order or any other order of the Secretary of Agriculture come into the marketing area. The entrance of such unpriced milk into the marketing area constitutes a threat to the stability of the market.

The supply of milk in New England available for fluid uses is increasing. Certain manufacturing outlets for milk are becoming less attractive and milk formerly used in such outlets is becoming available for fluid uses. Plants which are withdrawn from the Boston pool can supply milk to Fall River handlers for Class I use at, or slightly above, the Boston blended price.

Some handlers obtain a larger percentage of their supply from unpriced sources than other handlers. This results in inequality in the prices handlers pay for their milk.

Milk from another marketing area regulated by an order of the Secretary of Agriculture is priced under the provisions of that order and need not be subject to the pricing provisions of Order No. 47. Milk which is a part of a handler's normal supply for a market other than the marketing area should be exempted from the pricing provisions of the order to allow certain handlers to continue their practice of distributing milk in Fall River and one or more nearby markets from the same plant without making those operations in the nearby markets subject to the pricing provisions of the order. Milk received from plants located outside of New England and New York State should not be subject to the pricing provisions of the order because it would not be administratively feasible to regulate plants so far away.

(3) *Method of pooling.* Payment on the basis of individual handler pools should be adopted to replace the present market-wide pool.

The method of pooling must be coordinated with the objective of bringing under the pricing provisions of the order that milk which now enters the marketing area free from any price regulation. To expand the market-wide pool to include all plants from which unpriced milk now enters the marketing area would increase the supply several times over the amount needed for the market. To designate certain of these plants as Fall River pool plants would bring about a problem of which of the plants should and which should not be Fall River pool plants. If the market-wide pool were extended, it would be possible for handlers to shift plants to the Fall River pool, regardless of whether or not the milk was needed in Fall River. Under the individual

handler pool a handler must keep his purchases in line with his Class I requirements and his competitors' uniform prices in order to maintain a supply of milk. Because of this the individual handler pool provides better machinery for the allocation of the available supply of milk between handlers according to their requirements.

A handler excepted to extensive revision of the order on the basis that the record is not complete enough to support the changes. Although the proponents of the individual handler pool did not present for the record specific language to be used to effectuate this proposal, they did adduce evidence in which all of the ramifications of the adoption of the individual handler pool were fully explored and the intention of the proponents in connection therewith was expressly stated and evidence in support thereof was presented. Handlers apparently understood the specific nature of the proposal for they discussed it at the hearing and in their briefs.

(4) *Definitions of "producer" and "dairy farmer."* The definition of a producer should be revised to include more specifically those farmers who constitute a regular source of supply of milk for the marketing area. A definition for a dairy farmer should be provided in order to facilitate references to those farmers who produce milk but are not a regular source of supply for the marketing area.

The present producer definition was placed in the order at a time when the market was practically self-sufficient. Under the present deficit conditions the benefits of the order are limited to only certain of the farmers supplying the market. The definition should be broadened to include those farmers who are now excluded.

Dairy farmers who are part of a handler's normal supply for a market other than the marketing area should be excluded from the producer definition if none of their milk is disposed of as Class I in the marketing area. With the close relationship which exists between the Fall River market and nearby markets, it is doubtful if a situation would develop in which the Fall River supply was below Class I requirements while the supply in nearby markets was substantially in excess of Class I requirements. Producers contended that dairy farmers who are a part of a handler's normal supply for another market should be excluded in the producer definition only if none of their milk was disposed of as Class I in a market other than the one for which they are designated. Such a requirement would cause inefficiencies in plants serving other markets in addition to Fall River.

A large portion of the supply for Class II uses in the Fall River market is obtained from cream plants in the midwest. These suppliers of cream should not be considered handlers of the Fall River milk supply nor should the dairy farmers shipping to such plants be considered producers.

Milk received at a plant which has operations in another market and from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received from Fall River handlers, plus the quantity of bulk milk received from plants subject to another order of the Secretary of Agriculture during the delivery period should not be considered as milk from producers Such a provision would allow a cooperative association to continue its operation of using one plant to clean up scattered surpluses during the flush season and to provide supplemental supplies in the short season for Fall River handlers and dealers in a nearby market. The provision should apply to any person who engages in such a function.

The producer definition should not contain a qualification based on Board of Health approval of individual dairy farmers since there is no assurance that such inspections could be made in all cases.

In order to be consistent with the producer definition the handler definition should be revised to include any person who receives milk from producers, dairy farmers, or other handlers, all or a portion of which is disposed of as Class I milk in the marketing area.

(5) *Classification of milk.* The provisions for classifying milk received from producers and other sources should contain the directions for computing the amount of each source milk used in each class. Allowable plant shrinkage should be computed and prorated on all receipts at a plant except receipts from other handlers who receive milk from producers and milk received completely processed and packaged. Under the present provisions it is possible for producers to bear plant shrinkage on milk received from sources other than producers.

Milk from other handlers who receive milk from producers would be excluded from the proration because it has already shared in the plant loss at the first handler's plant. Plant shrinkage on milk received completely processed and packaged should be computed on the basis of actual units lost.

Transfers from a handler's plant at which milk is received from producers to another handler should be classified according to agreement between the buyer and seller: *Provided*, That the buyer has utilization in the class agreed upon equal to or greater than the amount transferred during the delivery period. Optional classification of transfers from a handler's plant at which milk is received from producers to another handler will permit a handler with Class II facilities to absorb the surpluses of handler's without Class II facilities without the receiving handler's producer pool being diluted with Class II milk. The receiving handler should not be required to show that it was physically possible for receipts to have been utilized in Class II. Such a requirement would involve additional effort on the part of the market administrator in making his audits of receipts and utilization without affecting net payments to producers.

Milk from sources other than producers, dairy farmers who are a part of a handler's normal supply for a market other than the marketing area, and other marketing areas regulated by an order of the Secretary of Agriculture should be classified as Class II up to the amount of Class II utilization remaining after the classification and proration of allowable plant shrinkage. Such classification is necessary in order to prevent the possible displacement of producer milk by milk from plants located outside New England and New York State which would remain exempt from minimum pricing.

The amount of Class II milk remaining after the classification of allowable plant shrinkage and outside milk at a plant at which milk is received from producers should be prorated to receipts from producers, dairy farmers designated for other markets, and plants subject to an order of the Secretary of Agriculture regulating the handling of milk in another marketing area, except, as presently provided in the order, that the total amount of milk received from producers which is classified as Class II should not exceed 5 percent of total receipts from producers, if receipts from other sources are sufficient to absorb the Class I utilization in excess of 5 percent. The 5 percent limitation should not be extended to cover handlers' receipts from other handlers who receive milk from producers since such a provision would be inconsistent with a provision to allow optional classification of interhandler transfers.

A handler excepted to the continuation of the 5 percent limitation on Class II producer milk on the grounds that an individual handler pool provides an incentive toward minimizing Class II utilization and that the 5 percent limitation is more restrictive to handlers with outside market operation than to handlers with local operations only. The record contains no evidence to indicate that supply conditions have changed since the adoption of the 5 percent provision to such an extent that the limitation of 5 percent is now too restrictive. Although a handler with outside market operations is limited to 5 percent Class II milk in his Fall River operation, there is no limit to the amount of Class II he may have in his other market operations. The provision should be retained until it is subject to more thorough consideration at another hearing.

Since milk of a handler's own production is considered as producer milk, no special provisions for its classification are necessary. If the handler has receipts from producers and from any other source, the amount of Class II which producers bear is limited by the 5 percent provision, and the breakdown of Class II between own farm production and sources other than producers would be only a statistical result.

Milk used in standardizing cream should not be classified as Class I. Classification of such milk as Class I would result in inequalities in prices handlers pay for cream depending upon whether cream was brought into Fall River as cream containing 40 percent butterfat or as cream already standardized.

(6) *Base rating plan.* The base rating provisions should be deleted from the order. These provisions have been suspended since January 31, 1943.

Changes which have been made in the order since that date are such as to make the existing base rating plan unworkable in its present form even if such a plan were considered desirable. No new base rating plan should be established at this time. The base rating payment plan was not considered in detail since most witnesses offered testimony on seasonal changes in Class I prices to achieve the level production objective which is the purpose of a base rating plan.

(7) *Class II prices.* No change should be made in the formula for establishing Class II prices.

The established relationship between Fall River and Boston Class II prices should be maintained. No change was recommended in the Boston Class II pricing formula in the recommended decision which was issued on May 21 with respect to the Boston order.

(8) *Administration assessment.* The basis for assessing handlers to defray the expenses of administering the order should not be changed. The language should be clarified to show specifically that a handler should not be assessed on milk which has already borne assessment in another Fall River handler's plant.

Assessment for expense of administration should be paid upon milk from dairy farmers designated for other markets and on milk received in the marketing area and resold in bulk outside the marketing area since the administrative effort required of the market administrator in auditing receipts and disposition is no less for such milk than for any other milk.

The provision that the rate of assessment may be established at an amount lower than the specified maximum rate should be revised to reflect the actual practice that no change is made without the approval of the Secretary of Agriculture.

The records of the Milk Control Board of Massachusetts, with respect to milk received from producers designated for the New Bedford market, should not be adopted by the market administrator in lieu of an audit conducted by him of all the milk received in a handler's plant. An over-all audit of all of the operations in a handler's plant is required to verify the utilization of milk subject to the provisions of Order No. 47. To adopt the audit made by another agency would require the other agency to apply the same rules of auditing and accounting as those applied by the market administrator. No evidence of present similarity of auditing practices was submitted.

(9) *Language changes to comply with present organization of the Department of Agriculture.* Changes in organization within the Department of Agriculture have rendered obsolete certain terms now used in the order. Those terms should be changed to coincide with the present organization.

(10) *General.* (a) The attached marketing agreement and the attached amended order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The attached marketing agreement and the attached amended order 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 tentatively approved marketing agreement upon which the hearings have been held; and

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing 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 attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 11th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of evidence introduced at such hearings and the record thereof, it is found that:

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

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) 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 such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

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

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, 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 to read as follows:

§ 947.1 *Definitions.* The following terms as used herein have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

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

(c) "Fall River, Massachusetts, marketing area", hereinafter called the "marketing area," means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

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

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

(e) "Dairy farmer" means any person who produces milk.

(f) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition:

(1) If minimum prices are required to be paid to him under provisions of any other Federal order;

(2) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (i) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (ii) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(3) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

(g) "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

(h) "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period.

(j) "Producer-handler" means a producer who is also a handler who receives no milk from producers: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(k) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(l) "Producer milk" means all milk produced by a producer, which is purchased or received by a handler either directly from such producer or from a cooperative association.

(m) "Other source milk" means all milk received by a handler which is not producer milk, milk from dairy farmers designated for other markets, or milk from a Federal order plant.

(n) "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

(o) "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

(p) "Hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can, and 2.15 pounds of milk per quart.

§ 947.2 *Market administrator* — (a) *Designation*. The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, 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. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(b) *Powers*. The market administrator shall have the power to:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties*. The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records for examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

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

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 947.3 or made payments required by § 947.8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

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

(8) Pay out of the funds received pursuant to § 947.10 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

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

(10) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.1 (j), such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

§ 947.3 *Reports of handlers*—(a) *Submission of reports*. Each handler shall report to the market administrator in the form and detail prescribed by the market administrator.

(1) On or before the 7th day after the end of each delivery period, the receipts of milk, skim milk, and cream at each plant from producers, from other handlers, from such handler's own production, from any other sources, and inventories on hand at the beginning and end of such delivery period;

(2) On or before the 7th day after the end of each delivery period, the respective quantities of milk, skim milk, and cream which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.5;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made;

(4) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period which shall show for each producer: (i) The total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to each producer and each cooperative association made pursuant to § 947.8, and (iii) the deductions and charges made by the handler;

(5) On or before the 18th day after the end of the first delivery period following the effective date hereof, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(6) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule;

(7) On or before the 7th day after the end of each delivery period, dairy farmers designated for other markets.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and those facilities necessary for the weighing, measuring, sampling, and testing for butterfat content of milk or any product therefrom and for determining the utilization made by the handler of milk or any product therefrom.

§ 947.4 *Applications of provisions.* (a) Sections 947.6, 947.8, 947.9, and 947.10 are not applicable to any producer-handler as herein defined.

(b) Milk received by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.5 *Classification of milk*—(a) *Responsibility of handlers.* In establishing the classification of milk received by a handler the burden rests upon the handler who received the milk from producers to account for all milk received at each plant at which milk is received from producers, and to prove that such milk should not be classified as Class I. The burden rests upon the handler who distributes milk in the marketing area to establish the source of all milk received.

(b) *Classes of milk.* Milk received by each handler at a plant where milk is received from producers shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2) of this paragraph, subject to paragraphs (c) and (d) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk received completely processed and packaged from a Federal order plant.

(c) *Transfers of milk from a plant at which milk is received from producers.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or, if the seller submits no report, as reported by the buyer: *Provided,* That the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(3) Transfers to a plant, other than a plant at which milk is received from producers or a Federal order plant, from which milk is distributed or at which milk products are manufactured shall be Class I not to exceed the total Class I at such plant during the delivery period.

(d) *Classification of milk received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk, skim milk, cream, and other milk products received at all plants of the handler at which milk is received from producers (i) from producers, including own production, (ii) from dairy farmers designated for other markets, (iii) in the form of products received completely processed and packaged from a Federal order plant, (iv) in the form of bulk milk received from another Federal order plant, (v) from other handlers who receive milk from producers, and (vi) from other sources, and the total.

(2) Determine the total pounds of milk, skim milk, cream, and other milk products utilized in Class II products including allowable plant shrinkage as provided in paragraph (b) (2) (ii) of this section.

(3) Prorate allowable plant shrinkage classified as Class II to producer milk, milk from dairy farmers designated for other markets, bulk milk received from a Federal order plant, and other source milk, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk as Class II in an amount no greater than the amount of Class II remaining.

(5) Deduct from the remaining pounds in each class the quantity of milk, skim milk, cream, and other milk products received from other handlers who receive milk from producers and classified according to paragraph (c) (2) of this section, and Class I and Class II products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to producer milk, milk from dairy farmers designated for other markets, and bulk milk received from a Federal order plant: *Provided,* That the amount of producer milk classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total amount of producer milk.

(7) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(8) From the total receipts from each source listed in subparagraph (1) of this paragraph deduct the amount classified as Class II for each source in subparagraphs (3), (4), (5), (6), and (7) of this paragraph and the remainder from each source is Class I: *Provided,* That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this subparagraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.6 *Minimum prices*—(a) *Class I prices.* (1) Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all that the hot roller process nonfat dry milk solids quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current;" subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to subdivision (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	2.44	2.88
25	30	2.66	3.10
30	35	2.88	3.32
35	40	3.10	3.54
40	45	3.32	3.76
45	50	3.54	3.98
50	55	3.76	4.20
55	60	3.98	4.42
60	65	4.20	4.64
65	70	4.42	4.86
70	75	4.64	5.08
75	80	4.86	5.30
80	85	5.08	5.52
85	90	5.30	5.74
90	95	5.52	5.96
95	100	5.74	6.18
100	105	5.96	6.40

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.52 per hundredweight for the month of August 1947 and shall not be less than $5.96 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

(b) *Class II prices.* (1) Except as provided in subparagraph (2) of this paragraph, each handler shall pay producers or cooperative associations for their milk in the manner set forth in § 947.8 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents.

(ii) Add any plus amount which results from the following computation: using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such quotation by the applicable percentage indicated for the delivery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Human food products	Animal feed products
	Percent	*Percent*
January	100	
February	100	
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	
November	100	
December	100	

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pursuant to subparagraph (1) of this paragraph minus 14 cents.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making the payments to such producer prescribed by paragraph (a) of § 947.8, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent an average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, or the last such price reported for a delivery period and if no such price is reported for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

(d) *Computation of transportation allowances.* For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest plant located more than 100 miles from the City Hall in Fall River.

§ 947.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(1) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.5 (d) by the respective class prices pursuant to § 947.6 (a) and (b):

(2) Combine the resulting values.

(b) *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to paragraph (a) of this section the total amount of the differentials pursuant to § 947.8 (b); and

((2) Divide the amount computed pursuant to subparagraph (1) of this paragraph by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat.

(c) *Announcement of uniform prices.* The market administrator shall, on or before the 11th day after the end of each delivery period, mail to each handler and publicly announce:

(1) The uniform prices per hundredweight computed pursuant to paragraph (b) of this section; and

(2) The Class II price and the butterfat differential.

§ 947.8 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.7, subject to the differentials set forth in paragraph (c) of § 947.6 and paragraphs (b) and (c) of this section as follows:

(i) To producers, at not less than the uniform price per hundredweight announced pursuant to § 947.7 (c) for the quantity of milk received from each producer.

(ii) To a cooperative association for milk which is caused to be delivered to a handler from producers by such cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to subdivision (i) of this subparagraph.

(b) *Differential for plant handling and transportation.* The payments to be made by handlers to producers, pursuant to paragraph (a) of this section shall be reduced by differentials as follows: with respect to milk received from a producer at a plant located more than 100 miles from the City Hall in Fall River, a sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point of such plant to the handler's delivery plant for the marketing area.

(c) *Other differentials.* In making payments to producers or cooperative associations pursuant to paragraph (a) of this section, handlers may deduct $0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.9 *Marketing service deductions*—(a) *Marketing services performed by market administrator.* On or before the 15th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in paragraph (b) of this section, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples and tests of milk received from producers. The market administrator

may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to or with respect to the milk received by handlers from producers.

(b) *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from 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, known as the "Capper-Volstead Act" is actually performing the services set forth in paragraph (a) of this section, such amounts as are authorized by such producers, and pay an equivalent amount to the cooperative association rendering such services to its members.

§ 947.10 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at (1) a plant at which milk is received from producers, and (2) a plant from which Class I milk is disposed of in the marketing area to persons other than handlers who receive milk from producers: *Provided,* That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: and *Provided further,* That any amounts required by this paragraph to be paid to the market administrator shall be reduced by an amount equivalent to any amounts paid with respect to such milk, for cost of administration of a Federal order.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of payments required by this section.

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

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

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, 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 other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account 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 person, to such person as the Secretary shall direct; and

(3) 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.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, 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 hereof, 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.

§ 947.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 947.13 *Marketing committee*—(a) *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, (hereinafter referred to as Director) may select a committee, to be known as the "Marketing Committee," which shall have as its members representatives of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

(b) *Duties.* The Marketing Committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Director.

(c) *Compensation.* The members of the Marketing Committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the Marketing Committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the Marketing Committee shall be recommended by the market administrator hereunder and shall be approved by the Director.

§ 947.14 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or 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: *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.

[F. R. Doc. 47-6696; Filed, July 16, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 292]

ALASKAN AIR CARRIERS

CLASSIFICATION, EXEMPTION AND REGULATION

JULY 7, 1947.

The Civil Aeronautics Board has under consideration a revision of § 292.2 of the Economic Regulations relating to the classification, exemption and regulation of air carriers operating in air transportation within the Territory of Alaska. The revision (text of which is attached hereto) is proposed under the authority of sections 205 (a) and 1001 and Title IV of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1017, 987-1005,

as amended; 49 U. S. C. 425, 641, 481-496).

The Board has authorized the circulation of the proposed revision to interested persons. Comments should be submitted in writing to the Secretary, Civil Aeronautics Board, Washington 25, D. C., on or before August 14, 1945.

The Board has been conducting an investigation into the matter of the regulation of air transportation within the Territory of Alaska for some time. Hearings have been held and members of the staff have conducted various studies and surveys in order to determine the scope of economic regulation required for an adequate air transportation system.[1] This investigation is being continued and the Board intends to consider further changes in the pattern of regulation for air transportation in the Territory of Alaska upon completion of this investigation.[2] It is the opinion of the Board, however, that additional regulation is required in the interim.

The revised regulation herein proposed is a codification of the existing regulation § 292.2 (Alaskan Air Carriers) and contains new matter which removes some of the existing exemptions under which air carriers in Alaska are now operating.

In order to facilitate understanding of some of the principal changes which the proposed revision will effect, the following explanatory statement is offered.

Classification of Alaskan Air Carriers. Under the provisions of this proposed revision, there would be established a classification of air carriers to be known as "Alaskan Air Carriers". Grouped within this classification would be all classes of air carriers now conducting substantially all of their operations within the Territory of Alaska pursuant to authorization issued by the Civil Aeronautics Board. It would include (a) those air carriers now known as "Alaskan Air Carriers" under the present § 292.2 which are operating within the Territory of Alaska under authority of certificates of convenience and necessity issued by the Board; (b) those air carriers known as "k" carriers which are operating under the authority of paragraph "k" of the present § 292.2; and (c) those air carriers which are operating in accordance with individual exemption orders issued by the Board.

Scope of operations permitted. The revised regulation would grant to the Alaskan Air Carriers, as newly defined therein, an exemption from sections 401 (a) and 404 (a) of the act to permit them to continue to operate in air transportation within the Territory of Alaska over the same routes and to offer service of the same type and class as they are now operating under the exemptions now in effect.

Regulation of Alaskan Air Carriers. Alaskan Air Carriers would be made subject to all the principal Economic Regulations of the Board now applicable to the domestic air carriers. Schedules and tariffs would be required to be filed, the Uniform System of Accounts for Air Carriers would be made effective for Alaskan Air Carriers and filing of reports of financial and operating statistics would be required. Many of the Alaskan Air Carriers may not be able to comply at this time with all of the requirements of §§ 202.1 (Forms of Reports of Financial and Operating Statistics) 202.2 (Forms of Accounts of Air Carriers), 208.2 (Filing of Schedules and Changes therein by Air Carriers), and 224.1 (Filing, Posting and Publishing of Tariffs by Air Carriers), and provision is made in the proposed revision for the relief of such air carriers to the extent required in the circumstances. The Director of the Alaska Office would be granted the authority to relieve any Alaskan Air Carrier from complying with a provision or provisions of any of the regulations enumerated in the preceding sentence upon a finding of undue burden on the air carrier affected. He would be authorized to take preliminary action for the Board in so acting and his action would be subject to objection by any person affected and to ratification by the Board.

In addition to the flexibility which is provided through action by the Director, smaller air carriers which may not have sufficient personnel to comply with the detailed reporting requirements of § 202.1, would be given the option of filing their financial and operating statistical reports upon a simplified form entitle "Short Form Report of Financial and Operating Statistics for Alaskan Air Carriers" in place of Form No. 41 required under that section. This privilege would be limited to Alaskan Air Carriers which do not hold certificates of public convenience and necessity authorizing the carriage of mail over routes totaling more than 200 miles in length.

Procedural provisions. The remoteness of the Territory of Alaska from Washington, D. C., places a great burden upon Alaskan Air Carriers when complying with regulations primarily designed for domestic air carriers. In order to ease this burden and to facilitate the regulation of Alaskan air transportation, certain procedural provisions are included in the proposed revision for the purpose of giving the Alaska Office of the Board greater autonomy and flexibility. In formal proceedings being conducted before examiners of the Board in Alaska, the Director of the Alaska Office would be authorized to take certain actions for the Board subject to modification or reversal by the Board. These actions would include acting on interventions, consolidations and dismissal of certain applications and, upon request of any of the parties, the hearing of oral argument in lieu of argument before the Board.

§ 292.2 *Alaskan Air Carriers*—(a) *Classification of Air Carriers.* There is hereby established, within the meaning of § 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which, except as otherwise authorized in paragraphs (b) (2) and (c) (1) (ii) of this section, engage solely in air transportation within the Territory of Alaska, said classification to be designated as "Alaskan Air Carriers". Such classification shall include both (1) certificated air carriers and (2) air carriers operating under the authority of paragraph (c) of this section.

(b) *Temporary exemption of certificated air carriers.* Until the Board shall adopt further rules, regulations, or orders, any Alaskan Air Carrier which holds a certificate of public convenience and necessity issued by the Board shall be exempt, subject to the conditions and requirements hereinafter set forth, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would prevent any such air carrier:

(1) From providing, over a regular route designated in a certificate of public convenience and necessity, service, of the same type authorized by the certificate, to such additional points not named in the certificate as are situated within the territory which would ordinarily be served by such route.

(2) From making charter trips and rendering other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point within or outside the Territory of Alaska: *Provided, however,* That such trips originate at or are destined to a point on a route (regular or irregular) the carrier is authorized by its certificate to serve: *And, provided, further,* That all such trips are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or schedule service.

(3) From transporting over postal routes 78182 and 78187 (blanket authorization of the Postmaster General relating to the transportation of first-class mail) and over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by postmasters in Alaska for transportation over such routes.

(c) *Temporary exemption of non-certificated air carriers.* (1) Until the Board shall adopt further rules, regulations or orders, any air carrier engaging in air transportation within the Territory of Alaska which does not hold a certificate of public convenience and necessity and which during the six months ending March 31, 1945, was engaging within the Territory of Alaska in air transportation which had not been authorized by the Board, and which heretofore has filed on or prior to September 15, 1945, an application for a permanent or temporary certificate of public convenience and necessity covering such services, shall be exempt, subject to the conditions and requirements hereinafter set forth, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would otherwise prevent:

(i) Any such air carrier from continuing to engage in air transportation of the same nature, extent, regularity and frequency as was rendered by it within the Territory of Alaska during said period ending March 31, 1945, and for which air transportation such air carrier filed, on or prior to September 15, 1945 an application for a permanent or tem-

[1] Alaskan Air Transportation Investigation, 2 CAB 785 (1941), 3 CAB 804 (1942); Investigation of Classification of Air Service in Alaska, Docket No. 1747.

[2] Investigation of Classification of Air Service in Alaska, Docket No. 1747.

porary certificate of public convenience and necessity;

(ii) Any such air carrier from making charter trips and rendering other special services between points on routes which it is authorized to serve by the terms of subdivision (i) of this subparagraph. Charter trips and other special services may also be rendered to or from any other point, within or outside the Territory of Alaska: *Provided*, That such trips originate at or are destined to a point on a route such air carrier is authorized to serve by the terms of subdivision (i) of this subparagraph: *And provided, further*, That all such trips are casual, occasional, or infrequent, and are not made in such a manner as to result in establishing a regular or scheduled service.

The exemptions granted in this subparagraph shall be of no further force or effect as to any air carrier from and after the effective date of an order by the Board denying the application of such air carrier to engage in air transportation, or from the date of the inauguration of air transportation pursuant to an authorization of the Board.

(2) Until the Board shall adopt further rules, regulations or orders, any air carrier engaging in air transportation within the Territory of Alaska pursuant to a specific exemption order adopted by the Board pursuant to section 416 (b) of the act shall be exempt, subject to the conditions and requirements hereinafter set forth, from section 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would otherwise prevent any such air carrier from continuing to engage in air transportation of the same nature, extent, regularity and frequency as is authorized by the Board in specific exemption orders pursuant to section 416 (b) of the act. The exemption granted in this subparagraph shall remain in force and effect as to any air carrier for the term provided for in, and in accordance with the terms of, the order granting the specific exemption for such air carrier.

(d) *Regulation*. The Economic Regulations of the Board shall not be applicable to Alaskan Air Carriers except to the extent provided in this paragraph. Subject to the provisions of subparagraphs (2), (3) and (4) of this paragraph, the following regulations are made applicable to Alaskan Air Carriers:

(1)

Sec.
202.1 Reports of Financial and Operating Statistics.
202.2 Uniform System of Accounts.
202.3 Preservation of Records.
202.5 Audits of Public Accountants.
208.1 Review of Orders of Postmaster General.
208.2 Filing of Schedules.
216.1 Petitions for Mail Compensation.
224.1 Filing and Posting of Tariffs.
228.1 Free Travel of Postal Employees.
228.3 Access to Aircraft.
228.4 Free and Reduced Rate Transportation.
238.1 Application for Certificate of Public Convenience and Necessity.
238.6 (Except paragraph (f)) Temporary Suspensions of Service.
248.1 Interlocking Relationships.
251.1 Filing of Agreements.
251.2 Filing of Agreements with Foreign Countries.
280.1 Stock Ownership of Officers and Directors.
280.2 Stock Ownership of Affiliates.
287.1 Definitions of Terms.
292.3 Omission of Stop at Junction Point due to Weather.
Part 285 Rules of Practice.

(2) Any Alaskan Air Carrier which is not certificated for the carriage of mail over routes totaling more than 200 miles, may make periodic financial and statistical reports using the appropriate schedules of the "Short Form Report of Financial and Operating Statistics for Alaskan Air Carriers" CAB Form -----, and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and filed with the Director of the Alaska Office at such times as are specified in the instructions relating to reporting procedure attached to said CAB Form ------, effective ------, 1947, and such amendments thereto as may hereafter be approved by the Board. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) The Director of the Alaska Office may take preliminary action for the Board to relieve any Alaskan Air Carrier or group of Alaskan Air Carriers from complying with a specific provision or provisions of §§ 202.1, 202.2, 208.2 and 224.1 of the Economic Regulations of the Board or of subparagraph (2) of this paragraph when the application of any provision or provisions of these sections are found by him to be an undue burden on such Alaskan Air Carrier or Air Carriers by reason of the limited extent of, or unusual circumstances affecting, the operations of such Alaskan Air Carrier or Air Carriers. Upon finding that such relief is no longer necessary, the Director of the Alaska Office may take preliminary action for the Board to cancel the relief previously granted in accordance with the provisions of this paragraph. The action of the Director shall be subject to ratification by the Board and any person affected by his action may file exceptions thereto with the Board within 15 days after the date the Director makes his action effective. The action of the Director under this paragraph may be taken either on written application to or may be initiated by him in the first instance. Whenever reference is made in § 224.1 to the Economic Bureau or to the Director of the Economic Bureau such reference shall be deemed to mean the Director of the Alaska Office.

(4) An Alaskan Air Carrier which prior to the effective date of this section has suspended service to a point on a regular route named in its certificate and which shall file, within 45 days after the effective date of this section, an "Application for Order Authorizing Temporary Suspension of Service" pursuant to § 238.6 is authorized to continue to suspend service to that point until its application shall have been granted or denied by the Board.

(f) *Procedural requirements*—(1) *Place and time of filing*. Notwithstanding the requirements of any other regulation, order, or rule of the Board, all documents authorized or required by the Civil Aeronautics Act, or any regulation, order, or rule of the Board issued thereunder, to be filed with the Board by any Alaskan Air Carrier or in connection with air transportation performed or sought to be performed by such air carrier shall be filed in accordance with the methods and within the time limitations provided therein with the Director of the Alaska Office of the Board: *Provided*, That applications, motions, and petitions in formal proceedings filed through counsel having addresses outside of Alaska may be filed with the Board at its office in Washington, D. C., in which event one signed copy (being one of the duplicate originals specified in subparagraph 2 of this paragraph) of each such document shall be sent by air mail to the Director of the Alaska Office in Anchorage, Alaska, by the counsel so filing.

(2) *Duplicate originals required*. In addition to the number of copies of each document required to be filed by the regulation, order, or rule under which it is filed, one additional signed copy shall be filed, and if the regulation, order, or rule under which it is filed requires verification of documents filed thereunder, said additional signed copy shall also be verified. Two signed copies will constitute duplicate originals. In the event both copies are filed with the Director of the Alaska Office, that office shall transmit one signed copy to the office of the Board in Washington, D. C., and retain the other signed copy in the files of the Alaska Office.

(3) *Conformity to rules*. All such documents shall in all other respects conform to the requirements of the regulation, order, or rule of the Board under which they are filed; *Provided*, That any such requirement may be waived or substantial compliance authorized by the Director of the Alaska Office if he finds that such requirement will constitute an undue burden on an air carrier or group of air carriers and strict compliance is unnecessary in view of the limited extent of or unusual circumstances affecting the operations of any such air carrier or group of air carriers.

(4) *Posting and preservation of documents*. The Alaska Office copy of all documents subject to this regulation which are required by the act, or by the regulations, orders, or rules, of the Board thereunder, to be posted in the Office of the Secretary of the Board, shall be posted in the Office of the Director of the Alaska Office; and the Alaska Office copy of documents which are required by section 1103 of the act to be preserved as public records in the custody of the Secretary of the Board, shall be preserved as public records in the custody of the Director of the Alaska Office under such reasonable arrangements as he may make for public inspection thereof. Such posting and preservation as public records shall be in addition to that required of the Secretary of the Board.

(5) *Requests for additional information*. The Director of the Alaska Office may at any time require any person filing documents with the Alaska Office to file additional copies thereof, and to make service upon persons other than

those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board. If he is of the opinion that a formal or informal application, complaint, petition or other document does not sufficiently set forth the material required to be set forth by any applicable regulation, order or rule of the Board, or is otherwise insufficient, he may advise the party filing the same of the deficiency and require that any additional information be supplied. In case he deems an answer to formal complaints and petitions desirable, he may so notify the parties.

(6) *Extension of time.* The Director of the Alaska Office shall have authority upon good cause shown, to extend the time for filing of any document required by this regulation to be filed with the Alaska Office.

(7) *Recommendations concerning regulations.* The Director of the Alaska Office may submit a draft of proposed regulations affecting air transportation within Alaska, or of amendments or modifications of such regulations to the Alaskan Air Carriers for comment. Upon expiration of the date fixed for submission of comments he shall transmit any comments received, together with his recommendations, to the Board for consideration. The Board may revise any such proposed regulation, amendment, or modification, and in respect of any substantial revision, may direct the Director of the Alaska Office to submit such revision to the Alaskan Air Carriers for further comment.

(g) *Formal proceedings*—(1) *Docket of Alaska Office.* A complete docket of all formal proceedings by or against Alaskan Air Carriers, or by or against persons seeking authority to engage in air transportation solely within the Territory of Alaska, shall be maintained in the offices of the Board at Washington, D. C., and in the Board's Alaska Office.

(2) *Exceptions and oral argument.* Exceptions to the initial or recommended decision of the examiner in any formal proceeding and briefs in support of such exemptions, may be filed with the Board at its office in Washington, D. C., in which event one copy of such exceptions and briefs shall be sent by air mail to the Director of the Alaska Office by the party so filing; or may be filed with the Director of the Alaska Office, in which event they will be transmitted by him to the Board's Office in Washington, D. C. If any of the parties to any such proceeding so desire, the Director of the Alaska Office may on behalf of the Board hear oral argument upon exceptions to the Examiner's report and shall transmit a transcript of such oral argument to the Board. Such oral argument before the Director of the Alaska Office shall be in lieu of oral argument before the Board.

(3) Hearings and Conferences. Hearings and conferences in proceedings on the Board's Alaskan Docket shall be assigned, and procedural notices (other than notice of oral argument before the Board) and examiner's report will be served by the Director of the Alaska Office.

(h) *Powers of the director in formal proceedings.* Subject to the modification or reversal by the Board, on its own motion or upon petition or application of any air carrier or other person affected by or having a substantial interest in his action, the Director of the Alaska Office is authorized and designated to act for the Board in the following matters:

(1) *Intervention.* All petitions for intervention in proceedings on the Board's Alaska Docket shall be referred to the Director of the Alaska Office who shall have authority to grant or deny such intervention. Any person whose petition for intervention shall have been denied by the Director of the Alaska Office may file exceptions thereto within 15 days after such denial and the Director of the Alaska Office shall submit such petition and exceptions to the Board for review.

(2) *Dismissal of applications.* The Director of the Alaska Office shall have authority to order dismissal of any application made to the Board pursuant to the Civil Aeronautics Act of 1938, as amended, and pending on the Board's Alaska Docket, when such dismissal is requested by the applicant or where the applicant has failed to prosecute such application.

(3) *Consolidation of applications.* The Director of the Alaska Office shall have authority to consolidate applications under Title IV of the act on the Board's Alaska Docket for hearing or issuance of initial or recommended decision by an examiner. (52 Stat. 984 and 1004, 49 U. S. C. 425 and 496)

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

[F. R. Doc. 47-6701; Filed, July 16, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 5]

[Docket No. 8448]

EXPERIMENTAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

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

2. The proposed rule-change, set forth below, contemplates amendment of § 5.21 to conform with frequency allocations made by the Commission's final reports, issued pursuant to proceedings in Docket No. 6651; restriction of the use of frequencies allocated exclusively to experimental service to class 1 experimental stations, and imposition of the requirement that class 2 experimental radio stations operate on frequencies specifically allocated to the service or proposed service in which experimentation is being conducted, except upon showing of unusual circumstances requiring assignment of other frequencies.

3. The frequencies listed in the proposed amendment of § 5.21 were allocated, specifically, to experimental service in final reports of the Commission issued on July 19, 1946, and March 20, 1947, pursuant to proceedings in Docket No. 6651.

4. The proposed amendment is issued under the authority of sections 301 and 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted (except with respect to the frequency allocations made in the Commission's final reports of July 19, 1946, and March 20, 1947), or should not be adopted in the form set forth herein, may file with the Commission, on or before July 23, 1947, a written statement or brief setting forth his comments. 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.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Proposed amendment of § 5.21, rules and regulations governing Experimental Radio Services.

§ 5.21 *Frequencies.* (a) The following frequencies are allocated for assignment to Class 1 experimental radio stations:

Center frequency:	*Channel width (kc)*
1614 kc	4
2398 kc	4
3492.5 kc	5
4797.5 kc	5
6425 kc	10
9135 kc	10
12862.5 kc	15
17310 kc	20
23100 kc	25
[1] 27.455 mc	50
30.58 mc	40
30.62 mc	40
30.66 mc	40
30.70 mc	40
30.74 mc	40
30.78 mc	40
30.82 mc	40
33.14 mc	40
35.02 mc	40
42.98 mc	40
72.18 mc	40
72.22 mc	40
154.49 mc	60
154.57 mc	100
158.31 mc	60
Above 30,000 mc	--

[1] This service recognizes that interference to its operations on this frequency may result from the emissions on the frequency 27.320 mc of industrial, scientific and medical devices and from stations in the fixed and mobile services operating on frequencies between 27.430 mc and 27.480 mc.

(b) Class 2 experimental stations may be authorized on non-government frequencies allocated to that service in which the experimental station is to operate or on frequencies allocated for

use by a proposed new service in which the experimental station is to operate. In cases where no frequencies have been allocated, the Commission may, upon a proper showing of need, authorize Class 2 experimental stations to use frequencies listed in subsection (a) hereof.

(c) The following frequencies are allocated for assignment to Class 3 experimental stations:

Center frequency:	Channel width (kc)
2398 kc	4
3492.5 kc	5
30.66 mc	40
Above 30,000 mc	--

(d) Class 1 experimental stations may be authorized on frequencies other than those listed in paragraph (a) except for frequencies allocated to the amateur service and except for those frequencies the use of which, in the opinion of the Commission, may result in interference to stations engaged in safety or emergency communications, *Provided:*

(1) The need for the other frequencies is fully stated by the applicant.

(2) A satisfactory showing is made that the frequencies assigned for use by the experimental service are unsuitable for the proposed experimental program.

(3) No interference will be caused to the stations regularly assigned the frequencies requested.

Adopted: July 3, 1947.

Released: July 8, 1947.

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

[F. R. Doc. 47-6714; Filed, July 16, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 250]

EXEMPTION OF CERTAIN PUBLIC-UTILITY COMPANIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule exempting certain public-utility companies as subsidiary companies of the trustees of certain nonbusiness trusts, and exempting such trustees from all provisions of the act except section 9 (a) (2). It will exempt any such public-utility company and trustees if (a) voting securities of the company are held by trustees of an inter-vivos or testamentary trust created by an instrument executed prior to January 1, 1935; (b) the purposes of the trust are charitable, religious, educational, or the benefit of individuals; (c) the beneficial interests in said trust are not represented by transferable certificates; and (d) such public-utility company is not itself a holding company.

The rule is proposed pursuant to the provisions of the Public Utility Holding Company Act of 1935, particularly sections 3 (a), 3 (d) and 20 (a) of the act.

The proposed rule is being considered because of the fact that the Commission is of the tentative opinion that it is not generally necessary or appropriate in the public interest or for the protection of investors or consumers that such trustees and the public-utility companies whose securities they hold be subject to the obligations, duties, or liabilities imposed upon holding companies and their subsidiary companies under the act.

The proposed rule would provide substantially as follows:

§ 250.12 *Exemption of certain utility companies and nonbusiness trusts.* If voting securities of a public-utility company are owned, controlled or held with power to vote by the trustee or trustees of an inter-vivos or testamentary trust created by an instrument executed prior to January 1, 1935, and if such trust was established for charitable, religious, educational or other nonbusiness purposes, or for the benefit of an individual or individuals, or for more than one of such purposes, and if the beneficial interest or interests in such trust are not represented by transferable certificates, and if such public-utility company is not itself a holding company, then such public-utility company and any subsidiary companies thereof shall not be deemed to be subsidiary companies of such trustees or trust within the meaning of the act or any rule or regulation thereunder, and such public-utility company and any subsidiary companies thereof and such trustees and trust shall be exempt from any provisions of the act other than section 9 (a) (2) thereof, from any rules and regulations thereunder and from any obligations, duties and liabilities thereunder to which they might otherwise be subject by reason of the ownership, control or holding with power to vote of such securities by such trustees. [Rule U-12]

All interested persons may submit data, views, and comments in writing to the Securities and Exchange Commission at its main offices, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before August 15, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 10, 1947.

[F. R. Doc. 47-6691; Filed, July 16, 1947; 8:48 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6737 and 8454]

SOUTHERN CALIFORNIA BROADCASTING CO. AND ORANGE COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marshall S. Neal, Paul Buhlig, E. F. Foley, and Edwin Earl, d/b as Southern California Broadcasting Company (KWKW), Pasadena, California, Docket No. 6737, File No. BP-3710; George W. Berger, George A. Raymer, Fred Forgy and John W. Swallow, d/b as Orange County Broadcasting Company, Santa Ana, California, Docket No. 8454, File No. BP-5936; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application of Marshall S. Neal, Paul Buhlig, E. F. Foley, and Edwin Earl, d/b as Southern California Broadcasting Company, requesting a construction permit to change frequency to 830 kc and increase power to 5 kw, daytime only, at Station KWKW, Pasadena, California, and the application of George W. Berger, George A. Raymer, Fred Forgy and John W. Swallow, d/b as Orange County Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 850 kc, with 1 kw power, daytime only, at Santa Ana, California, and the Commission also having under consideration a petition filed by the Southern California Broadcasting Company requesting that the said applications be designated for a consolidated hearing, and an opposition thereto filed by Orange County Broadcasting Company and a reply filed by the petitioner;

It is ordered, That the petition of Southern California Broadcasting Company be, and it is hereby, granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnerships and the partners to construct and operate the proposed station and Station KWKW as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station KWKW as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station

KWKW as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station KWKW as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station KWKW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6719; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 7964]

WIRED MUSIC, INC.

ORDER CONTINUING HEARING DATE

In re application of Wired Music, Inc., Rockford, Illinois, for construction permit; Docket No. 7964, File No. BP-5296.

The Commission having scheduled a hearing upon the above-entitled application for 10:00 o'clock a. m., July 7, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience and necessity would be served by a continuance of said hearing; and counsel for all parties having consented thereto;

It is ordered, This 3d day of July 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, July 21, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6722; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8167]

WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING DATE

In re application of Woodward Broadcasting Company, Detroit, Michigan, for construction permit; Docket No. 8167, File No. BP-5827.

The Commission having under consideration a petition filed June 30, 1947, by Woodward Broadcasting Company, Detroit, Michigan, requesting a continuance in the hearing, presently scheduled for July 8, 1947, at Washington, D. C., upon its above-entitled application;

It is ordered, This 3d day of July 1947 that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Wednesday, August 20, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6723; Filed, July 16, 1947; 8:50 a. m.]

[Docket Nos. 8291, 8292, and 8293]

KEYSTONE BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING DATE

In re applications of Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, Docket No. 8291, File No. BPH-183; York Broadcasting Company, York, Pennsylvania, Docket No. 8292, File No. BPH-184; Reading Broadcasting Company, Reading, Pennsylvania, Docket No. 8293, File No. BPH-522; for FM Construction Permits.

The Commission having under consideration a joint petition filed June 30, 1947, by Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, York Broadcasting Company, York, Pennsylvania, and Reading Broadcasting Company, Reading, Pennsylvania, requesting a continuance in the hearing upon their above-entitled applications, which is presently scheduled for July 7, 1947, at Washington, D. C.;

It is ordered, This 3d day of July, 1947, that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, August 11, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6724; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8438]

MONTANA NETWORK

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Montana Network, Missoula Montana, for construction permit; Docket No. 8438, File No. BP-6022.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Missoula, Montana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6716; Filed, July 16, 1947; 8:49 a. m.]

[Docket Nos. 8450 and 8371]

WELDON LAWSON AND TRI-COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Weldon Lawson, Sequin, Texas, Docket No. 8450, File No. BP-4991; H. Miller Ainsworth, A. G. Ainsworth, J. Edward Johnson, and Ross Bohannon, a partnership, doing business as Tri-County Broadcasting Company, Luling, Texas, Docket No. 8371, File No. BP-5636; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application of Weldon Lawson for construction permit for a new standard broadcast station to operate on 1400 kc, 250 w power, un-

limited time, at Sequin, Texas, which application was filed contingent upon a grant of the application of Mission Broadcasting Company (BP-4329, Docket No. 8072) for a change in frequency and power of Station KONO, San Antonio, Texas; and

It appearing, that the Commission, on April 30, 1947, designated for hearing the above application of Tri-County Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1420 kc, 1 kw, employing a directional antenna at night, unlimited time;

It is ordered, That the above application of Weldon Lawson be, and it is hereby, designated for hearing in a consolidated proceeding with the said application of Tri-County Broadcasting Company, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.
7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of April 30, 1947, designating the application of Tri-County Broadcasting Company for hearing, be, and it is hereby, amended to include the application of Weldon Lawson.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6717; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8451]

FRED O. GRIMWOOD (WTOM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Fred O. Grimwood (WTOM), Bloomington, Indiana, for modification of construction permit; Docket No. 8451, File No. BMP-2669.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application requesting a modification of construction permit to change the authorized facilities of Station WTOM, Bloomington, Indiana from 1490 kc, with 100 w power, unlimited time to 1490 kc, with 250 w power, unlimited time and for extension of the date for commencement and completion of construction of said station;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WTOM as proposed and the character of other broadcast service available to those areas and populations.
2. To determine whether the operation of Station WTOM as proposed would involve objectionable interference with Stations WDAN, Danville, Illinois; WKBV, Richmond, Indiana; and WOMI, Owensboro, Kentucky or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
3. To determine whether the operation of Station WTOM as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
4. To determine whether the installation and operation of Station WTOM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Northwestern Publishing Company, licensee of Station WDAN, Danville, Illinois; Central Broadcasting Corporation, licensee of Station WKBV, Richmond, Indiana; and Owensboro Broadcasting Company, licensee of Station WOMI, Owensboro, Kentucky, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6715; Filed, July 16, 1947; 8:49 a. m.]

[Docket Nos. 8452 and 8178]

RADIO CALUMET, INC. AND STEEL CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Calumet, Inc., Gary, Indiana, File No. BP-6131, Docket No. 8452; George M. Whitney, Caroline L. Whitney and Frederic K Feyling, d/b as Steel City Broadcasting Company, Gary, Indiana, File No. BP-5681, Docket No. 8178; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application of Radio Calumet, Inc., requesting a construction permit for a new standard broadcast station to operate on 1270 kc, with 500 w power, daytime only, at Gary, Indiana;

It appearing, that the Commission, on March 6, 1947, designated for hearing the application of George M. Whitney, Caroline L. Whitney and Frederic K. Feyling, d/b as Steel City Broadcasting Company (File No. BP-5681, Docket No. 8178), requesting a construction permit for a new standard broadcast station to operate on 1260 kc, with 250 w power, daytime only, in Gary, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications act of 1934, as amended, the said application of Radio Calumet, Inc., be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Steel City Broadcasting Company, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Steel City Broadcasting Company, Gary, Indiana, or in any other pending applications for broadcast facilities and, if so, the nature and extent

thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of March 6, 1947, designating the above-entitled application of Steel City Broadcasting Company (File No. BP-5681, Docket No. 8178) for hearing, be, and it is hereby, amended to include the above-entitled application of Radio Calumet, Inc. (File No. BP-6131), and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 47-6720; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8453]

CLARENCE J. MCCREDIE AND BERNICE M. MCCREDIE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Clarence J. McCredie and Bernice M. McCredie, a partnership, Wenatchee, Washington, for construction permit; Docket No. 8453, File No. BP-6062.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, in Wenatchee, Washington, and a petition filed by Central Washington Broadcasters, Inc., licensee of Station KXLE, Ellensburg, Washington, asking that said application be designated for hearing and that petitioner be made a party thereto;

It is ordered, That the petition of Central Washington Broadcasters, Inc., be, and it is hereby granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KXLE, Ellensburg, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Benton County Broadcasters, Kennewick, Washington (File No. BP-5701), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Central Washington Broadcasters, Inc., licensee of Station KXLE, Ellensburg, Washington, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 47-6718; Filed, July 16, 1947; 8:50 a. m.]

[Docket Nos. 8455, 8456]

NORMAN BROADCASTING CO. AND H. J. GRIFFITH BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Byrne Ross and W. P. Fowler, d/b as Norman Broadcasting Company, Norman, Oklahoma, Docket No. 8455, File No. BP-5839; H. J. Griffith, d/b as H. J. Griffith Broadcasting Company, Norman, Oklahoma, Docket No. 8456, File No. BP-5861; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Norman, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical financial, and other qualifications of the individual applicant and the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed operation of Norman Broadcasting Company and of Station KLPR at Oklahoma City, Oklahoma, the nature and extent thereof, and whether such overlap, if any, is in contravention of Section 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 47-6721; Filed, July 16, 1947; 8:50 a. m.]

FM BROADCAST STATION CONSTRUCTION PERMITS [1]

INTERIM PROCEDURE REGARDING LICENSES

JUNE 17, 1947.

In connection with the issuance of licenses to cover construction permits for

[1] Part 1, Rules Relating to Organization and Practice and Procedure, § 1.317 (b) (3); Part 3, Rules Governing Radio Boardcast Services, §§ 3.211, 3.216, and 3.217 (12 F. R. 4351).

FM broadcast stations, the Commission wishes to announce that the following procedures will apply.

Pending the adoption of a new application form, license applications should be submitted on Form 320 as modified in accordance with the Form 320 instruction sheet.[2] The forms and instruction sheet are available upon request.

Where frequencies have been changed pursuant to the reallocation plan adopted on June 12, 1947, letters will be sent to permittees and licensees advising them of their changed frequency assignment. Outstanding construction permits and licenses will not be reissued to show the new frequency, as this will be included in subsequent instruments of authorization. During such interval, operation on the new frequency will be authorized by letter or telegram. In instances where a license application is now on file and the station frequency is changed, action on the application will be withheld until the frequency change is made and an appropriate amendment is submitted to the application. License applications now pending need not be otherwise amended unless further data are requested by the Commission.

License applications will not be granted unless an approved frequency and modulation monitor is installed. After installation, a check of the transmitter frequency (and the frequency monitor) with an external frequency measuring service or other standard should be made, if feasible under the circumstances.

The FM license application form requires that measurements of audio frequency operating characteristics be made to insure that the FM engineering standards are met. It is expected that such measurements will also be required in connection with license renewal applications, in order that the technical performance of a station may be periodically reviewed. With respect to present operation, the Commission realizes that in some instances equipment for this purpose and adequately trained personnel for making such measurements are not immediately available. Accordingly, consideration will be given to applications for licenses which do not supply complete measurements to indicate compliance with the engineering standards. As much of this data should be supplied as possible, however, and applications must include reasons therefor when complete measurements are not made. In some instances licensees have reported difficulty in meeting fully all of the engineering requirements at this time due to equipment and measurements problems; applications indicating such conditions will be considered on their individual merits. The Commission wishes to emphasize that the FM engineering standards are not being changed, but only that additional time is being provided where necessary to meet these standards. This procedure will also permit more expeditious licensing of FM stations.

With respect to the field intensity measurements required of Class B FM stations by § 3.216 (c) of the rules, the Commission has received inquiries concerning the time within which such measurements must be submitted. As indicated by a footnote to the rule, this material "shall be submitted within one year after the license has been issued or within such extension of time as the Commission may for good cause grant." The Commission does not desire to impose an undue burden on FM licensees. However, the Commission wishes to obtain as much data as possible concerning FM service areas in order to provide for the best allocation and use of the FM band. While the Commission expects to follow a lenient policy concerning the requirement of field intensity measurements, it is hoped that FM licenses, particularly of the larger stations, will endeavor to supply this data as promptly as feasible.

License applications should not, of course, be filed until full construction has been completed in accordance with the terms of the permit. Equipment tests and program tests may then be conducted in accordance with §§ 3.216 and 3.217 of the rules. Prior to completion of construction and the filing of a license application, program operation may be authorized in accordance with interim operation procedure described by a separate Public Notice of the Commission. If interim operation is being conducted with complete equipment as specified by the construction permit, then equipment tests and program tests need not be made.

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

[F. R. Doc. 47-6710; Filed, July 16, 1947; 8:47 a. m.]

[2] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G-916]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JULY 11, 1947.

Notice is hereby given that on June 26, 1947, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

(1) Approximately 8 miles of 7½-inch O. D. pipeline beginning at Applicant's Hunnewell Compressor Station located in Section 16, Township 35 South, Range 1 East, and extending in a northeasterly direction to a point of connection with Applicant's existing 7-inch pipeline in the Southwest Quarter of Section 2, Township 35 South, Range 2 East, all in Sumner County, Kansas.

(2) Approximately 10,500 feet of 14-inch O. D. pipeline to replace a like amount of 12¾-inch pipeline now installed in that portion of Applicant's interstate pipeline system extending northerly from a point near the southwest corner of Section 33, Township 34 South, Range 1 East, Sumner County, Kansas.

Applicant states that the proposed facilities described in paragraph (1) above, will be used to deliver gas into and withdraw gas from a proposed small gas storage reservoir located on a 160-acre leasehold estate owned by Applicant and located in the Southwest Quarter of Section 29, Township 34 South, Range 3 East, Sumner County, Kansas. The maximum capacity of the proposed facilities is stated to be approximately 10,000 Mcf. per day.

Applicant states that the existing pipeline to be replaced by the proposed facilities described in paragraph (2) above, has deteriorated due to rusting, pitting and corrosion to such an extent that adequate and dependable service cannot longer be rendered through the same, and replacement is necessary.

Applicant states that no new service is proposed to be rendered with the new facilities, all such new facilities being needed in rendering service to Applicant's existing markets.

The total over-all capital cost of the proposed construction described in paragraph (1) above is estimated to be $87,378, and that of the proposed facilities described in paragraph (2) is estimated to be $38,515, all to be financed out of Applicant's funds. Fixed charges in connection with the facilities described in paragraph (1) are estimated to be $2,000 annually.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6700; Filed, July 16, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-984]

SEABOARD AIR LINE RAILROAD CO.

ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Seaboard Air Line Railroad Company voting trust, expiring April 1, 1951. Voting Trust Certificates for Common Stock, No Par Value.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, No Par Value, of the Seaboard Air Line Railroad Company Voting Trust, Expiring April 1, 1951.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of voting trust certificates outstanding covering 817,356 shares, voting trust certificates covering 97,980 shares are outstanding in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 1,898 transactions involving voting trust certificates covering 173,196 shares from February 28, 1946 to February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, *It is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, No Par Value, of the Seaboard Air Line Railroad Company Voting Trust, Expiring April 1, 1951, be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6687; Filed, July 16, 1947; 8:47 a. m.]

[File No. 68-84]

MARKET STREET RAILWAY CO.

ORDER DIRECTING FURNISHING OF STOCKHOLDERS' LIST

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of July A. D. 1947.

In the matter of Russell M. Van Kirk, Bloomfield Hulick, Edmond T. Willetts, Committee for the Market Street Railway Company prior preference capital stock.

Russell M. Van Kirk, Bloomfield Hulick and Edmond T. Willetts ("petitioners"), the owners and holders of shares of Prior Preference Capital Stock of Market Street Railway Company ("Market Street"), a non-utility subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a Petition and a Memorandum and Supplement to Petition with the Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), and having requested in said filings various relief with respect to Market Street, including, inter alia, an order from this Commission directing the management of Market Street to provide said petitioners with a complete list of the names and addresses of all stockholders of Market Street; and the Commission having duly considered the matter and issued its findings and opinion herein, on the basis of said findings and opinion.

It is hereby ordered, That, upon tender by petitioners of the actual cost thereof to Market Street, Market Street shall promptly furnish to petitioners a list of all holders of Prior Preference Capital Stock of record, including the address of and number of shares owned by each such holder; *Provided*, That any material to be used by petitioners in soliciting any representation of Market Street stockholders shall be subject to examination and approval in accordance with the standards of Rule U-62 of the rules and regulations under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6688; Filed, July 16, 1947; 8:47 a. m.]

[File No. 70-1530]

PUBLIC SERVICE CO. OF NEW MEXICO

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

Public Service Company of New Mexico, a subsidiary of Federal Light & Traction Company, a registered holding company, having filed an application and declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the issue and sale, pursuant to the competitive bidding provisions of Rule U-50, of $6,800,000 principal amount of First Mortgage Bonds, --% Series due 1977, and 20,000 shares of $100 par value --% Cumulative Preferred Stock; and

The Commission having, by order dated June 26, 1947, granted the application and permitted the declaration, as amended, to become effective, subject to the condition, among others, that the proposed issue and sale of such securities shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

Public Service Company of New Mexico having filed a further amendment herein stating that the First Mortgage Bonds and Cumulative Preferred Stock have been offered for sale pursuant to the competitive bidding requirements of Rule U-50, that no bids were received for the Cumulative Preferred Stock, and that the following bids for the First Mortgage Bonds have been received:

FIRST MORTGAGE BONDS

Bidding group headed by—	Interest rate	Price to company (percent of principal amount)[1]	Cost to company
	Percent		
Graham, Parsons & Co.	2⅞	100.252	2.86[illegible]
Blyth & Co., Inc., and Kidder, Peabody & Co.	3	101.41	2.92[illegible]
Glore, Forgan & Co.	3	100.89456	2.9548
Halsey, Stuart & Co., Inc.	3	100.6399	2.9676
The First Boston Corp., and White, Weld & Co.	3	100.599	2.9697
Salomon Bros. & Hutzler	3	100.2197	2.98[illegible]

[1] Plus accrued interest.

Said amendment having further stated that Public Service Company of New Mexico has accepted the bid of Graham, Parsons & Co. for the First Mortgage Bonds as set out above, and that the said bonds will be offered for sale to the public at a price of 100.625% of the principal amount thereof, plus accrued interest, resulting in an underwriting spread equal to 0.373% of the principal amount of the bonds.

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds or the underwriters' spread; and it appearing to the Commission that the jurisdiction heretofore reserved with respect to the sale at competitive bidding of Preferred Stock by Public Service Company of New Mexico should be continued;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding in connection with the said bonds under Rule U-50 be, and

the same hereby is, released and that said applications and declarations, as further amended, be, and the same hereby are, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the sale at competitive bidding of Preferred Stock by Public Service Company of New Mexico as prescribed in said order of June 26, 1947 be, and the same hereby is, continued.

By the Commission.

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

[F. R. Doc. 47-6686; Filed, July 16, 1947; 8:47 a. m.]

[File No. 70-1563]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company ("Bond and Share"), a registered holding company. Applicant-declarant has designated sections 6 (a) (2), 12 (c), 14 and 15 of the act and Rules U-23 and U-46 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 22, 1947 at 11:00 a. m., c. 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, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 22, 1947, said 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 transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Bond and Share proposes to restate its accounts as of January 1, 1945 and to set up on its books an "Accounting Reorganization Account" in the total amount of $460,571,680. This account will be created by the transfer of (a) the stated value of the $5 and $6 Preferred Stock as of January 1, 1945, amounting to $107,540,000; (b) Capital Surplus (including reserve created therefrom) as of January 1, 1945, amounting to $328,067,986; and (c) Earned Surplus as of January 1, 1945, amounting to $24,963,694 (after provision for preferred stock dividends or equivalent to date of retirement). From this account $280,000,000 is proposed to be allocated to Investment Reserves as follows: (a) United States Utilities $80,000,000 and (b) Foreign Utilities $200,000,000. The balance of the Accounting Reorganization Account amounting to $180,571,680 together with Capital Surplus additions to December 31, 1946, resulting from the reacquisition and retirement of preferred stocks, amounting to $27,617, will be transferred to a Capital Adjustment and Contingency Reserve, which will include provisions for (a) the payment to Bond and Share's preferred stocks of $70 per share in the aggregate amount of $73,029,600; (b) an amount not in excess of $30,000,000 to be available for adjustment of Investment Reserves—Foreign Utilities and (c) all other charges in connection with action taken by Bond and Share towards compliance with section 11 of the act. Any balance in said account remaining upon consummation of the program for conformance with section 11 of the act and other related matters will be transferred to Capital Surplus.

Applicant-declarant states that its program for conformance with the act as evidenced by various plans heretofore filed by it pursuant to section 11 (e) of the act provides for disposal of the company's investment in domestic public utilities; that the amounts realizable by the company upon sale or disposal of such investments is substantially lower than the ledger value of such investments; and that the plan of reorganization dated October 25, 1944 and amended May 22, 1947 which was filed by its subsidiary, American & Foreign Power Company Inc. ("Foreign Power"), and joined in by Bond and Share, provides for the surrender of Bond and Share's interests in Foreign Power and in the latter's subsidiary, Cuban Electric Company, for securities of a substantially different nature, the value of which is estimated by the applicant-declarant to be considerably lower than the ledger value of its present holdings in Foreign Power.

Applicant-declarant further states that as a result of its joinder in the plan of reorganization of Foreign Power and the required provision for other adjustments in the ledger value of Investment Securities and Advances of the company, an accounting reorganization is necessary.

In addition, by order of this Commission dated July 18, 1946, Bond and Share was ordered to record its investments in the common stocks of Birmingham Electric Company, Carolina Power & Light Company, and Pennsylvania Power & Light Company and its remaining investment in National Power & Light Company, a registered holding company, at such amounts and in such manner as the Commission may approve or direct. The applicant - declarant states that the transactions hereinbefore described will in effect meet the requirements of such order inasmuch as such common stocks are required to be disposed of subject to further order of the Commission by October 6, 1947.

The applicant-declarant has requested that the Commission's order herein be issued as soon as practicable and become effective forthwith.

By the Commission.

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

[F. D. Doc. 47-6692; Filed, July 16, 1947; 8:48 a. m.]

[File No. 70-1564]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

Notice is hereby given that Wisconsin Public Service Corporation ("Wisconsin"), a public utility company and an exempt holding company and a subsidiary of Standard Gas and Electric Company, a registered holding company, has filed an application and declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). The applicant-declarant has designated sections 9, 10 and 12 (c) of the act and Rules U-41 and U-46 thereunder as applicable to the transactions proposed.

Notice is further given that any interested person may, not later than July 22, 1947 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 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, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 22, 1947, said 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 Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said 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:

Wisconsin proposes to purchase, pursuant to contracts and options now in effect, all of the 240 shares of issued and outstanding capital stock of Coleman-Pound Light and Power Company ("Coleman-Pound"), an electric public utility company which distributes electric energy purchased from Wisconsin and serves approximately 335 customers in the villages of Pound and Coleman, Marinette County, Wisconsin. The consideration to be paid for said shares of capital stock is stated to be $254.23 per share, or a total of $61,015.20. As soon as possible after acquisition of all of the outstanding shares of capital stock of

Coleman-Pound, the applicant-declarant proposes to acquire all the assets of Coleman-Pound and to dissolve said Coleman-Pound. The Public Service Commission of Wisconsin, in which State both Wisconsin and Coleman-Pound are incorporated and doing business, has approved the acquisition of the shares of stock of Coleman-Pound by Wisconsin. An application for the approval of the merger of Coleman-Pound into Wisconsin is now pending before said Public Service Commission of Wisconsin. In accordance with the Order of the Public Service Commission of Wisconsin approving the acquisition of the capital stock of Coleman-Pound, Wisconsin proposes to charge to its earned surplus the excess of the purchase price applicable to utility plant over the original cost depreciated of Coleman-Pound.

The applicant-declarant requests that the Commission's order granting said application and permitting said declaration to become effective be issued on or before July 24, 1947 and that it shall at that time become effective forthwith.

By the Commission.

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

[F. R. Doc. 47-6689; Filed, July 16, 1947; 8:47 a. m.]

[File No. 70-1567]

POTOMAC ELECTRIC POWER CO. AND WASHINGTON RAILWAY AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

Notice is hereby given that Potomac Electric Power Company ("Pepco"), a subsidiary of Washington Railway and Electric Company ("Washington Railway"), a registered holding company, which in turn is a subsidiary of The North American Company, also a registered holding company, and Washington Railway have filed a joint application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated Sections 6, 7, 9, 10, 11 and 12 of the act and Rules U-23, U-42, U-43, U-50 and U-64 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by the application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions or part of such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which transactions applicants-declarants represent consist of certain proposed transactions set forth in the application (File No. 54-98) filed by Washington Railway pursuant to section 11 (e) of the Act proposing a plan to comply with section 11 (b) of the act, and approved by order of this Commission dated May 15, 1947 (Holding Company Act Release No. 7410) and approved by order dated June 16, 1947, of the United States District Court for the District of Columbia. The proposed transactions are summarized below. Pepco proposes:

(1) To exchange or redeem on September 1, 1947, all of its outstanding preferred stock (the "Old Preferred Stock"), consisting of 20,000 shares of 6% Cumulative Preferred Stock, Series 1925, of the par value of $100 per share, and 50,000 shares of 5½% Cumulative Preferred Stock, Series of 1927, of the par value of $100 per share. For this purpose Pepco will issue 140,000 shares of --% Preferred Stock ("New Preferred Stock") of the par value of $50 per share, and will offer to the holders of its presently outstanding Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of the New Preferred Stock on the basis of 2 shares of New Preferred Stock for 1 share of Old Preferred Stock, plus a cash adjustment. Such cash adjustment will represent the difference between the price to be paid to Pepco for the shares of New Preferred Stock not issued pursuant to the exchange offer and the redemeption price of the Old Preferred Stock (exclusive of accrued dividends) less a dividend adjustment. The exchange offer is to be open for acceptance for a period of approximately 10 days. All shares of Old Preferred Stock so acquired will be retired.

In connection with the proposed exchange and redemption, Pepco proposes pursuant to Rule U-50 to invite sealed written proposals for services in obtaining exchanges of shares of Old Preferred Stock and for the purchase of such of the 140,000 shares of New Preferred Stock as are not required to effect exchanges. Each proposal shall specify (a) the price per share (exclusive of accrued dividends) to be paid Pepco for the unexchanged shares, which price shall not be less than the par value ($50 per share) of the New Preferred Stock, after deduction of underwriter's compensation; (b) the aggregate amount of the compensation to be paid to the bidder for the services in connection with the exchanges and the purchases of the unexchanged shares; and (c) the annual dividend rate of New Preferred Stock, which dividend rate shall be in multiples of 1/20 of 1% and shall be not less than 3.60% of the par value of such New Preferred Stock. Pepco reserves the right to reject any and all bids.

(2) To make a short term bank loan in the principal amount of $7,490,000 in order to provide itself with funds to finance the redemption of its Old Preferred Stock, pending the consummation of the sale of the New Preferred Stock. The bank loan will be made pursuant to a bank loan agreement between Pepco and The Chase National Bank of the City of New York and Chemical Bank & Trust Company, New York, under the terms of which Pepco will borrow the $7,490,000 for a period of six days at a cost of $7,500, with the option of extending said loan for a period of 90 days at an interest cost of 1½% per annum.

(3) To increase, after the proposed redemption of its Old Preferred Stock, its authorized capital stock from $30,000,000 to $75,000,000, consisting of 400,000 shares of --% Preferred Stock, par value of $50 per share (the New Preferred Stock) and 5,500,000 shares of New Common Stock, par value $10 per share. As part of such recapitalization the presently outstanding 90,000 shares of Pepco common stock, par value $100 per share, all of which is owned by Washington Railway, will be reclassified into 85,000 shares of the proposed New Preferred Stock and 2,961,250 shares of the proposed New Common Stock.

(4) To make appropriate amendments to its charter to effectuate the proposed transactions, which amendments will contain the provisions of the New Preferred Stock, including certain provisions for the protection of the holders of the New Preferred Stock, as more fully set forth in the application-declaration.

Washington Railway proposes:

(1) To acquire the 85,000 shares of New Preferred Stock and the 2,961,250 shares of New Common Stock of Pepco upon the recapitalization of Pepco as aforesaid.

(2) To acquire, upon the dissolution of its two subsidiaries, The Washington and Rockville Railway Company of Montgomery County (Washington Rockville) and Great Falls Power Company (Great Falls), pursuant to the provisions of Washington Railway's aforesaid section 11 (e) plan, the remaining assets of Washington Rockville and Great Falls and to convey to Pepco all of the real property conveyed by Great Falls to Washington Railway.

Applicant-declarant requests that the Commission's order approving said application and permitting said declaration to become effective be issued on or before August 1, 1947.

It appearing to the Commission that it is appropriate that a copy of this notice be served upon all persons who have participated in the proceedings in connection with the said section 11 (e) plan (File No. 54-98) filed by Washington Railway.

It is hereby ordered, That the Secretary of this Commission shall serve notice of the aforesaid Notice by mailing a copy thereof, to Washington Railway and Electric Company, The North American Company, Potomac Electric Power Company, The Washington and Rockville Railway Company of Montgomery County, Capital Transit Com-

pany, Braddock Light & Power Company, Incorporated, Great Falls Power Company, Montgomery Bus Lines, Incorporated, The Glen Echo Park Company, the Public Utilities Commission of the District of Columbia, The Public Service Commission of Maryland, and the State Corporation Commission of Virginia; to all parties who have previously participated in any phase of these proceedings, including the Attorney General, Department of Justice, Washington, D. C., the Administrator, Federal Works Agency, Washington, D. C., The Commissioner of Public Buildings, Washington, D. C., The Director of Procurement, United States Treasury Department, Washington, D. C., the People's Counsel for the District of Columbia, Washington, D. C., National Savings and Trust Company, Washington, D. C., American Security & Trust Company, Washington, D. C., Union Trust Company, Washington, D. C., Washington Loan & Trust Company, Washington, D. C., Norwood B. Orrick, of Venable, Baetjer & Howard, 1409 Mercantile Trust Building, Baltimore Maryland, Goodwin and Olds of Washington, D. C., and Y. E. Booker, of Alexander Brown & Sons, Washington, D. C.; such notice to each of the foregoing to be given by registered mail; and that notice is also given to the foregoing and to all other persons by publication of this order in the FEDERAL REGISTER and in a general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

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

[F. R. Doc. 47-6690; Filed, July 16, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 9282]

SANKO KABUSIKI KAISYA

In re: Debts owing to Sanko Kabusiki Kaisya, formerly C. Itoh & Co. Ltd. F-39-11-A-1, F-39-11-C-1, F-39-11-C-6.

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

1. That Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.), the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.) by Anderson, Clayton & Co., P. O. Box 2538, Houston, Texas, in the amount of $5,101.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.) by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitoma Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $44,114.61, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.) by Bunge Corporation, 80 Broad Street, New York, New York, in the amount of $1,057.34, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

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

[F. R. Doc. 47-6706; Filed, July 16, 1947; 8:46 a. m.]

[Vesting Order 9308]

KURT G. SELL

In re: Bank account owned by Kurt G. Sell. D-28-3141-E-1.

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

1. That Kurt G. Sell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kurt G. Sell, by The Riggs National Bank of Washington, D. C., arising out of a Checking Account, entitled Kurt G. Sell, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-6707; Filed, July 16, 1947; 8:47 a. m.]

[Vesting Order 9314]

HANS HUBNER ET AL.

In re: Interests in real property and property insurance policy owned by Hans Hubner, Hermann Sondermann, Gretel Dorsch and Trudel Kahlert.

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

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Name and Address

Hans Hubner, Langerihe 116, Ronnenberg, (Hannover), Germany;

Hermann Sondermann, Wiesenstrasse 14, (15) Sonneberg, (Thuringia), Germany;

Gretel Dorsch, Fehrastrasse 3, (13a) Weiden, (Oberpfalz), Germany;

Trudel Kahlert, Weichangereuth 6, (13a) Coburg, (Bayern), Germany.

2. That the property described as follows:

a. An undivided 7/8ths interest in real property situated in the Township of Landis, Borough of Vineland, County of Cumberland, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 2325, issued by the City of New York Insurance Co., 59 Maiden Lane, New York, New York, in the amount of $3,700.00, which policy insures the property described in subparagraph 2-a hereof and expires on January 5, 1948,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b, hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

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

EXHIBIT A

All that certain piece or parcel of land and premises situate in the Township of Landis, County of Cumberland and State of New Jersey, bounded and described as follows, to wit:

Beginning at a cement stone on the south side of Roosevelt Boulevard South 81 degrees and 30 minutes East, 2008.32 feet east of the intersection of the south side of Roosevelt Boulevard and the center of Main Road; thence (1) along the south side of Roosevelt Boulevard, south eighty-one degrees and thirty minutes East, one hundred and four feet to a cement stone; thence (2) South eight degrees and thirty minutes West, eleven hundred and twenty-eight and eighty-seven hundredths (1128.87) feet to a cement stone; thence (3) North sixty-six degrees and forty-five minutes West, one hundred seven and fifty-four hundredths (107.54) feet to a cement stone; thence (4) North eight degrees and thirty minutes East, eleven hundred one and thirty-one hundredths (1101.31) feet to the south side of Roosevelt Boulevard and place of beginning.

Containing 2.66 acres of land, more or less.

Being all of Plot No. 17 of Block B, Division of land on the south side of Roosevelt Boulevard, made by H. Lee Fisher, C. E.

[F. R. Doc. 47-6669; Filed, July 15, 1947; 8:51 a. m.]

[Vesting Order 9289]

ERNETINE T. CSECH

In re: Estate of Ernetine T. Csech, deceased, and T/W of Ernetine T. Csech, deceased. File D-34-104; E. T. sec. No. 2700.

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

1. That Jakob Freier, Richard Freier, Paul Freier, Margaret Freier, Jolan Freier and Elisabeth Freier, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Ernetine T. Csech, deceased, and in and to the trust created under the will of Ernetine T. Csche, deceased, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in partition or similar proceedings by the El Paso National Bank of El Paso, Texas, as Independent Executor and Trustee;

and it is hereby determined:

4. That to the extent that the above-named persons are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

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

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

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

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-6671; Filed, July 15, 1947; 8:51 a. m.]

[Vesting Order 9355]

FREDERICK LIMSKAU RATHKE

In re: Estate of Frederick Limskau Rathke, deceased. File D-28-11847; E. T. sec. 16061.

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

1. That Jenny Christine Wilhelmine Rathke, nee Schlichting, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Frederick Limskau Rathke, deceased, and in and to the trust created under the will of Frederick Limskau Rathke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary E. Rathke, as Administratrix D. B. N. C. T. A., acting under the judicial supervision of the Circuit Court of Noble County, Indiana;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

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

[F. R. Doc. 47-6670; Filed, July 15, 1947; 8:51 a. m.]