THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 203

Washington, Thursday, October 19, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2908

TERMINATING IN PART PROCLAMATION NO. 2761A [1] OF DECEMBER 16, 1947 AND CERTAIN PROCLAMATIONS SUPPLEMENTAL THERETO, AND SUPPLEMENTING PROCLAMATION NO. 2764 [2] OF JANUARY 1, 1948 AND PROCLAMATION NO. 2769 [3] OF JANUARY 30, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of July 12, 1934, by the joint resolution approved June 7, 1943, and by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410), the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945, until the expiration of three years from June 12, 1945), on October 30, 1947, I entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of the said General Agreement and the said Protocol (61 Stat. (Parts 5 and 6) A7, A11 and A2051);

2. WHEREAS by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), I proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by Proclamation No. 2769 of January 30, 1948 (3 CFR, 1948 Supp., p. 21), and the other supplemental proclamations (including Proclamation No. 2784 of May 4, 1948) referred to in the second recital of Proclamation No. 2867 of December 22, 1949 (14 F. R. 7723), as well as by the said Proclamation of December 22, 1949, by Proclamation No. 2874, of March 1, 1950, Proclamation No. 2884 of April 27, 1950, Proclamation No. 2888 of May 13, 1950 and Proclamation No. 2901 of September 6, 1950 (15 F. R. 1217, 2479, 3043, and 6063);

3. WHEREAS, the Secretary General of the United Nations has informed the Secretary of State that on March 6, 1950, he was notified that it was the decision of the Government of the Republic of China, which was then a contracting party to the said General Agreement, to withdraw from the General Agreement on Tariffs and Trade, in accordance with paragraph 5 of the Protocol of Provisional Application of the General Agreement and the Government of China is therefore no longer such a contracting party.

4. WHEREAS the said section 350 (a) of the Tariff Act of 1930, as amended, authorizes the President to terminate in whole or in part any proclamation carrying out a trade agreement entered into under such section;

5. WHEREAS Article XXVII of the said General Agreement referred to in the first recital of this proclamation provides as follows:

Any contracting party shall at any time be free to withhold or to withdraw in whole

(Continued on p. 6983)

[1] 3 CFR, 1947 Supp.; 12 F. R. 8863.
[2] 3 CFR, 1948 Supp.; 13 F. R. 21.
[3] 3 CFR, 1948 Supp.; 13 F. R. 467.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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or in part any concession, provided for in the appropriate Schedule annexed to this Agreement, in respect of which such contracting party determines that it was initially negotiated with a government which has not become, or has ceased to be, a contracting party. The contracting party taking such action shall give notice to all other contracting parties and, upon request, consult with the contracting parties which have a substantial interest in the product concerned.

6. WHEREAS the concessions provided for in Part I of Schedule XX of the said General Agreement which are identified in the following list were initially negotiated with the Government of the Republic of China within the terms of the said Article XXVII:

Item (paragraph):	*Rates of duty*
54 [third]	3¢ per lb.
58	7½% ad val. [second such rate; identified only as to camphor oil and ho oil included in "Other"].
60	10% ad val. [identified only as to musk, grained or in pods].
209 [third]	Both rates.
214	20% ad val. [second such rate].
233	25% ad val. [identified as to all articles except those wholly or in chief value of rock crystal].
302 (c)	38¢ per lb. on the metallic tungsten contained therein.
339	32½% ad val.
376 [first]	1¢ per lb.
376 [second]	¼¢ per lb.
397	32½% ad val. [first such rate].
409 [third]	5/8¢ per lb.
712 [second]	5¢ per lb. [identified as to all birds, except whole chicken packed in air-tight containers].
713 [first]	5¢ per doz.
713 [second]	7¢ per lb.
713 [third]	17¢ per lb.
719 (1), (2), (3), (4), and (5).	1¢ per lb. net wt. 15% ad val. [second such rate]. 15% ad val. [third such rate].
730 [fifth]	3/20¢ per lb. [identified only as to peanut oil cake and peanut oil-cake meal].
739	1½¢ per lb.
741	17½% ad val.
743	17½% ad val.
752 [second]	17½% ad val.
760	7½¢ per lb. [first such rate]. 15¢ per lb. [identified only as to walnuts of all kinds, shelled].
761 [first]	1¼¢ per lb. [second such rate]. 2½¢ per lb.
761 [third]	17½% ad val.
762	1½¢ per lb. 1¢ per lb.
771 [third]	1½¢ per lb.
775 [third]	17½% ad val.
775 [fifth]	17½% ad val. [identified only as to soy beans, prepared or preserved in any manner; and bean stick, miso, bean cake, and similar products, not specially provided for].
778	8% ad val.
1021 [first]	1½¢ per sq. yd.
1021 [third]	20% ad val. [identified only as to floor coverings of grass or of rice straw included in "Other"].

Item (paragraph):	*Rates of duty*
1101 (a) [second]	All rates.
1101 (b)	Free, subject to the provisions of paragraph 1101 (b), Tariff Act of 1930, as amended [identified only as to hair of the camel].
1504 (b) (1), (2), (3), and (4).	15% ad val. [identified as to all articles except hats, bonnets, and hoods, composed wholly or in chief value of straw or ramie]. 25¢ per doz. and 15% ad val. [identified as to all articles except hats, bonnets, and hoods, composed wholly or in chief value of straw or ramie].
1506 [first]	12½% ad val.
1507	3¢ per lb.
1515	Both rates.
1518 [first]	10% ad val. [identified as to all articles except ostrich feathers and ostrich downs].
1519 (a) [first]	12½% ad val. [second such rate; identified only as to dog, goat, and kid furs and dog, goat, and kid fur skins included in "Other: If not dyed"]. 15% ad val. [identified only as to dog, goat, and kid furs and dog, goat, and kid fur skins included in "Other: If dyed"].
1519 (a) [second]	Both rates.
1523 [first]	5% ad val.
1523 [sixth]	17½% ad val.
1529 (a) [fourth]	60% ad val. [identified only as to lace wholly or in chief value of vegetable fiber other than cotton].
1529 (a) [fifth]	60% ad val. [first such rate; identified only as to articles wholly of lace and wholly or in chief value of vegetable fiber other than cotton]. 60% ad val. [second such rate; identified only as to articles wholly of lace which is not over two inches wide, provided the articles are not over two inches wide and are wholly or in chief value of vegetable fiber other than cotton].
1529 (a) [twelfth]	70% ad val. [both such rates].
1529 (a) [fourteenth]	70% ad val.
1529 (b)	All rates [identified as to all handkerchiefs except those composed wholly or in chief value of silk].
1536	14% ad val.
1537 (a)	12½% ad val. [identified as to all articles except manufactures of palm leaf or whalebone, or of which these substances or either of them is the component material of chief value, not specially provided for].
1558 [second]	10% ad val. [identified only as to thick soy].
1624	Free.
1669	Free [identified as to all articles except cubebs, ginseng, barks, dried pawpaw juice or papain, bulbous and other roots, and drugs of animal origin].
1674	Free.
1681	Free [identified only as to kolinsky, marmot, goat, kid, and dog furs and fur skins].
1684	Free [identified only as to ramie or china grass].
1688	Free [identified only as to hair of horse, drawn].
1703	Free.
1727	Free [identified only as to perilla seed].
1731	Free [identified only as to anise, camphor, and cassia oil].
1732	Free [identified only as to perilla oil, tung oil, and tea seed oil not specially provided for].
1762	Free.
1763	Free.
1794	Free.
1806	Free [identified as to all articles except sticks of bamboo or rattan].

Item (section):	*Rates of import tax*
2491 (b) [second]	3¢ per lb.
2491 (d) [second]	0.69¢ per lb.

7. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by the acts specified in the first recital of this proclamation, the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945, until the expiration of three years from June 12, 1945), on October 30, 1947, I entered into an exclusive trade agreement with the Government of the Republic of Cuba (Treaties and Other International Acts Series 1703), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

8. WHEREAS by Proclamation No. 2764 of January 1, 1948 (3 CFR, 1948 Supp., p. 11), I proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out the exclusive trade agreement on and after January 1, 1948, which proclamation has been supplemented by the supplemental proclamations referred to in the fourth recital of the said proclamation of December 22, 1949, and by the said proclamations of December 22, 1949, March 1, 1950, April 27, 1950, May 13, 1950, and September 6, 1950;

9. WHEREAS I determine that, upon the withdrawal pursuant to the said Article XXVII of the concessions identified in the sixth recital of this proclamation, the addition of the following items in the correct numerical order to the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, will be required or appropriate to carry out the said exclusive trade agreement specified in the eighth recital of this proclamation:

Tariff Act of 1930, (paragraph)	Description of products	Rate of duty
397	Articles or wares not specially provided for, if composed wholly or in chief value of gold, or if plated with gold, or colored with gold lacquer, whether partly or wholly manufactured.	52% ad val.
761 [second]	Edible nuts, pickled or otherwise prepared or preserved, and not specially provided for.	28% ad val.
775 [first]	Vegetables (including horseradish), if cut, sliced, or otherwise reduced in size, or if reduced to flour, or if parched or roasted, or if packed in oil, or prepared or preserved in any other way and not specially provided for (not including vegetables which are pickled, or packed in salt or brine).	28% ad val.
775 [third]	Soy beans, prepared or preserved in any manner	28% ad val.
778	Ginger root, candied, or otherwise prepared or preserved	8% ad val.
1506	Brooms, made of broom corn, straw, wooden fiber, or twigs	20% ad val.
1507	Bristles, sorted, bunched, or prepared	2.4¢ per lb.
1537 (a)	Manufactures of bone, grass, sea grass, horn, or straw, or of which these substances or any of them is the component material of chief value, not specially provided for.	20% ad val.

10. WHEREAS I determine that, upon the withdrawal pursuant to said Article XXVII of the concessions identified in the sixth recital of this proclamation, the addition of the following items in the correct numerical order to the list set forth in the seventh recital of the said proclamation of January 30, 1948, will be required or appropriate to carry out the said General Agreement specified in the first recital of this proclamation:

Tariff Act of 1930, (paragraph)	Description of products	Rate of duty
752	Fruits in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for: Bananas (except dried, desiccated, or evaporated bananas), cashew apples (*anacardium occidental*), guavas (if in brine, pickled, dried, desiccated, or evaporated), mameyes colorados (*calocarpum mammosum*), papayas, plantains, sapodillas (*sapota achras*), soursops (*annona muricata*), and sweetsops (*annona squamosa*).	31% ad val.
752	Mixtures of two or more fruits, prepared or preserved	21% ad val.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

PART I

The said proclamation of December 16, 1947, as amended and rectified, and the said proclamations supplemental thereto referred to in the second recital of this proclamation are hereby terminated to the extent that, on and after the sixtieth day following the date of this proclamation they shall be applied as though the items and parts of items identified in the sixth recital of this proclamation were deleted from Part I of Schedule XX of the said General Agreement, and as though the proviso to Item 760 in the said Part I were stated as follows:

Provided, That the rate of 7½ cents per pound shall not apply in any calendar year to blanched, roasted, prepared, or preserved walnuts after the aggregate quantity of such walnuts (not including walnut paste) and shelled walnuts entered in that year reaches 5,000,000 pounds.

Nothing in this proclamation shall have the effect of enlarging the scope of any Item 1529 (a) in the said Part I.

PART II

To the end that the said exclusive trade agreement specified in the seventh recital of this proclamation may be carried out, the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, shall on and after the sixtieth day following the date of this proclamation be further amended in the manner indicated in the ninth recital of this proclamation.

PART III

To the end that the said General Agreement specified in the first recital of this proclamation may be carried out, the list set forth in the seventh recital of the said proclamation of January 30, 1948, as amended and rectified, shall on and after the sixtieth day following the date of this proclamation be further amended in the manner indicated in the tenth recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of October in the year of our Lord nineteen hundred and [SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-9292; Filed, Oct. 17, 1950; 4:57 p. m.]

RULES AND REGULATIONS

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. W]

PART 222—CONSUMER INSTALMENT CREDIT

INTERPRETATIONS

§ 222.107 *Refrigerators and food freezers.* The substitution of "designed for household use" for the previous cubic foot capacity demarcation in the listing of refrigerators and food freezers has resulted in questions relating to the applicability of this part. In one case certain food freezers have been designated by the manufacturer as "commercial models." They are similar in appearance and function to the freezers manufactured by the same company and designated by that company as "home freezers," although the home model uses a smaller horsepower compressor and at least one of the commercial models is equipped with a sliding glass lid.

The Board believes, however, that because the food freezers in question are of a type readily adaptable to household use, and are not designed exclusively for commercial use, they are listed articles under this part.

§ 222.108 *Revisions of and additions to pre-effective date credit.* Section 222.8 (h) permits performance of valid contract or obligations entered into prior to effective date of this part but provides that when any such credit is combined with new credit extended after effective date it shall be treated as if it were extended on the date of consolidation. If a pre-effective date obligation to purchase an automobile has been paid down to $1700 and after the effective date the Registrant desires to combine it with an additional $900 loaned for an exempt purpose, § 222.8 (h) would require the remainder of the automobile credit to be scheduled for repayment within the maximum maturity applicable to automobiles. Since the example involves a mixed credit, § 222.6 (d) would apply and under the present provisions of this part the Registrant could schedule the consolidated obligation so that at least $1700 would be repaid within 21 months from date of consolidation; the $900 new credit could be scheduled for payment without regard to this part.

In the case described above if the new $900 credit were for the purchase of a Group B or C listed article, the entire $2600 would have to be scheduled in accordance with this part. However, the $1700 arising from the automobile and subject to 21 months maximum maturity would, of course, be larger than the $900 arising from the Group B or C article and subject to 18 months maximum maturity. Therefore, under the option in § 222.6 (d) relating to the major part of the credit, the Registrant, if he desired, could give the entire $2600 credit the 21 months maximum maturity applicable to the listed article giving rise to the major part of the credit.

§ 222.109 *Revision by original or other registrant.* Section 222.5 relates to renewals, revisions and additions. Paragraph (a) of § 222.5 states the general requirements that apply in such cases, and other paragraphs of § 222.5 relate to certain special situations. In connection with several cases that do not qualify under any of those other paragraphs, questions have been received regarding the possible application of § 222.5 (a).

(a) Question: If a Registrant A extends credit for the purchase of an automobile and the customer later asks to revise the credit, what is the maximum maturity permissible for the revised obligation? Answer: Twenty-one months, because that is the maximum maturity applicable to a new automobile credit.

(b) Question: What would be the maximum maturity in the above case if the Registrant who was asked to revise the credit was not A, who had originally extended it, but B, a bank or finance company that had purchased the paper from A? Answer: Twenty-one months, because it would still be the revision of an instalment credit "already outstanding."

(c) Question: What would be the maximum maturity if the customer went to C, a bank or loan company that did not hold the original paper, and asked to obtain a loan to pay off the obligation referred to above? Answer: Eighteen months, the maximum maturity for an unclassified loan, because § 222.5 (a) applies merely to the renewal or revision of * * * credit already outstanding" and C could not be said to be renewing or revising a credit which he already has outstanding. This contrasts with the broader language of § 222.5 (b) which applies to credit that "refinances" an outstanding obligation "whether or not such obligation is held by the Registrant," but which requires that certain conditions exist which were not present here.

§ 222.110 *Tape or wire recorders.* Tape or wire recorders not designed exclusively for commercial use are listed articles under item 8 of Group B of § 222.7.

§ 222.111 *Side loans prohibited.* Questions have been received regarding § 222.6 (i). The section states that "a Registrant shall not extend any credit for financing the purchase of a listed article" if he knows or has reason to know of any other credit that would cause the total credit in connection with the purchase to exceed the amount of instalment credit permitted by this part.

(a) The requirements of the section apply to a Registrant only in a case in which he is extending instalment credit. This is because § 222.2 (a) limits the application of the entire part to cases in which the Registrant is extending instalment credit.

(b) In any case in which the Registrant is extending instalment credit subject to this part for the purchase of a listed article, he must take into account under § 222.6 (i) all credit, of which he knows or has reason to know, in connection with the purchase of the article. He must take into account not merely other credit that would be subject to this part, but also "other credit of any kind" in connection with the purchase of the article, including credit that is not itself subject to the part.

(c) Single-payment credit is one example of credit that is not itself subject to the present provisions of this part but that must be taken into account under § 222.6 (i) when the Registrant extends instalment credit subject to this part for the purchase of a listed article.

(d) Similarly, credits exempted by § 222.7 are also among the credits that must be taken into account under § 222.6 (i). For example, § 222.7 (k) exempts certain credits that are fully secured by withdrawable shares issued by or savings accounts held with the lender but such credits, like single-payment credits, must nevertheless be taken into account under § 222.6 (i) by any Registrant extending any credit subject to this part for the purpose of purchasing a listed article.

(Sec. 5, 40 Stat. 415, as amended, Title VI, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 50-9214; Filed, Oct. 18, 1950; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

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

ORDERS ON REPORT OF DECONTROL WITH RESPECT TO HOTEL ACCOMMODATIONS IN CERTAIN CITIES

Section 202 (c) (1) of the Housing and Rent Act of 1947, as it read from July 1, 1947, through March 31, 1949, excluded from the term "controlled housing accommodations" the following:

Those housing accommodations, in any establishment which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service;

Effective April 1, 1949, section 202 (c) (1) of the act was amended so that the above-quoted provision was made applicable only to hotels in cities of less

than 2,500,000 population according to the 1940 decennial census, and a new provision was added which became applicable to hotels in cities of 2,500,000 population or more, according to the 1940 decennial census. This new provision (sec. 202 (c) (1) (B) excluded from the term "controlled housing accommodations," the following:

> Those housing accommodations in hotels • • • (i) which are located in hotels in which 75 per centum or more of the occupied housing accommodations on March 1, 1949, were used for transient occupancy, or (ii) which are not located in hotels described in (i) but which on March 1, 1949, were used for transient occupancy; for the purposes of this subparagraph (B)—
>
> (1) The term "used for transient occupancy" means rented on a daily basis, to a tenant who had not on March 1, 1949, continuously resided in the hotel for ninety days or more; and
>
> (2) The term "hotel" means any establishment which on June 30, 1947, was commonly known as a hotel in the community in which it is located and was occupied by an appreciable number of persons who were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service;

The differences between section 202 (c) (1) (B), which became effective April 1, 1949, and section 202 (c) (1) which was in effect prior to that date, so far as cities of 2,500,000 population or more are concerned, are the following:

(1) Under the new provision (section 202 (c) (1) (B)), all accommodations in the hotel are decontrolled if 75 percent or more of its accommodations were used for transient occupancy on March 1, 1949; and, if less than 75 percent were so used, only those individual accommodations which were used for transient occupancy on March 1, 1949, are decontrolled. Under the original provision and the Rent Regulations issued thereunder, only those individual hotel accommodations which were provided with customary hotel services on June 30, 1947, were decontrolled.

(2) The new provision contains a definition of "hotel" as being an establishment which on June 30, 1947, was commonly known as a hotel in the community in which it is located and which was occupied by an appreciable number of persons who were provided customary hotel services. The earlier provision did not contain any such definition, but the Rent Regulations issued thereunder defined a "hotel" as being an establishment which is commonly known as a hotel in the community in which it is located and which provided customary hotel services.

Inasmuch as that part of section 202 (c) (1) of the act which applies to cities of less than 2,500,000 population was not changed by the April 1, 1949, amendments to the act, no material change was made in the provisions of the Rent Regulations with respect to hotel accommodations in such cities. With respect to hotel accommodations in cities of 2,500,000 population or more, however, a number of new provisions were added to the Rent Regulations, among which were the following portions of §§ 825.1 (b) (2) (i) (b) and 825.81 (b) (2) (i) (b):

Reporting requirements. Every landlord of housing accommodations in hotels in cities of 2,500,000 population or more according to the 1940 decennial census shall, no later than May 31, 1949, file in the Area Rent Office a report of decontrol on the Expediter's Form D–95A.

Orders on report of decontrol. Upon the filing by a landlord of a report of decontrol on Form D–95A, the Expediter shall make a determination as to which housing accommodations on the establishment are decontrolled and which are controlled and shall enter an order reflecting this determination.

The sole purpose of these orders is to determine the control or decontrol status of hotel accommodations under the new provisions contained in section 202 (c) (1) (B) of the act, which became effective April 1, 1949, and the Rent Regulations issued thereunder. It was never intended that these orders would determine the control or decontrol status of any accommodations prior to April 1, 1949, and such orders have no legal relationship or significance with reference to the status of accommodations prior to April 1, 1949.

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

Issued this 16th day of October 1950.

ED DUPREE,
General Counsel.

[F. R. Doc. 50-9229; Filed, Oct. 18, 1950; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

[Amdt. 10]

PART 421—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

PART 422—PROCEDURE FOR RENEGOTIATION

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

PART 425—AGREEMENTS, CLEARANCES AND STATEMENTS

PART 426—IMPASSE PROCEDURE

PART 427—MILITARY RENEGOTIATION FORM

PART 428—STATUTES, ORDERS AND DIRECTIVES

MISCELLANEOUS AMENDMENTS AND CORRECTIONS

The following amendments and corrections are made to this subchapter:

A. Part 421 is amended in the following respects:

1. Section 421.103 is amended to read as follows:

§ 421.103 *Coverage.* The 1948 Act as originally enacted (section 3, Supplemental National Defense Appropriation Act, 1948, approved May 21, 1948), applies to all contracts in excess of $1,000, entered into under authority of the Supplemental National Defense Appropriation Act, 1948, and to all subcontracts in excess of $1,000 thereunder. The act also applies to all contracts in excess of $1,000 made subject to renegotiation pursuant to the provisions of section 401 of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948, and to all subcontracts in excess of $1,000 thereunder. Under the provisions of section 622 of the National Military Establishment Appropriation Act, 1950, approved October 29, 1949, and section 618 of the General Appropriation Act, 1951, approved September 6, 1950, the scope of the 1948 Act was extended to cover all negotiated contracts in excess of $1,000 entered into by the Department of Defense (including Army, Navy and Air Force contracts) during fiscal years 1950 and 1951, and all subcontracts in excess of $1,000 thereunder. The coverage of the 1948 Act is discussed in detail in Part 423 of this subchapter.

2. Section 421.105 is amended to read as follows:

§ 421.105 *Renegotiation clauses in contracts and subcontracts.* The 1943 Act requires that each contract in excess of $1,000 entered into under the authority of the Supplemental National Defense Appropriation Act, 1948, and all subcontracts thereunder in excess of $1,000 contain the renegotiation article prescribed in the 1948 Act. In addition, section 401 of the Second Deficiency Appropriation Act, 1948, authorizes and directs the Secretary of Defense, whenever in his judgment the best interests of the United States so require, to direct the insertion of a clause incorporating the Renegotiation Act of 1948 in certain contracts for the procurement of ships, aircraft, aircraft parts, and the construction of facilities or installations outside the continental United States, and subcontracts thereunder (discussed in § 423.331–1 (b)). By virtue of section 622 of the National Military Establishment Appropriation Act, 1950, and section 618 of the General Appropriation Act, 1951, approved September 6, 1950, all negotiated contracts in excess of $1,000 entered into by the Department of Defense (including Army, Navy and Air Force contracts) during fiscal years 1950 and 1951, and all subcontracts in excess of $1,000 thereunder must contain an article stating they are subject to the Renegotiation Act of 1948.

3. Section 421.110 is amended by substituting the words "of the unilateral determination" for the words "found by the Policy and Review Board".

4. Section 421.112–1 (c) is amended by striking out the reference to § 428.802 and substituting therefor the following: "§ 428.803".

5. Section 421.112–1 is amended by adding the following new paragraph:

(d) *Section 618 of the General Appropriation Act, 1951, Public Law 759, Eighty-first Congress.* The full text of section 618, which makes all negotiated contracts in excess of $1,000 entered into by the Department of Defense (including Army, Navy and Air Force contracts) during the fiscal year 1951, and all sub-

contracts thereunder in excess of $1,000 subject to the Renegotiation Act of 1948 is set forth in § 428.804.

6. Section 421.121 is amended to read as follows:

§ 421.121 *Applicability of regulations.* The regulations in this subchapter shall apply to all renegotiations conducted under the Renegotiation Act of 1948, including renegotiations conducted with respect to contracts and subcontracts made subject to the Renegotiation Act of 1948 pursuant to the provisions of section 401 of the Second Deficiency Appropriation Act, 1948, by section 622 of the National Military Establishment Appropriation Act, 1950, and by section 618 of the General Appropriation Act, 1951.

7. Section 421.122 (f) is amended by deleting the last sentence thereof and substituting therefor the following: "In addition, it includes any contract or subcontract in excess of $1,000 made subject to the Renegotiation Act of 1948 pursuant to the provisions of section 401 of the Second Deficiency Appropriation Act, 1948, by section 622 of the National Military Establishment Appropriation Act, 1950, or by section 618 of the General Appropriation Act, 1951."

8. Section 421.122 (v) is amended by inserting after the words "section 622 of the National Military Establishment Appropriation Act, 1950," the words "and section 618 of the General Appropriation Act, 1951."

9. Section 421.122 (w) is amended by inserting after the words "section 622 of the National Military Establishment Appropriation Act, 1950," the words "and section 618 of the General Appropriation Act, 1951."

B. Section 422.222–2 is amended as follows:

1. Delete "(a)" from paragraph (a).

2. Delete paragraph (b).

C. Part 423 is amended in the following respects:

1. Section 423.309–1 is amended by inserting the words "Policy and Review" before the word "Board" in the first sentence.

2. Section 423.320 is amended by deleting the first sentence thereof and substituting therefor the following: "The Renegotiation Act of 1948, section 401 of the Second Deficiency Appropriation Act, 1948, section 622 of the National Military Establishment Appropriation Act, 1950, and section 618 of the General Appropriation Act, 1951, prescribe what contracts and subcontracts are subject to renegotiation, and also under what circumstances certain of such contracts and subcontracts may be exempted from renegotiation."

3. Section 423.331–1 is amended by adding the following new paragraph:

(d) Section 618 of the General Appropriation Act, 1951, provides in part as follows:

All negotiated contracts for procurement in excess of $1,000 entered into during the current fiscal year by or on behalf of the Department of Defense (including the Department of the Army, Department of the Navy, and Department of the Air Force), and all subcontracts thereunder in excess of $1,000 are hereby made subject to the Renegotiation Act of 1948 in the same manner and to the same extent as if such contracts and subcontracts were required by such act to contain the renegotiation article prescribed in subsection (a) of such act.

Whenever in the regulations in this subchapter any of the terms "subject contracts", or "subject to renegotiation", or "renegotiable contracts or subcontracts", or "renegotiable business", or similar language is used, such term shall be deemed to include any contract, or subcontract thereunder, made subject to the 1948 Act by section 618.

4. Section 423.331–2 is amended by adding the following new paragraph:

(d) The effective date of section 618 of the General Appropriation Act, 1951, is July 1, 1950. Therefore, contracts for procurement made subject to the Renegotiation Act by said section, and subcontracts thereunder, must have been entered into on or after July 1, 1950, in order to be subject to renegotiation.

5. Section 423.332–2 is amended as follows:

a. After the words "the fiscal year 1950", insert the words "or the fiscal year 1951".

b. After the reference to "§ 423.331–1 (c)", insert the words "and § 423.331–1 (d)".

6. Section 423.335–2 is amended as follows:

a. In paragraph (c), insert within the parentheses, in two places, after "1950", the words "or by section 618 of the General Appropriation Act, 1951".

b. In paragraph (d), within the parentheses, after "1950", insert the words "or by section 618 of the General Appropriation Act, 1951".

7. Section 423.345–2 (a) is amended as follows:

a. In subparagraph (1), strike out the period at the end thereof and add the following: ", within the principles stated in § 423.333–3."

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

(2) The contract was awarded as a result of competitive bidding. A contract will be deemed to have been awarded as a result of competitive bidding when awarded in conformity with the requirements for procurement by formal advertising set forth in the Armed Services Procurement Regulations.

D. Part 425 is amended in the following respects:

1. Section 425.502 is amended as follows: Delete the heading thereof and substitute therefor the following: *"Form of renegotiation agreement."*

2. Section 425.502–3 (b) is amended by deleting the last sentence thereof and substituting the following therefor: "In such case no tax credit is allowable and the agreement should, in lieu of the provisions of Article 3 of the Form of Renegotiation Agreement, contain the provisions set forth in § 427.741–2."

3. Section 425.502–4 (c) is amended by deleting the word "standard".

E. Section 426.621 (c) is amended by deleting the words "Circuit Court of Appeals and by the United States Court of Appeals for the District of Columbia" from the first sentence thereof and substituting therefor the words "United States Courts of Appeals".

F. Part 427 is amended in the following respects:

1. Section 427.701 is amended as follows: In the second sentence, insert before the words "section 403 (i) (1)" the words "section 618, Public Law 759, Eighty-first Congress;"

2. Section 427.702 is amended by deleting the note to the heading of Form MRR 702 and substituting therefor the following:

NOTE: Including contracts and subcontracts made subject to such Act pursuant to the provisions of section 401 of Public Law 785—80th Congress, by section 622 (a) of Public Law 434—81st Congress, and by section 618 of Public Law 759—81st Congress.

3. Section 427.703 is amended by deleting the fourth paragraph of the "Statement by Contractor" and substituting therefor the following:

We acknowledge receipt of copies of the following: Public Law 547—80th Congress, which contains the Renegotiation Act of 1948, (2) section 401, Public Law 785—80th Congress, (3) section 622, Public Law 434—81st Congress, (4) section 618, Public Law 759—81st Congress, and (5) section 403 (i) (1) of the Renegotiation Act of February 25, 1944, as amended.

4. Section 427.705 is amended by deleting the entire text thereof and substituting the word "Reserved" in lieu thereof.

5. Section 427.706 is amended by striking out the text of the letter appearing therein and inserting the following:

DEAR SIR: The _____ Renegotiation Division, Armed Services Renegotiation Board, requests your advice as to the amount of the credit as defined by section 3806 of the Internal Revenue Code with respect to a proposed elimination of excessive profits by _____

(Contractor inserts his name and _____ in the amount of $_____ full address here)

included in its income tax return for the taxable year ended _____, 19____, as filed with the Collector of Internal Revenue at _____.

Certified (photostat) copies of the returns as filed for such taxable year are enclosed for your assistance in computing the amount of credit. If you require copies of schedules or other papers attached to the returns, they will be furnished promptly upon request.

Please forward your reply directly to the _____ Renegotiation Division, Armed Services Renegotiation Board, _____, Washington 25, D. C., with a copy to the undersigned.

Very truly yours,

_____

(Contractor's signature)

_____

(Contractor's address)

6. Section 427.740 is amended by deleting the word "standard".

7. Section 427.741–1 is amended as follows:

a. Delete the word "Standard" from the heading.

b. Delete the entire text of Article 4 and substitute therefor the following:

Terms of payment. The Contractor agrees to pay to the Government the sum of ---------- ($--------), being the amount determined in Article 1 hereof to be eliminated, by check to the order of the Treasurer of the United States in an amount equal to the difference between said sum of ---------- ($--------) and the amount, if any, of the credit referred to in Article 3 hereof. Such check shall be forwarded to ---------- within ten (10) days after the execution of this Agreement by the Government or within ten (10) days after receipt by the Contractor of the tax credit computation from the Bureau of Internal Revenue, whichever is later. In the event of a default continuing for twenty days in the payment of any amount required to be paid under this agreement, all unpaid installments hereunder may at the option of the Government be declared, and thereupon shall become immediately due and payable. Interest at the rate of 6% per annum shall accrue and be payable upon each payment due under this agreement from and after the due date thereof, whether original or accelerated.

8. Section 427.741–2 is amended by deleting the word "Standard" from the heading thereof.

9. Section 427.741–3 is amended by deleting the word "Standard" between the words "the" and "Form" in the second paragraph thereof.

G. Part 428 is amended in the following respects:

1. Section 428.800 is amended to read as follows:

"§ 428.800 *Scope of subpart.*—This subpart contains the texts of the Renegotiation Act of 1948; Section 401, Second Deficiency Appropriation Act, 1948; Section 622, National Military Establishment Appropriation Act, 1950; Section 618, General Appropriation Act, 1951; and the Renegotiation Act of February 25, 1944, as amended."

2. Section 428.804 is amended by deleting the word "Reserved" and substituting therefor the following:

§ 429.804 *Section 618, General Appropriation Act, 1951 (Public Law 759, 81st Congress).*

SECTION 618. (a) All negotiated contracts for procurement in excess of $1,000 entered into during the current fiscal year by or on behalf of the Department of Defense (including the Department of the Army, Department of the Navy, and Department of the Air Force), and all subcontracts thereunder in excess of $1,000, are hereby made subject to the Renegotiation Act of 1948 in the same manner and to the same extent as if such contracts and subcontracts were required by such act to contain the renegotiation article prescribed in subsection (a) of such act. Each contract and subcontract made subject to the Renegotiation Act of 1948 by this section shall contain an article stating that it is subject to the Renegotiation Act of 1948. In determining whether the amounts received or accrued to a contractor or subcontractor during his fiscal year from contracts and subcontracts subject to the Renegotiation Act of 1948 amount in the aggregate to $100,000, receipts or accruals from contracts and subcontracts made subject to such act by this section shall be added to receipts or accruals from all other contracts and subcontracts subject to such act.

(b) Notwithstanding any agreement to the contrary, the profit limitation provisions of the act of March 27, 1934 (48 Stat. 503, 505), as amended and supplemented, shall not apply to any contract or subcontract which is subject to the Renegotiation Act of 1948.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup., 1193)

Adopted by the Board: September 22, 1950.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

[F. R. Doc. 50–9228; Filed, Oct. 18, 1950; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Part 202 is amended as follows:

1. New §§ 202.48 and 202.54 are added as follows:

§ 202.48 *Thompson Cove on east side of Pawcatuck River below Westerly, R. I.* Eastward of a line extending from the channelward end of Thompson Dock at the northern end of Thompson Cove 184° to the shore at the southern end of Thompson Cove.

§ 202.54 *Long Island Sound, on west side of entrance to Pataguanset River, Conn.* As area east of Giants Neck (formerly known as Grant Neck) described as follows: Beginning at a point bearing 114°, 75 feet, from the outer end of the breakwater at the south end of Giants Neck; thence 90°, 1,050 feet; thence 22°17'30", 2,140 feet; thence 283°27'15.5", 240 feet; thence 220° 36'39", 1,252.6 feet; thence 295°23'16.5", 326.5 feet; thence 269°02'42.6", 240 feet; thence 261°46'50.9", 181.9 feet; thence 226°28'07.7", 275.9 feet; thence 147°43'27.7", 449.4 feet; thence 238°01' 35.8", 379.6 feet; and thence approximately 156°31'05.8", 462.11 feet, to the point of beginning.

2. In § 202.55, paragraph (a) is redesignated (a–1) and new paragraphs (a) and (f) are added, as follows:

§ 202.55 *Connecticut River, Conn.*—(a) *West of Calves Island at Old Saybrook.* Beginning at a point bearing 254°09'16", 153 yards, from Calves Island 20 Light; thence 157°, 1,037 yards; thence 175° 150 yards; thence 265° 250 yards; thence 350°, 660 yards; thence 337°, 460 yards; and thence approximately 67°, 135 yards, to the point of beginning.

(a–1) *Area No. 1, at Essex.* * * *

(f) *Vicinity of Mouse Island Bar below Portland.* On the north side of the river shoreward of lines described as follows: (1) Beginning at a point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 270°, 240 yards; and thence due north, approximately 230 yards, to the shore. (2) Beginning at the said point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 70°, 400 yards; and thence 350°, approximately 250 yards, to the shore.

3. Sections 202.170 and 202.196, relative to Brunswick River near Wilmington, N. C., and Neches River near Beaumont, Texas, are revoked.

4. In § 202.224, subdivisions (ii) and (iii) of paragraph (d) (1) are revoked, a note is added to paragraph (d) (1), and paragraph (e) (1) is changed, as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.* * * *

(d) *Suisun Bay*—(1) *Anchorage 26 (general).* On the west side of Suisun Bay * * *

(ii) [Revoked.]

(iii) [Revoked.]

NOTE: A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration, and section 207.900 establishes a restricted area in the vicinity of this Reserve Fleet.

* * * * *

(e) *San Joaquin River*—(1) *Anchorage 28 (general).* The waters adjacent to Lower Sherman Island southeasterly of a line 1,350 feet long bearing 238° from Sherman Island North End Light; easterly of a line bearing 163° 30' from the west end of said 1,350-foot line; and northerly of a line bearing 27° from New York Slough East End Light and Echo Board.

* * * * *

5. In § 202.228, subparagraphs (3) and (4) of paragraph (a), concerning north and south berthing areas in Cathlamet Bay, and subparagraph (2) of paragraph (b), concerning same areas, are revoked.

6. In § 202.230, a new subparagraph (1–a) is added to paragraph (a), and subparagraph (13) of paragraph (a) is revoked, as follows:

§ 202.230 *Puget Sound area, Wash.*—(a) *The anchorage grounds.* * * *

(1–a) *Port Townsend explosives anchorages*—(i) *Fair weather anchorage area.* A circular area having a radius of 300 yards, whose center is at latitude 48°06'26", longitude 122°43'46".

(ii) *Foul weather anchorage area.* A circular area having a radius of 300 yards, whose center is at latitude 48°04'05", longitude 122°44'52".

* * * * *

(13) *Budd Inlet berthing area.* [Revoked.]

* * * * *

[Regs. Sept. 14, 1950, 800.212—ENGWO] (38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

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

[F. R. Doc. 50–9191; Filed, Oct. 18, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

NOTIFICATION OF NONDELIVERY

Federal Register Document No. 50–7351, filed August 23, 1950 (15 F. R. 5692), is amended by deleting "6. Delete paragraph (d) of § 64.36 *Demurrage charge*" and insert in lieu thereof "6.

Delete § 64.36a *Notification of nondelivery.*"

(R. S. 161, 396, sec. 8, 37 Stat. 558, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 244)

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

[F. R. Doc. 50-9218; Filed, Oct. 18, 1950; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1769]

PART 192—OIL AND GAS LEASES

LIMITATION OF OVERRIDING ROYALTIES

Section 192.83 is hereby amended to read as follows:

§ 192.83 *Limitation of overriding royalties.* Any agreement to create overriding royalties or payments out of the production of any lease which, when added to overriding royalties or payments out of production previously created and to the royalty payable to the United States, aggregate in excess of 17½ percent shall be deemed a violation of the terms of the lease unless such agreement expressly provides that the obligation to pay such excess overriding royalty or payments out of production shall be suspended when the average production per well per day averaged on the monthly basis is (a) as to oil, 15 barrels or less and (b) as to gas, 500,000 cubic feet or less. The limitations in this section will apply separately to any zone or portion of a lease segregated for computing Government royalty.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

OCTOBER 13, 1950.

DALE E. DOTY,
Acting Secretary of the Interior.

[F. R. Doc. 50-9209; Filed, Oct. 18, 1950; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers are authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1950, and ending June 20, 1951:

Director grade	220
Senior grade	450
Full grade	383
Senior assistant grade	340
Assistant grade	71
Junior assistant grade	31

(Sec. 206, 58 Stat. 694, as amended; 42 U. S. C. and Sup., 207)

This amendment shall be effective as of July 1, 1950.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: October 13, 1950.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 50-9227; Filed, Oct. 18, 1950; 8:52 a. m.]

TITLE 50—WILDLIFE

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

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES NATIONAL WILDLIFE REFUGE, MONTANA

HUNTING

Basis and purpose: Studies of waterfowl populations by representatives of the Fish and Wildlife Service have indicated the necessity for prohibiting the hunting of snow geese in the vicinity of the Red Rock Lakes National Wildlife Refuge in Montana as a measure of protection for the rare trumpeter swan, the major population of which is located in this area. It has been determined, however, that the hunting of all geese, except snow geese, on the public shooting grounds within the Refuge will not adversely affect the trumpeter swan population, and that such hunting can be permitted in accordance with the agreement with the State of Montana.

Inasmuch as the following regulation is a liberalization of the prohibition against the shooting of geese on the public shooting grounds on Red Rock Lakes Refuge, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are herewith found to be impracticable, and the effective date requirement of the Administrative Procedure Act does not apply.

Effective upon publication of this document in the FEDERAL REGISTER, § 32.231 is hereby revised to read as follows:

§ 31.281 *Hunting permitted.* Pursuant to and in accordance with the provisions of Parts 18 and 21 of this chapter and §§ 31.283 to 31.286, inclusive, and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act, migratory waterfowl (except those species not permitted to be taken under the Migratory Bird Treaty Act regulations and snow geese) and coots may be taken during the period prescribed for the taking of such birds in Montana by the said Migratory Bird Treaty Act regulations, if permitted by State law, within the area of the Red Rock Lakes National Wildlife Refuge, Beaverland County, Montana, described in § 31.282.

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

Dated: October 11, 1950.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 50-9204; Filed, Oct. 18, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 131]

[Docket No. AO16-A3]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera serum and Hog-Cholera virus (9 CFR Part 132), a public hearing was held at St. Joseph, Missouri, on June 19, 1950, pursuant to notice thereof published in the FEDERAL REGISTER (15 F. R. 3797) upon proposed amendments to the Marketing Agreement, as amended, hereinafter referred to as the "marketing agreement," and BAI Order No. 361, as amended (9 CFR Part 900), hereinafter referred to as the "order," regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Chief, Bureau of Animal Industry, on the 5th day of September 1950, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on the 9th day of September 1950 (15 F. R. 6091).

Rulings on exceptions. An exception to the recommended decision in the form of a letter was filed on behalf of Enlowe Hevner Serum Company, objecting to the payment of any share of the administrative expense by the wholesaler handler classification. This exception was fully and carefully considered, together with the evidence in the record, in arriving at the findings and conclusions set

forth herein, and is overruled on the basis of such findings and conclusions.

Upon consideration of the entire record the material issues, findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (15 F. R. 6091; F. R. Doc. 50–7909) are hereby approved, adopted and incorporated herein as the material issues, findings and conclusions of this decision as if set forth in full herein.

Renumbering. The amendment includes, in addition to the substantive changes set forth in this decision, republication of the entire order to permit recodification thereof in compliance with the applicable Federal Register regulations (1 CFR Part 1). The sections of the marketing agreement shall be renumbered and the section headings redesignated to conform to the recodified order, in order to facilitate cross reference between the order and the marketing agreement. The recasting of the format due to such recodification is not intended, nor shall it be deemed, to make any substantive change in the aforesaid order of the Secretary other than the changes effectuated by the foregoing amendments.

General findings. Upon the basis of the evidence introduced at the hearing, and the record thereof, it is hereby found that:

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

(b) The said order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" and "Order Amending the Order, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Chorela Virus," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 132.14 (b) of the aforesaid 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 agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 16th day of October 1950.

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

Order[1] Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus[1]

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[1] This order shall not become effective unless and until the requirements of § 132.14 (b) of the rules of practice governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 131.1 to 131.251 issued under sec. 60, 49 Stat. 782; 7 U. S. C. 855. Statutory provisions interpreted or applied are cited to text.

DEFINITIONS

§ 131.1 *"Secretary".* The Secretary of Agriculture of the United States.

§ 131.2 *"Act".* The act to amend the Agricultural Adjustment Act, and for other purposes Public No. 320, approved by the President August 24, 1935. (49 Stat. 750; 7 U. S. C. Chapter 26).

§ 131.3 *"Person".* Individual, partnership, corporation, association, or any other business unit.

§ 131.4 *"Serum" and "virus".* Anti-hog-cholera serum and hog-cholera virus, respectively, products used in the immunization of swine against hog cholera, manufactured and marketed in compliance with standards and regulations, promulgated by the United States Department of Agriculture, and serum and virus manufactured in a similar manner and for an identical purpose under license or authority of any State or otherwise, and marketed in interstate and foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

§ 131.5 *"Handler"*. Any person who is engaged in the handling of anti-hog-cholera serum and hog-cholera virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

§ 131.6 *"To handle"*. To sell for shipment in, to ship in, or in any way to put into the channels of trade in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

§ 131.7 *"To market"*. To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum and/or virus in interstate or foreign commerce or so as to directly burden, obstruct, or affect interstate or foregin commerce, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *"Wholesaler"*. That class of buyers comprising (a) persons or agencies who do not administer serum and virus but are regularly engaged in purchasing and maintaining stocks of serum and virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evidence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising transportation, and selling of serum and virus, after receipt by them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) persons or agencies who regularly purchase, for delivery within a definite period of time and pay for at sellers' posted prices at time of delivery, serum and virus in specified quantities, adequate, in the opinion of the control agency, to justify such classification.

§ 131.9 *"Dealer"*. That class of buyers comprising veterinarians and other persons regularly engaged in administering serum and virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum and virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *"Manufacturer" or "producer"*. Any person who manufactures or produces and is engaged in the handling or distribution of serum and virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

§ 131.11 *"Distributor"*. Any person who does not manufacture serum and/or virus, but is engaged in the handling or distribution of serum and/or virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

§ 131.12 *"Control agency"*. The agency established pursuant to §§ 131.21–131.33.

§ 131.13 *"Books and records"*. Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *"Subsidiary"*. Any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *"Affiliate"*. Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are distributors marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 4 individuals to represent such handlers as members and/or alternates. The handlers who are distributors marketing their products principally through other channels may nominate by inscribing on a ballot the names of 4 individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the control agency and each of the 12 alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the 48 nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. No 2 individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this order to vote for such nominees. At any election of nominees each handler shall be entitled to cast 1 vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22 two nominees for each vacancy to be filled and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this part for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the control agency, to be paid to the Secretrary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this part.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this part;

(b) To make, in accordance with the provisions contained in this part, administrative rules and regulations;

(c) To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this part;

(d) To recommend to the Secretary of Agriculture amendments to this order; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than 4 members who shall be empowered to act for the control agency in the routine administration of this part, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 to 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this part.

§ 131.30. *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths (¾) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency, shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this part, shall be used solely for the purpose therein specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this part.

(c) Upon the termination or suspension of this part or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.88.

ASSESSMENTS

§ 131.41 *Each handler to be assessed.* Subsequent to the year ending December 31, 1936, every handler shall pay the control agency, as provided in §§ 131.42 to 131.46, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this part.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by $\frac{1}{10}$ of 1 percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43; *Provided,* That the pro rata share so computed shall not exceed thirty-three and one-third percent (33⅓ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent (33⅓ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* As his pro rata share of the expenses of the control agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the volume of serum marketed by such handler during the preceding calendar year at the following applicable rates:

(a) One million cubic centimeters, or less—$25.00;

(b) Over one million cubic centimeters—at a rate per million, or fraction thereof, to be fixed by the Secretary based upon the ratio between the quantity of serum handled by each wholesaler handler who handles in excess of one million cubic centimeters of serum and the total quantity of serum handled by all wholesaler handlers who handle in excess of one million cubic centimeters of serum.

The pro rata share of all wholesaler handlers shall be obtained by first assessing the first one million (1,000,000) cubic centimeters of serum marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary shall be assessed as set forth in paragraph (b) of this section. If the total sum obtained by assessing the first one million cubic centimeters, or less, of serum marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for one million cubic centimeters, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The exact amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.46. Such pro rata share shall be

subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year beginning with the year 1951, and the remaining sum, if any, within fifteen (15) days after being billed therefor. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* On and after January 1, 1951, each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler's assessment.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total amount of hyperimmune blood which has been collected by such handlers during the preceding calendar year, with respect to each million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the preceding calendar year, as determined by the reports submitted pursuant to § 131.46. Such payments shall become due in quarterly installments beginning January 1 of each year, and shall be made to the disinterested agency, which shall transmit the total amount received from all handlers to the control agency without disclosing the amount of each payment made by individual handlers. A quarterly report shall be made to the Secretary by such disinterested agency, setting forth the amount of the quarterly payment made by each handler. Any funds derived from assessments or any other source which have not been expended by the control agency at the end of the calendar year shall be carried over by the control agency to be expended during the succeeding calendar year.

§ 131.46 *Reports by handlers.* Within five days after this part becomes effective, and on January 15 of each year thereafter, while this part is effective, each manufacturer handler shall furnish the Secretary, through a disinterested agency, to be selected by the control agency and approved by the Secretary, a report which shall be sworn to and which shall set forth the amount of hyperimmune blood which has been collected by such handler during the preceding calendar year, and each wholesaler handler shall furnish the Secretary, through such disinterested agency, a report which shall be sworn to and which shall set forth the amount of serum marketed by such handler during the preceding calendar year. The control agency shall inform the disinterested agency concerning the total amount of expenses to be paid by handlers who are manufacturers and by handlers who are wholesalers.

FILING OF PRICES AND TERMS OF SALE

§ 131.51 *Handlers to file uniform prices, discounts, and terms of sale.* Each handler shall file with the Secretary and the control agency, within 10 days after the effective date of this part, a separate list of his selling prices in the United States, including terms of sale and discounts to each class of buyers; as defined in this part or under the provisions thereof, other than those specified in § 131.55. All filed prices to dealers and wholesalers shall be on a delivered basis where the amount sold is 3,000 cc or more. Each handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this part.

§ 131.52 *Modification of price lists.* The price list for each class of buyers filed by a handler may, subject to the limitations set forth in § 131.53, be modified at any time by such handler by filing for any class of buyers a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is the earlier.

§ 131.53 *Handlers to make no sales without effective price lists.* Each handler shall make no sales unless he has an effective price list, including discounts and terms of sale as set forth in § 131.51, filed with the control agency, and that after any such price list or amended price list becomes effective, he shall make no sales at prices, discounts, or terms of sale different from those set forth in his latest effective list, and shall file no new or amended price list until his most recently filed price list for any class of buyers becomes effective: *Provided, however,* No handler shall withdraw any filing of a price list prior to the effective date of such price list.

§ 131.54 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions of this part shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this part or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

§ 131.57 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this part, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the handlers.

§ 131.58 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for handlers. After the adoption of such uniform sales invoices, all sales of serum and/or virus by handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

UNFAIR METHODS OF COMPETITION AND UNFAIR TRADE PRACTICES

§ 131.71 *Secret rebates or sales of other products at less than reasonable market value.* The secret payment or allowance of rebates, refunds, commissions, or unearned discounts, whether in

the form of money or otherwise, or secretly extending to certain purchasers special services or privileges, not extended to all purchasers under like terms and conditions, with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice, and is prohibited.

To sell other products at less than reasonable market value thereof, for the purpose or with the effect of influencing sales of serum and/or virus, is prohibited.

§ 131.72 *Enticing employees.* Maliciously enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their businesses is an unfair trade practice, and is prohibited.

§ 131.73 *Defamation of competitors.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or the false disparagement of the grade or quality of their serum and/or virus, with the tendency and capacity to mislead or deceive purchasers or prospective purchasers, is an unfair trade practice, and is prohibited.

§ 131.74 *Sale by false means.* The sale or offering for sale of any serum and/or virus by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers as to the quantity, quality, or substance of such serum and/or virus is an unfair trade practice, and is prohibited.

§ 131.75 *Shipping serum or virus on consignment.* Shipping serum or virus on consignment, with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice, and is prohibited.

§ 131.76 *False invoicing.* Withholding from or inserting in the invoice statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof, is prohibited.

§ 131.77 *Misleading advertising.* The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement, by way of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum and virus is an unfair trade practice and is prohibited.

§ 131.78 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

§ 131.79 *Emergency reserve.* Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales.

AMENDMENTS

§ 131.81 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.82 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this part in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.86 *Effective time.* This part shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.87 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this order as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this order at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.88 *Liquidation.* Upon the termination or suspension of this part or of any provision thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this part, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary, (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this part. Any funds collected for expenses, pursuant to the provisions of this part, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this part and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

MISCELLANEOUS PROVISIONS

§ 131.91 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this part shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this part and shall cease upon its termination except with respect to acts done under and during the existence of this part, and benefits, privileges and immunities conferred by this part upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this part.

§ 131.92 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this part), including any officer or employee of the Government or bureau or division of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 131.93 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the contral agency under the provisions of this part. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to

it for the maintenance and functioning of the control agency.

§ 131.94 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this part is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§131.95. *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler subject hereto or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers hereunder are several and not joint, and no handler shall be liable for the default of any other handler.

§ 131.96 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

RULES AND REGULATIONS OF THE CONTROL AGENCY

NOTE: §§ 131.201 to 131.251 interpret or apply sec. 59, 49 Stat. 781; 7 U. S. C. 854.

§ 131.201 *Public information.* Unless otherwise provided in this part, or by specific direction of the Control Agency, all price lists, reports, applications, submittals, requests and communications in connection with this part, and rules and regulations thereunder, shall be addressed to the Control Agency, Office of Executive Secretary, 512 Porter Bldg., Kansas City 2, Missouri.

CLASSIFICATIONS

§ 131.211 *"Wholesaler".* That class of buyers comprising (a) persons or agencies who do not administer serum and virus but are regularly engaged in purchasing and maintaining stocks of serum and virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evidence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising, transportation, and selling of serum and virus, after receipt by them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) persons or agencies who regularly purchase, for delivery within a definite period of time and pay for at seller's posted prices at time of delivery, serum and virus in specified quantities, adequate in the opinion of the control agency to justify such classification.

§ 131.212 *"Dealer".* That class of buyers comprising veterinarians, and other persons regularly engaged in administering serum and virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum and virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.213 *"Consumers".* That class of buyers comprising persons or agencies who are owners of swine and who are not otherwise classified pursuant to the provisions of the order or these rules and regulations.

§ 131.214 *"Lay-vaccinator".* A person who is not a licensed veterinarian but who is regularly engaged in administering serum and virus for service charges. Such person is classified as a "dealer".

§ 131.215 *"Other dealers".* Federal, state, county, and municipal institutions that are not otherwise classified pursuant to provisions of the order or these rules and regulations are classified as dealers with respect to purchases of serum and virus for use on swine owned by such institutions.

DEFINITIONS OF TERMS USED IN THIS PART

§ 131.221 *"Meaning of terms".* Terms defined in this part shall, when used in this part, have the same meaning as set forth in the order.

§ 131.222 *"Definite period of time".* The term "within a definite period of time" as used in § 131.8 means the calendar year immediately preceding the date of application for classification as wholesaler.

§ 131.223 *"Specified quantities".* The term "specified quantities, adequate in the opinion of the control agency" as used in § 131.8 means 15,000,000 cubic centimeters of serum and 1,000,000 cubic centimeters of virus.

§ 131.224 *"Time of delivery"* The term "time of delivery" as used in § 131.8, and in this part, means the time when physical possession of the products sold is surrendered by the seller to the buyer or to a carrier for and on behalf of the buyer.

§ 131.225 *"Each handler's prices, discounts and terms of sale".* The term "Each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" as used in § 131.51, means that each handler's prices, discounts and terms of sale shall apply equally, in the same manner, and at the same rate to each buyer within the same class.

§ 131.226 *"Price list".* The term "price list", as used in § 131.52 means a list on the form prescribed in § 131.251 containing effective prices, discounts and terms of sale of serum and virus.

§ 131.227 *"Prices".* The term "prices" as used in § 131.51 means the sum or sums of money which the seller asks and receives from the purchaser in exchange for serum or virus.

§ 131.228 *"Discounts".* The term "discounts" as used in § 131.51 means that percentage of the invoice price of serum or virus, or that amount of money which the purchaser may deduct from the invoice price for payment at a time stated prior to the due date of such invoice.

§ 131.229 *"Terms of sale".* The words "terms of sale" as used in § 131.51 mean the time or date at which the invoice price of serum or virus is due and payable.

§ 131.230 *"Regularly engaged".* A person is "regularly engaged in administering serum and virus" within the meaning of § 131.9 if he is customarily and seasonally employed by a body of patrons or customers to administer serum and virus to swine owned by such patrons or customers.

§ 131.231 *"For service charges".* The term "for service charges" as used in § 131.9 means all remuneration received for administering serum and virus to swine, including any profit derived from the sale of serum and virus so administered.

CLASSIFYING, LISTING, AND DELETING WHOLESALERS

§ 131.241 *Listing of handlers.* The control agency shall furnish the Secretary of Agriculture and each handler with a list of all handlers of serum and virus. Such list shall include all producers and all persons who have been classified as wholesalers by the control agency. No person is a wholesaler unless he has been classified as such by the control agency and his name appears on the list of handlers as described in this section.

§ 131.242 *Manner of classifying wholesalers.* Any person not presently so classified who desires to be classified as a wholesaler must apply for such classification on a form prescribed by the control agency and must prove to the satisfaction of the control agency that he performs the functions required by § 131.8, or that he meets the requirements of § 131.8, as further defined by §§ 131.222 and 131.223. The form of such application is as follows:

APPLICATION FOR CLASSIFICATION AS A WHOLESALER OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

CONTROL AGENCY,
Office of Executive Secretary,
512 Porter Building,
Kansas City 2, Missouri.

The undersigned applicant herewith applies for classification as a wholesaler pursuant to the approved Marketing Agreement and Order as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus. In support of this application, the following information is respectfully submitted:

1. Name and address of applicant:

Firm name_____

Address_____
(Street address) (City)

_____
(Zone number) (State)

2. State whether the applicant is an individual, partnership, corporation, or unincorporated association_____

3. State period of time in which the applicant has been engaged in selling serum and virus_____

4. What percent of the total cubic centimeters of serum and virus handled by the applicant in the preceding calendar year was sold to dealers as defined in § 131.9 of the approved Marketing Agreement and Order as amended?_____

If the applicant has never handled these products, please indicate the percentage which it anticipates selling to dealers during the present calendar year_____

5. Dealers referred to in Question 4 include (please check): Veterinarians _____; County Farm Bureaus _____; Drug Stores _____; Lay-vaccinators _____; U. S. Licensed Stockyards _____; Other agencies maintaining stocks of serum and virus under proper storage for resale to consumers (please list) _____

6. Will the undersigned applicant or any of its officers or employees administer anti-hog-cholera serum and hog-cholera virus?

7. Will the undersigned applicant employ any persons as its agents to administer anti-hog-cholera serum and hog-cholera virus?

8. Is the applicant or any of its officers financially interested, directly or indirectly, in the business of any dealer who buys from it? _____ If so, in what way, and to what extent? _____

9. Will the applicant solicit sales to consumers? _____

10. Will the applicant absorb all expenses incidental to the advertising, transportation and selling of serum and virus to other trade groups? _____

11. Will the applicant furnish field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases? _____

12. Describe applicant's equipment for storage and maintenance of stocks of serum and virus. _____

13. State the approximate number of dealers you expect to solicit and the geographic area in which they are located. _____

14. Name the railroad, bus routes, airlines, and other transportation facilities available in the town or city where the applicant is located and state the principal means to be used in distributing serum and virus to dealers. _____

15. Will the applicant regularly purchase and maintain stocks of serum and virus in sufficient quantities to supply dealer demand? _____

16. Did the applicant purchase for delivery within the calendar year preceding this application fifteen million (15,000,000) cubic centimeters of serum and one million (1,000,000) cubic centimeters of virus? _____

All further information requested by the control agency in consideration of this application will be furnished by the applicant. If this application is approved, the applicant agrees to assume all obligations of a wholesaler, including the payment of assessments which may be levied against it by the Secretary of Agriculture pursuant to the approved Marketing Agreement and Order, as amended.

Applicant (firm name) _____

Official (signature and title) _____

On this _____ day of _____, 19__, before me, _____, a Notary Public, personally appeared _____ who, first being duly sworn, upon oath declares that he is an officer or employee of the aforesaid applicant, and that the information set forth herein is shown in the books and records of said applicant and is true and correct as he verily believes.

_____
Notary Public

My commission expires _____.

§ 131.243 *Deletion of wholesaler from list of handlers.* Any person who has been classified as a wholesaler may be deleted from the list of handlers, and lose such classification of wholesaler, if at any time such person (a) requests or authorizes such deletion; (b) sells or transfers to any other person the business of his wholesale establishment; or (c) if the control agency finds, upon the basis of evidence satisfactory to it, that such person is no longer performing the functions of or meeting the requirements of a wholesaler as defined in § 131.8 (a) and (b), and further defined in these rules and regulations.

§ 131.244 *Notice of deletion from list of handlers.* A wholesaler who has not requested or authorized deletion of his name from the list of handlers, or who has not sold the business of his wholesale establishment, shall not be deleted from the list of handlers unless at least ten days prior to the date of such deletion he is notified in writing of the facts or conduct which, in the opinion of the control agency, warrants deletion from the list of handlers. An opportunity shall be afforded such person to appear before the control agency, or otherwise to submit evidence showing justification or cause why the deletion should not be made. The notice may be sent by registered mail or delivered in person by an officer or employee of the control agency at the address appearing on the latest effective price list which such wholesaler filed with the control agency.

FORM OF PRICE LIST

§ 131.251 *Filing of price list.* All price lists shall be filed with the office of the Executive Secretary on the form prescribed herein: *Provided, however,* That handlers filing price lists by telegram shall confirm the telegram by mailing on the same date the properly signed form of price list as prescribed herein, as follows:

No._____

Form No. R. 2. Revised—1947

POSTED PRICES

In accordance with the provisions of the approved Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, the undersigned files this price list and respectfully represents to the Secretary of Agriculture, the control agency and all other handlers that, during the period this price list is in effect, all serum and virus sold by the undersigned to buyers in the classes named herein will be at the following prices, discounts and terms of sale at time of delivery, it being understood that the term "time of delivery" means the time when physical possession of the products sold is surrendered by the undersigned to the buyer or to a carrier for and on behalf of the buyer.

Consumers—Owners of swine:
- Serum:
  - Price _____
  - Terms of sale and discounts _____
- Virus:
  - Price _____
  - Terms of sale and discounts _____

Dealers:
- Serum:
  - Price _____
  - Terms of sale and discounts _____
- Virus:
  - Price _____
  - Terms of sale and discounts _____

Wholesalers:
- Serum:
  - Price _____
  - Terms of sale and discounts _____
- Virus:
  - Price _____
  - Terms of sale and discounts _____

Where prices, terms of sale and discounts are omitted from this list with respect to any of the above classes of buyers, undersigned states that he makes no sales to such classes.

Signed_____
By_____
P. O. Address_____

[F. R. Doc. 50-9225; Filed, Oct. 18, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1924963]

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 182 REVOKED

OCTOBER 13, 1950.

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Departmental Order No. 2583, § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Air Navigation Site Withdrawal No. 182 established July 21, 1942, covering the following-described land is hereby revoked:

Beginning at corner No. 1 on north boundary of Amended U. S. Survey No. 55 on Popof Island in latitude 55°20' N., longitude 160°30' W., from which corner No. 3 of Amended U. S. Survey No. 55 bears N. 74° W., 113 feet.

From corner No. 1, by metes and bounds:
N. 31° E., 4,055 feet to corner No. 2;
N. 56° W., 686 feet to corner No. 3;
N. 34° E., 1,870 feet to corner No. 4;
S. 56° E., 1,582 feet to corner No. 5;
S. 15°41' W., 2,674 feet to corner No. 6;
S. 46° W., 3,169 feet to corner No. 7, on north boundary of Amended U. S. Survey No. 55;

N. 74° W., 910 feet along north boundary of amended U. S. Survey No. 55 to corner No. 1, the place of beginning.

The tract as described contains approximately 200 acres.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 50-9205; Filed, Oct. 18, 1950; 8:45 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL NO. 265

OCTOBER, 13, 1950.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. sec. 214), and in accordance with Departmental Order No. 2583, § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 265:

MOUNT DIABLO MERIDIAN

RENO-BOISE AIRWAY

T. 41 N., R. 35 E.,
Sec. 22, SW¼SE¼SW¼;
Sec. 27, W½NE¼NW¼.

The areas described aggregate 30 acres.

This order shall take precedence over, but not otherwise affect, the order of the Acting Secretary of the Interior dated October 18, 1935, establishing Nevada Grazing District No. 2, so far as it affects the above-described lands.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-9206; Filed, Oct. 18, 1950; 8:45 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL NO. 266

OCTOBER 13, 1950.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. sec. 214), and in accordance with Department Order No. 2583, § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 266:

MOUNT DIABLO MERIDIAN

SITE 23 B, LOS ANGELES; SALT LAKE AIRWAY

T. 23 S., R. 59 E.,
Sec. 31, SE¼SW¼SW¼.
T. 24 S., R. 59 E.,
Sec. 5, SW¼SE¼NW¼.

The areas described aggregate 20 acres.

This order shall take precedence over, but not otherwise affect, the order of the Acting Secretary of the Interior dated November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described lands.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-9207; Filed, Oct. 18, 1950; 8:45 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL NO. 45, ENLARGED

OCTOBER 13, 1950.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. sec. 214), and in accordance with Departmental Order No. 2583, § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, as an addition to Air-Navigation Site Withdrawal No. 45, established November 17, 1930:

MOUNT DIABLO MERIDIAN

SAN FRANCISCO-SALT LAKE AIRWAY

Site No. 30, Pleasant Valley

T. 27 N., R. 37 E.,
Sec. 15, S½SE¼.

Site No. 32, Needle Peak

T. 28 N., R. 40 E.,
Sec. 6, S½SW¼SE¼.

The areas described aggregate 100 acres.

This order shall take precedence over, but not otherwise affect, the order of the Acting Secretary of the Interior dated October 18, 1935, establishing Nevada Grazing District No. 2, so far as it affects the above-described lands.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-9208; Filed, Oct. 18, 1950; 8:45 a. m.]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS

OATHS

Order No. 427 is amended by adding thereto a new section, as follows:

SEC. 1.6 *Oaths.* The regional administrator for each region may authorize any employee of his region who has been designated by him to make investigations of public land matters to administer any oath, affirmation, affidavit, or deposition provided for under the act of October 14, 1940 (5 U. S. C. 498), whenever necessary in the performance of such employee's official duties.

ROSCOE E. BELL,
Acting Director.

Approved: October 13, 1950.

DALE E. DOTY,
Acting Secretary of the Interior.

[F. R. Doc. 50-9210; Filed, Oct. 18, 1950; 8:46 a. m.]

Office of the Secretary

[Order 2583, Amdt. 1]

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES; BUREAU OF LAND MANAGEMENT

OATHS

Order No. 2583 is amended by adding thereto a new section, as follows:

SEC. 1.6 *Oaths.* The Director may authorize any employee of the Bureau of Land Management, who has been designated to make investigations of public land matters, to administer any oath, affirmation, affidavit, or deposition provided for under the act of October 14, 1940 (5 U. S. C. 498), whenever necessary in the performance of such employee's official duties.

Order No. 1877, dated September 20, 1943, which designated certain employees of the Branch of Field Examination of the former General Land Office to administer oaths under authority of the statute cited above, is revoked.

DALE E. DOTY,
Acting Secretary of the Interior.

OCTOBER 13, 1950.

[F. R. Doc. 50-9211; Filed, Oct. 18, 1950; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FARMERS HOME ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSITION OF RESERVED MINERALS

Pursuant to the authority contained in Public Law 760, 81st Congress, approved September 6, 1950, *It is hereby ordered,* That:

1. All authorities, powers, functions and duties vested in the Secretary of Agriculture by Public Law 760, 81st Congress, with respect to the disposition of mineral interests now under the jurisdiction of the Farmers Home Administration, except the power and authority

to determine areas in which there is no active mineral development or leasing, are hereby delegated to the Farmers Home Administration, to be exercised by the Administrator thereof.

2. Subject to my approval, the Administrator of the Farmers Home Administration may issue rules and regulations necessary for the proper exercise of the authorities and powers and for the performance of the functions and duties herein delegated.

3. In his discretion, the Administrator of the Farmers Home Administration may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities herein conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Administrator.

4. The exercise of authorities delegated herein shall be subject to the applicable limitations and requirements of regulations of the Department of Agriculture.

Done at Washington, D. C., this 16th day of October 1950.

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

[F. R. Doc. 50-9247; Filed, Oct. 18, 1950; 8:52 a. m.]

FEDERAL FARM MORTGAGE CORPORATION

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSITION OF RESERVED MINERALS

Pursuant to the authority contained in Public Law 760, 81st Congress, approved September 6, 1950, *It is hereby ordered*, That:

1. The Federal Farm Mortgage Corporation is authorized to sell and convey the mineral interests heretofore or hereafter acquired by it in conformity with the policy expressed in said Act with respect to the mineral interests described in section 1 thereof.

2. All authorities, powers, functions and duties vested in the Secretary of Agriculture by Public Law 760, 81st Congress, with respect to the disposition of mineral interests heretofore or hereafter acquired by the Federal Farm Mortgage Corporation, except the power and authority to determine areas in which there is no active mineral development or leasing, are hereby delegated to the Federal Farm Mortgage Corporation.

3. Subject to my approval, the Federal Farm Mortgage Corporation may issue rules and regulations necessary for the proper exercise of the authorities and powers and for the performance of the functions and duties herein delegated.

4. In its discretion, the Federal Farm Mortgage Corporation may redelegate, upon such terms and conditions as it may prescribe, the powers and authorities herein conferred upon it.

5. The exercise of authorities delegated herein shall be subject to the applicable limitations and requirements of regulations of the Department of Agriculture.

Done at Washington, D. C., this 16th day of October 1950.

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

[F. R. Doc. 50-9245; Filed, Oct. 18, 1950; 8:52 a. m.]

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO FISHERY COMMODITIES

The Department of the Interior has certain responsibilities and exercises certain functions with respect to the production of the nation's supply of fishery commodities. It is highly desirable in order to insure the necessary production that the exercise of all functions with respect to the production of fish be closely coordinated. To effectuate this purpose and to utilize to the fullest extent possible the technical knowledge and experience of the fishery staff of the Department of the Interior, it is the purpose of the Secretary of Agriculture to delegate to the Secretary of the Interior certain functions delegated to the Secretary of Agriculture under Executive Order No. 10161 dated September 9, 1950.

Therefore, pursuant to the provisions of section 902 (b) of Executive Order No. 10161, the Secretary of Agriculture hereby delegates, subject to the terms and conditions set forth herein, to the Secretary of the Interior the following functions:

(1) The priority and allocation functions delegated to the Secretary of Agriculture under sections 101 (b) and 102 of the Executive order with respect to the production of fishery commodities or products.

(2) The claimant functions under section 103 (a) with respect to all materials and additional facilities requisite to the production of fishery commodities or products, but excluding tin container supply and materials and facilities used in common for processing of fish and other foods; *Provided*, That the Secretary of the Interior, prior to the exercise of this claimant function shall, to assure full coordination, notify the Secretary of Agriculture of his intent to do so, and shall provide with such notice complete and detailed information as to the materials and additional facilities concerned.

(3) Such requisitioning functions as are delegated to the Secretary of Agriculture under section 201 (a) of the Executive order with respect to the production of fishery commodities or products, except that with respect to the processing of fish the Secretary of Agriculture reserves the right to prohibit or modify the exercise of this function in any instance where, in his opinion, such action would interfere with or have an adverse effect upon the processing of other foods; *Provided*, That the Secretary of the Interior, prior to the exercise of the requisitioning function, shall notify the Secretary of Agriculture of his intent to do so. The Secretary of Agriculture will consult with the Secretary of the Interior in order to assure full coordination before exercising the requisitioning function with respect to food processing when he determines that such action may interfere with the processing of fish.

(4) The function of certifying under section 303 of the Executive order with respect to loans required for the production of fishery commodities or products.

(5) Such functions relating to labor supply as are delegated to the Secretary of Agriculture under section 601 (b) of the Executive order with respect to the production of fishery commodities or products.

(6) The function delegated to the Secretary of Agriculture under section 701 (a) (1) of the Executive order with respect to the production of fishery commodities or products.

(7) The functions delegated to the Secretary of Agriculture under sections 902 (a), (b), (d) (1), (d) (2), and 904 of the Executive order with respect to the production of fishery commodities or products.

(8) The term "production" as used herein means the catching and harvesting of any form of aquatic animal or plant life and the processing thereof.

(9) The term "fishery commodities or products" as used herein means any edible or nonedible fish, any form of aquatic animal or plant life, or any other commodity or product, including fats and oils, of marine or fresh water origin, which is within the meaning of the term "food" as defined in section 901 (b) of the Executive order.

The functions hereby delegated to the Secretary of the Interior shall be exercised with respect to the production of fishery commodities or products to fulfill the requirements for military, essential civilian, and foreign needs, as determined by the Secretary of Agriculture.

Nothing herein shall be construed to delegate to the Secretary of the Interior functions vested in the Secretary of Agriculture with respect to (1) the distribution in consumer channels of unprocessed fishery commodities after delivery to the iniital purchaser; or (2) the distribution; procurement; inspection; container supply; specification of product, container, standards, and labeling; of or relating to, processed fishery commodities or products.

Issued at Washington, D. C., this 13th day of October 1950.

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

[F. R. Doc. 50-9224; Filed, Oct. 18, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1465]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

OCTOBER 12, 1950.

On August 17, 1950, United Gas Pipe Line Company, Applicant, a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as

amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

Temporary authorization to construct and operate the requested facilities was granted by the Commission on September 5, 1950.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to due notice of the filing of application, including publication in the FEDERAL REGISTER on September 1, 1950 (15 F. R. 5940).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 31, 1950, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 13, 1950.

By the Commission.

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

[F. R. Doc. 50-9212; Filed, Oct. 18, 1950; 8:46 a. m.]

[Docket Nos. G-587, G-607, G-608, G-776, G-810, G-820, G-1222, G-1441]

GREENFIELD GAS CO., INC., ET AL.

ORDER GRANTING REQUEST FOR POSTPONEMENT OF DATE FOR HEARING AND FOR CHANGE OF PLACE OF HEARING

OCTOBER 10, 1950.

In the matters of Greenfield Gas Company, Inc., v. Panhandle Eastern Pipe Line Company, Docket Nos. G-587, G-607, Eastern Indiana Gas Company et al., Docket Nos. G-608, G-776, G-810, G-820, Indiana Gas & Water Company, Inc., Docket No. G-1222, Indiana Gas & Water Company, Inc., Docket No. G-1441.

By order issued September 15, 1950, the Commission consolidated the above-entitled proceedings for purposes of hearing and fixed the date and place of hearing in the consolidated matters for October 16, 1950, at Washington, D. C.

On September 27, 1950, the Public Service Commission of Indiana, intervener herein, and Indiana Gas & Water Company, Inc., filed with the Commission a joint request that the hearing in the above-entitled matters be postponed to on or about December 4, 1950, and that the place of hearing be moved to Indianapolis, Indiana.

No objection has been entered by any of the parties or interveners herein to the request made by the Public Service Commission of Indiana and Indiana Gas & Water Company, Inc.

The Commission finds: Good cause exists for postponement of the hearing in the above-entitled matters; and the public interest will be served by changing the place of hearing from Washington, D. C., to Indianapolis, Indiana, as hereinafter ordered.

The Commission orders: The hearing in these matters heretofore set for October 16, 1950, in Washington, D. C., be and the same is hereby postponed to commence on November 28, 1950, at 10:00 a. m., in Room 216, Federal Building, Indianapolis, Indiana.

Date of issuance: October 13, 1950.

By the Commission.

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

[F. R. Doc. 50-9213; Filed, Oct. 18, 1950; 8:46 a. m.]

[Docket No. G-1498]

TEXAS EASTERN TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

OCTOBER 16, 1950.

Take notice that on September 28, 1950, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal office at Commerce Building, Shreveport, Louisiana, and Mississippi River Fuel Corporation (Mississippi), a Delaware corporation having its principal office at 407 N. Eighth Street, St. Louis, Missouri; filed an application pursuant to section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing an exchange of natural gas between the two companies during temporary periods of emergency on either system and the construction of an interconnection and metering facilities at a point near Bald Knob, Arkansas.

The estimated over-all cost of the proposed facilities is $12,827.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 3d day of November 1950. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 50-9226; Filed, Oct. 18, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25481]

SCRAP PAPER FROM EASTERN CITIES TO MOREHEAD CITY, N. C.

APPLICATION FOR RELIEF

OCTOBER 16, 1950.

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

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-800, pursuant to fourth-section order No. 9800.

Commodities involved: Paper, scrap or waste, carloads.

From: Baltimore, Md., New York, N. Y., Washington, D. C., Philadelphia and York, Pa.

To: Morehead City, N. C.

Grounds for relief: Circuitous routes.

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

By the Commission, Division 2.

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

[F. R. Doc. 50-9219; Filed, Oct. 18, 1950; 8:47 a. m.]

[4th Sec. Application 25482]

STONE FROM CANNON, MO., TO GALESBURG, ILL.

APPLICATION FOR RELIEF

OCTOBER 16, 1950.

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

Filed by: Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Stone, broken, crushed or ground, carloads.

From: Cannon, Mo.

To: Galesburg, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: CB&Q., tariff I. C. C. No. 20264, Supplement 2.

Any interested person desiring the Commission to hold a hearing upon such

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

By the Commission, Division 2.

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

[F. R. Doc. 50-9220; Filed, Oct. 18, 1950; 8:47 a. m.]

[4th Sec. Application 25483]

ALL FREIGHT FROM KNOXVILLE, TENN.

APPLICATION FOR RELIEF

OCTOBER 16, 1950.

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

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: All Freight, mixed carloads.

From: Knoxville, Tenn.

To: Cincinnati, Ohio, St. Louis, Mo., East St. Louis, and Chicago, Ill.

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

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supplement 52.

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

By the Commission, Division 2.

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

[F. R. Doc. 50-9221; Filed, Oct. 18, 1950; 8:47 a. m.]

[4th Sec. Application 25484]

GRAIN FROM MEMPHIS TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

OCTOBER 16, 1950.

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

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Illinois Central Railroad Company.

Commodities involved: Grain and grain products, carloads.

From: Memphis, Tenn. (ex-barge).

To: Nashville, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1128, Supplement 44.

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

By the Commission, Division 2.

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

[F. R. Doc. 50-9222; Filed, Oct. 18, 1950; 8:47 a. m.]

[4th Sec. Application 25485]

LIQUEFIED PETROLEUM GAS FROM ZETUS, MISS., TO THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 16, 1950.

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

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquefied petroleum gas, tank carloads.

From: Zetus, Miss.

To: Points in the south.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 179.

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

By the Commission, Division 2.

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

[F. R. Doc. 50-9223; Filed, Oct. 18, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9556, 9557, 9686]

NARRAGANSETT BROADCASTING CO. (WALE) ET AL.

ORDER SETTING HEARING DATE

In re applications of Narragansett Broadcasting Company (WALE), Fall River, Massachusetts, Docket No. 9556, File No. BR-2076, for renewal of license; Bay State Broadcasting Company, Fall River, Massachusetts, Docket No. 9557, File No. BP-7315; Eastern Connecticut Broadcasting Company (WICH), Norwich, Connecticut, Docket No. 9686, File No. BP-7599; for construction permits.

The Commission having under consideration the hearing in the above-entitled proceeding; and

It appearing, that at the completion of the testimony in this proceeding in Fall River, Massachusetts, the hearing was adjourned to Washington, D. C., to be resumed at a date to be thereafter fixed;

It is ordered, This 10th day of October 1950 that further hearing in the above-entitled proceeding be, and it is hereby, set for October 19, 1950 at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 50-9231; Filed, Oct. 18, 1950; 8:50 a. m.]

[Canadian Change List No. 58]

CANADIAN BROADCAST STATION

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 4, 1950.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Class	Probable date to commence operation
CKY	Winnipeg, Manitoba	580 kilocycles, 5 kw (now in operation with 5 kw day 1 kw night with temporary DA) (new DA pattern for daytime operation. Nighttime DA unchanged).	DA-2	III-A	
CJVI	Victoria, British Columbia	900 kilocycles, 1 kw	DA-1	[1] II	Now in operation.
CKSM	Shawinigan Falls, Quebec	1220 kilocycles, 1 kw (changes in DA-1 and antenna site).	DA-1	II	
New	Dauphin, Manitoba	1230 kilocycles, 250 w		IV	July 15, 1951.
CKLS	La Sarre, Quebec	1240 kilocycles, 250 w		IV	Assignment of call letters.
CJNB	North Battleford, Saskatchewan.	1460 kilocycles, 1 kw (present operation: 1240 kc, 250 w, IV).		III-A	July 15, 1951.
CFHR	Hay River, North West Territory.	1490 kilocycles, 100 w		IV	Now in operation.
CBE	Windsor, Ontario	1550 kilocycles, 10 kw	DA-1	I-B	Do.
CHVC	Niagara Falls, Ontario	1600 kilocycles, 1 kw; 5 kw—LS.	DA-N	[1] III-A	Do.

[1] Correction in classification.

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

[F. R. Doc. 50-9232; Filed, Oct. 18, 1950; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2476]

OHIO EDISON CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of October A. D. 1950.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed an application-declaration and amendments thereto, pursuant to sections 6 (a), 7, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-42 and U-50 promulgated thereunder, proposing to offer to its stockholders the right to subscribe for the purchase of 396,571 additional shares of its common stock on the basis of one additional share for each ten shares held with the right to subscribe, subject to allotment, for shares covered by outstanding unexercised warrants; and Ohio also proposing to offer such shares as are not subscribed for by the stockholders to underwriters who, pursuant to the competitive bidding requirements of Rule U-50, have been publicly invited to submit bids for the purchase of such common stock at the subscription price which was to be determined by Ohio, such bids to include the compensation to be paid them for their services; and

The Commission by order dated October 4, 1950, having granted the application and permitted the declaration to become effective, as amended, subject to the condition, among others, that the proposed issuance and sale of stock shall not be consummated until the subscription price of such stock and the results of the competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and further order shall have been entered with respect thereto; and jurisdiction having been reserved over the payment of fees and expenses to be incurred in connection with the proposed transaction and with respect to accounting entries in connection with such fees and expenses; and

Ohio having, on October 12, 1950, filed an amendment to said application-declaration in which it is stated that Ohio has designated a subscription price of $28 per share for the additional shares of its common stock and has invited bids, pursuant to the competitive bidding requirements of Rule U-50, with respect to the compensation to be paid the underwriters for purchasing the unsubscribed for common stock at the subscription price of $28 per share and has received the following bids:

Bidding group headed by—	Amount of compensation bid	Aggregate net proceeds
Lehman Bros.	$78,997.13	$11,024,990.87
Bear, Stearns & Co.		
The First Boston Corp.	94,077.00	11,009,911.00
Glore, Forgan & Co.	130,864.00	10,973,124.00
White, Weld & Co.		
Merrill, Lynch, Pierce, Fenner & Beane	134,000.00	10,969,988.00
Kidder, Peabody & Co.		
Morgan Stanley & Co.	193,923.22	10,910,064.78

The amendment having further stated that Ohio has accepted the bid of Lehman Brothers and Bear, Stearns & Co. for the common stock as set forth above; and

The amendment further setting forth fees and expenses estimated to be incurred in connection with the proposed transaction as follows: $93,396 for filing, listing and printing, etc.; $10,000 to Winthrop, Stimson, Putnam & Roberts, Counsel for Ohio; $6,000 to Simpson Thacher & Bartlett, Counsel for the underwriters; $15,308.54 to Arthur Andersen & Co., accountants; $538.76 to Arthur Young & Company, accountants; and $38,172 to Commonwealth Services, Inc., an independent service company, for services in connection with the proposed financing, including a charge of approximately $19,000 for services of the transfer department; and

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 received for said stock or the compensation to be paid the underwriters for their purchase of said stock; and

It appearing that the fees and expenses, including those above mentioned are not unreasonable, and that jurisdiction with respect thereto should be released:

It is hereby ordered, That the application-declaration, as amended, be granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved with respect to the subscription price of the common stock of Ohio and the results of competitive bidding pursuant to Rule U-50, and in respect of all fees and expenses, be, and the same hereby is, released, 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 accounting entries regarding the fees and expenses to be incurred in connection with the proposed transaction be, and the same hereby is, released with the exception of the accounting entries proposed to be made in connection with the compensation to be paid the underwriters, which jurisdiction shall be, and the same hereby is, continued to be reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-9217; Filed, Oct. 18, 1950; 8:47 a. m.]

[File No. 70-2486]

NORTHERN STATES POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October A. D. 1950.

Northern States Power Company ("the Company"), a Minnesota corporation which is a registered holding company and an operating utility company, having filed a declaration and an amendment thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-24, and U-50 promulgated thereunder, with respect to the following transaction:

The Company proposes to issue and sell at competitive bidding, pursuant to Rule U-50, 175,000 shares of its Cumulative Preferred Stock, without par value, to be designated as "Cumulative Preferred Stock, $____ Series" ("New Preferred Stock"). The dividend rate, not in excess of $4.50 per annum, and the price to the Company, not less than $100 nor more than $102.75 per share, will be determined by competitive bidding.

The proceeds from the sale of the New Preferred Stock will be added to the

general funds of the Company and used to provide part of the new capital required for the completion of the 1947–1951 construction program of the Company and its subsidiary companies. With the addition of such proceeds, it is expected that the Company's general funds, including those arising from earnings and reserves, will provide the cash required by it (a) for its expenditures under the construction program until the latter part of 1951; (b) to pay the bank loans in the aggregate principal amount of $10,000,000 which are due on or before March 7, 1951 and which were made on September 7, 1950 to supply current needs of the construction program; and (c) to purchase at par, from time to time during the balance of the year 1950, not to exceed 15,000 additional shares of Common Stock, of the par value of $100 each, of the Company's subsidiary Northern States Power Company ("Wisconsin Company"), a Wisconsin corporation, all of whose presently outstanding Common Stock (including 15,000 shares purchased during September 1950) is owned by the Company. It is estimated that this will enable the Wisconsin Company to carry on its portion of the construction program until the latter part of 1951.

The Company has submitted a summary of the system's construction program, which shows a total of $98,900,000 expended during 1947–1949 inclusive, with a total of $64,600,000 to be expended during 1950–1951 inclusive. The Company estimates that further financing of approximately $25,000,000, in addition to funds which will be available from reserves and earnings, will be necessary to finance the balance of the program and to replenish working capital. While no determination has been made as to the kind of securities which will be issued, the Company expresses the intention, contingent on economic and market conditions, to include in such financing a material amount of Common Stock.

The Company estimates that its expenses in connection with the proposed transaction will aggregate $75,000, including legal fees of $11,000 and accounting fees of $3,530, but excluding legal fees of $7,500 and incidental expenses of independent counsel to the underwriters, to be paid by the successful bidder.

It appearing to the Commission that the Public Service Commission of North Dakota, in which State approximately 8.5 percent of the Company's utility properties are located, has issued an order authorizing the issuance and sale of the New Preferred Stock as proposed, and that no other State commission has jurisdiction over the transaction; and

The Commission finding with respect to the declaration as amended that the requirements of section 7 of the act are satisfied and that there is no basis for imposing terms and conditions other than those hereinafter stated, and the Commission deeming it appropriate to grant declarant's request that the notice period under Rule U-50 be reduced to not less than 6 days and that the order herein be effective upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be and the same hereby is permitted to become effective forthwith, and that the notice period under Rule U-50 be reduced to not less than 6 days, subject to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

1. That the proposed issuance and sale of the New Preferred Stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a part of the record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

2. That jurisdiction be and hereby is reserved with respect to legal and accounting fees to be paid in connection with the proposed transaction.

By the Commission.

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

[F. R. Doc. 50–9216; Filed, Oct. 18, 1950; 8:46 a. m.]

[File Nos. 70–2494, 70–2420]

WASHINGTON WATER POWER CO. ET AL.

NOTICE OF FILING AND ORDER PERMITTING WITHDRAWAL OF JOINT APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of October A. D. 1950.

In the matter of The Washington Water Power Company, File No. 70–2494; American Power & Light Company, The Washington Water Power Company, File No. 70–2420.

Notice is hereby given that The Washington Water Power Company ("Washington"), an electric utility subsidiary of American Power & Light Company, a registered holding company, has filed an application with this Commission under the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (b) and 7 of said act as applicable to the following transactions proposed in said application.

Washington's construction program calls for the expenditure of $4,509,000 during the year 1950 and $3,750,000 during the year 1951. The company estimates that in order to meet the foregoing estimated expenditures it will need additional financing to provide cash from outside sources of approximately $2,600,000 in 1950 and approximately $1,750,000 in 1951. Pursuant to this Commission's order dated August 2, 1949 (File No. 70–2181), Washington was authorized to borrow from Spokane and Eastern Branch of Seattle-First National Bank or other banks not to exceed $4,500,000, such loans evidenced by promissory notes to mature not later than November 1, 1950. As of the date of the filing of the application herein Washington had, pursuant to such authorization, borrowed $3,200,000 of the $4,500,000 commitment at an interest rate of 2 percent.

Pending permanent financing Washington proposes to increase the amount authorized to be borrowed from Spokane and Eastern Branch of Seattle-First National Bank or other banks from $4,500,000 to $7,150,000, all loans to be evidenced by promissory notes and to mature not later than October 31, 1951. Interest on all borrowings is to be at the rate of 2 percent per annum.

The application recites that the issuance and sale of the notes to banks will be solely for the purpose of financing the business of Washington and that the proposed transactions have been expressly authorized by the Washington Public Service Commission which is the State Commission of the state in which Washington is organized and doing business.

Notice is further given that any interested person may, not later than October 27, 1950, at 11:00 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 11:00 a. m., e. s. t., on October 27, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

American Power & Light Company ("American") and Washington having, on June 8, 1950, filed a joint application-declaration (File No. 70–2420) proposing, among other things, that advances not to exceed $6,500,000 be made by American to Washington and that the authority to borrow up to $4,500,000 from banks by Washington be continued in effect to November 1, 1951, the proceeds from said borrowings to be used to carry forward Washington's contemplated construction program and to retire 35,000 shares (100 percent) of Washington's $6 preferred stock; and

The Commission having received a written request on behalf of American and Washington for permission to withdraw said joint application-declaration and the Commission deeming it appropriate to grant such request (except to the extent that exhibits contained in said joint application-declaration have been incorporated by reference in the record relating to the pending application under File No. 70–2494) for the reason, among others, that the present record indicates that Washington has withdrawn its application to the Washington Public Service Commission for permission to borrow funds from American and that Commission has denied Washington permission to borrow funds to retire said preferred stock:

It is ordered, That the request made by American and Washington to with-

draw the joint application-declaration filed by the two companies with this Commission on June 8, 1950 (File No. 70–2420), be, and the same hereby is, granted, except as to those parts of the joint application-declaration which have been incorporated in File No. 70–2494 by reference.

By the Commission.

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

[F. R. Doc. 50–9215; Filed, Oct. 18, 1950; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 15180]

EIMU MIAKE

In re: Bank account owned by Eimu Miake, also known as E. Miake and as Eimu Miyake. D–39–17641–E–2.

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 Eimu Miake, also known as E. Miake, and as Eimu Miyake, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the State Savings and Loan Association, 239 Merchant Street, Honolulu, Hawaii, arising out of a savings investment stock account entitled E. Miake, maintained at the aforesaid association, 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, Eimu Miake, also known as E. Miake and as Eimu Miyake, 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 October 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–9179; Filed, Oct. 17, 1950; 8:47 a. m.]

[Vesting Order 15187]

CHUHEI ISHII

In re: Rights of Chuhei Ishii under insurance contract. File No. D–39–5165–H–3.

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 Chuhei Ishii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1 088 854, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Chuhei Ishii, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), 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 October 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–9233; Filed, Oct. 18, 1950; 8:50 a. m.]

[Vesting Order 15194]

NISABURO WATANABE

In re: Rights of Nisaburo Watanabe under Insurance Contract. File No. F–39–6747–H–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 Nisaburo Watanabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 58179, issued by the West Coast Life Insurance Company, San Francisco, California, to Nisaburo Watanabe, together with the right to demand, receive and collect said net proceeds, 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 October 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50–9236; Filed, Oct. 18, 1950; 8:50 a. m.]

[Vesting Order 15195]

KAROLINE WERB ET AL.

In re: Rights of Karoline Werb et al. under Insurance Contract. File No. F–28–30767–H–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 Karoline Werb, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Casper Zimmer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3 290 373, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Casper Zimmer, together with the right to demand, receive and collect said net proceeds, 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:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Casper Zimmer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on October 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9237; Filed, Oct. 18, 1950; 8:50 a. m.]

[Return Order 770]

IDA ERLANGER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ida Erlanger, Kew Gardens 15, New York; Claim No. 57404; September 6, 1950 (15 F. R. 6009); $763.14 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9240; Filed, Oct. 18, 1950; 8:51 a. m.]

[Return Order 771]

IGNAZ BERGENTHAL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, that the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ignaz Bergenthal, Amsterdam, Netherlands; Claim No. 36207; September 6, 1950 (15 F. R. 6009); $168.01 in the Treasury of the United States. 16 shares of no par value common A stock of General Aniline and Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4819, represented by Certificate No. 4174, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9241; Filed, Oct. 18, 1950; 8:51 a. m.]

[Return Order 769]

LUIGI GARBAGNATI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Luigi Garbagnati, Milan, Italy; Claims Nos. 41231, 42184; September 6, 1950 (15 F. R. 6010), $7,749.84 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9239; Filed, Oct. 18, 1950; 8:51 a. m.]

[Return Order 773]

MARIA FRANZONE DAMELE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, that the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maria Franzone Damele, Varazze, Italy; Claim No. 41024; September 8, 1950 (15 F. R. 6062); $3,726.52 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Maria Franzone Damele in and to the Estate of Stefano Damele, also known as Steve Damele, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9243; Filed, Oct. 18, 1950; 8:51 a. m.]

AGNES SCHMIDL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Agnes Schmidl, nee Korner, Durnstein-on-the-Danube 12, Lower Austria; Claim No. 40914; $499.00 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9244; Filed, Oct. 18, 1950; 8:51 a. m.]