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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

WAR CLAIMS COMMISSION

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the War Claims Commission, the Commission has decided that three positions of confidential secretary (one to each Commissioner) be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.150 is amended by the addition of paragraph (b) as follows:

§ 6.150 *War Claims Commission.*

* * *

(b) One private secretary or confidential assistant to each Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

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

[F. R. Doc. 49-7893; Filed, Sept. 29, 1949; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Hay and Pasture Seed Bulletin 1, Supp. 1]

PART 659—SEEDS

SUBPART—1949 HAY AND PASTURE GRASS SEED PURCHASE AGREEMENT PROGRAM

1949 CROP HAY AND PASTURE GRASS SEED PRICE SUPPORT BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 4658, 4659, and 4660, containing the requirements of the purchase agreement program on hay and pasture grass seed produced in 1949 are hereby supplemented as follows:

§ 659.91 *Packaging.* When delivered to CCC the seed shall be packaged in even-weight, net capacity, new bags of approved quality as described below:

(a) Alfalfa, alsike, ladino (certified), red, sweet, Hubam sweet, and white clover, common or Tenn. 76, Kobe, and sericea lespedeza, orchard grass (certified), timothy (certified), weeping and sand lovegrass and switchgrass:

Type	*Net capacity (pounds)*
(1) Tri-Sax (double seam):	
36-inch 7.5 oz. or heavier	100 or 60
40-inch 8.25 oz. or heavier	100 or 60
(2) Osnaburg (seamless or double seam):	
30-inch 7-ounce or heavier	100 or 60
(3) Seamless cotton 16-ounce	150

(b) Tall meadow fescue (certified), smooth brome (certified), Sudan (certified), and crested, slender and Western wheatgrass:

Type	*Net capacity (pounds)*
(1) Tri-Sax (double seam):	
36-inch 7.5 oz. or heavier	100
40-inch 7-ounce or heavier	100
(2) Osnaburg (seamless or double seam):	
30-inch 7-ounce or heavier	100
(3) Burlap or jute:	
10-ounce or heavier	100

(c) Big, little, and sand bluestem, blue and side-oats grama and natural component mixtures thereof where provided for, indiangrass and buffalo grass:

Type	*Net capacity (pounds)*
(1) Burlap or jute:	
10-ounce or heavier	50 or 30
(2) Tri-Sax or Osnaburg (double seam):	
36-inch 7.5 oz. or heavier	50 or 30
40-inch 8.25 oz. or heavier	50 or 30

§ 659.92 *Schedule of basic specifications and rates.* The rates at which purchases will be made shall be computed in accordance with the following Schedule of Basic Rates, Specifications and Discounts Applicable to 1949 Hay, Pasture and Range Grass Seed:

(Continued on p. 5959)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1949 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price	Basic specifications				Discount applicable for each percent below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
	Cents per lb.	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Hay and pasture:									
Alfalfa:									
Northern [3]	32	98	90	0.50	2.00	1.50	1.50	97	84
Central [4]	25	98	90	.50	2.00	1.50	1.50	97	84
Southern [5]	18	98	90	.50	2.00	1.50	1.50	97	84
Clovers:									
Alsike	25	98	90	.50	4.00	1.50	1.50	95	84
Ladino, certified	125	99	90	.50	2.50	1.50	1.50	97	85
Red	35	99	90	.50	2.00	1.50	1.50	97	84
Sweet	12	99	85	.50	2.00	1.50	1.50	97	80
Hubam sweet	8	99	85	.50	2.00	1.50	1.50	97	80
White (southern States)	45	98	90	.50	4.50	1.50	1.50	95	84
Lespedeza:									
Common or Tenn. 76	16	98	85	1.00	4.50	1.50	1.50	94	80
Kobe	12	98	85	1.00	4.50	1.50	1.50	94	80
Sericea (hulled and scarified)	15	98	85	1.00	3.00	1.50	1.50	96	80
Grasses:									
Smooth brome, certified	16	90	85	1.00	4.50	1.50	1.50	85	80
Wheatgrass:									
Crested	10	95	85	1.00	4.50	1.50	1.50	85	77
Slender	10	95	85	1.00	4.50	1.50	1.50	85	77
Western	10	80	80	1.00	4.50	1.50	1.50	75	72
Orchard, certified	15	90	85	1.00	4.50	1.50	1.50	85	80
Sudan, certified	5	98	85	.50	2.00	1.50	1.50	95	80
Timothy, certified	6	97	90	.50	1.00	1.50	1.50	95	80
Fescue, Tall Meadow, certified [6]	35	97	90	.50	4.50	1.50	1.50	95	80
Range grasses:									
Big bluestem	20	40	60	2.00	[7] 4.50	1.50	1.50	30	50
Little bluestem	20	55	60	2.00	[7] 4.50	1.50	1.50	45	45
Sand bluestem	25	40	60	2.00	[7] 4.50	1.50	1.50	25	45
Side oats grama	20	30	65	2.00	[7] 4.50	1.50	1.50	25	35
Blue grama	15	45	75	2.00	[7] 4.50	1.50	1.50	40	60
Buffalo grass	35	85	70	2.00	[7] 4.50	1.50	1.50	65	60
Switch grass	20	95	75	2.00	[7] 4.50	1.50	1.50	70	55
Weeping Lovegrass	50	99	87	.50	[7] 4.50	1.50	1.50	90	80
Sand lovegrass	50	99	60	.50	[7] 4.50	1.50	1.50	85	50
Indiangrass	25	75	70	2.00	[7] 4.50	1.50	1.50	70	65
Mixed bluestem	[8]	[8]	[8]	2.00	[7] 4.50	1.50	1.50	30	50
Mixed grama	[9]	[9]	[9]	2.00	[7] 4.50	1.50	1.50	25	55

[1] Live seed including hard seed.

[2] See attached supplement to this schedule for limitations on noxious weed seeds.

[3] The northern region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Nebraska, and eastward in counties which are north of, interseeted by, the 40th degree of latitude.

[4] The central region includes all the producing areas south of the northern region and north of the thirty-seventh degree of latitude (excluding California north of the thirty-seventh degree of latitude except the counties of Tahama, Plumas, and those counties north of the fortieth degree of latitude, but including all counties south of the thirty-seventh degree of latitude in Nevada, Missouri, Kentucky, and Virginia). Approved origin alfalfa seed in Oklahoma tagged and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the central region.

[5] The southern region includes all the producing areas south of the central region.

[6] Alta and Kentucky, 31 only.

[7] Not more than 1 percent sand dropseed.

[8] Purchases will be made at the respective rates on quantities of big bluestem, little bluestem, and sand bluestem in mixture; provided the mixture contains at least 30 percent of two or more of these seeds; not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than switchgrass, side oats grama, and indiangrass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

[9] Purchases will be made at the respective rates on quantities of blue grama and side oats grama in mixture; provided the mixture contains at least 25 percent of blue grama and side oats grama; not more than 1 percent of sand dropseed and not more than 5 percent of grass seeds other than Buffalo grass, bluestem, switchgrass, and indiangrass. The pure seed mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1949 HAY, PASTURE AND RANGE GRASS SEED

NOXIOUS WEED-SEED REQUIREMENTS

In addition to the prescribed eligibility requirements, seed must meet the following requirements with respect to noxious weed seed:

a. The seed shall not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is delivered to C. C. C.

b. In addition to a above, the seed shall not contain any of the following prohibited noxious weed seeds:

Common name	*Botanical name*
Austrian fieldcress	Rorippa austriaca.
Bindweed	Convolvulus arvensis.
Camelthorn	Alhagi (camelorum) pseudalhagi.
Canada thistle	Cirsium arvense.
Globepodded ballcress, whitetop	Cardaria pubescens.
Horsenettle	Solanum carolinense.
Johnson grass	Sorghum Halpense.
Leafy spurge	Euphorbia esula.
Nutgrass	Cyperus rotundus.
Perennial sowthistle	Sonchus arvensis.
Purple nightshade	Solanum elaeagnifolium.
Quackgrass	Agropyron repens.
Russian knapweed	Centaurea repens (picris).
Whitetop	Cardaria (Lepidium) draba.
Wild onion	Allium spp.

c. In addition to a and b above, the seed shall not contain any of the following noxious weed seeds in greater number singly or collectively, than the proportions shown below, using either the number or weight proportion as is reported on the analysis report:

(1) 1 noxious weed seed to 10,000 agricultural seeds, or 50 per pound:

Common name	*Botanical name*
Bermuda grass, devilgrass	Cynodon dactylon.
Bindweed, hedge	Convolvulus sepium.
Blue lettuce, chicory lettuce	Lactuca pulchella.
Chufa, nutgrass	Cyperus esculentus.
Dodder	Cuscuta spps.
Iberian star thistle	Centaurea iberica.
Marijuana	Cannabis sativa.
Perennial mustard, whitetop	Lepidium latifolium.
Poison Hemlock	Conium maculatum.
Poison milkweed	Asclepias galioides.
Poverty weed	Franseria discolor.
Puncturevine, caltrop	Tribulus terrestris.
St. Johnswort, Klamath weed	Hypericum perforatum.
Water hemlock	Cicuta maculata.
Western ragweed	Ambrosia psilostachya.
Wolly poverty weed	Franseria tomentosa.
Yellow star thistle	Centaurea solatitialis.
Yellow toadflax	Linaria vulgaris.

(2) 1 noxious weed seed to 5,000 agricultural seeds, or 100 to the pound:

Common name	*Botanical name*
Barberry	Berberis spps.
Barberry	Mahonia spps.
Black nightshade	Solanum nigrum.
Buffalo-bur	Solanum rostratum.
Butterprint, velvetweed	Abutilon theophrasti
Corncockle	Agrostemma githago.
Cutleaf nightshade	Solanum triflorum.
Daisy, oxeye, field daisy	Chythanthemum leucanthemum.
Deathweed, povertyweed	Iva axillaris.
Flowering spurge	Euphorbia corollata.
Hairy gaura	Gaura villosa.

Common name	*Botanical name*
Hairy nightshade	Solanum villosum.
Mustard, charlock, wild mustard	Brassica spps.
Perennial groundcherry	Physalis subglabrata.
Scarlet guara	Guara coccinea.
Scented guara	Guara odorata.
Shiny spurge	Euphorbia lucida.
Spreading dogbane	Apocynum androsaemifolium.
Texas blueweed	Helianthus ciliaris.
Wavy-leaved guara	Guara sinuata.
Yellowcress	Rorippa sylvestris.

(3) 1 noxious weed seed to 2,000 agricultural seeds or 200 per pound:

Common name	*Botanical name*
Chicory	Cichorium intybus.
Franseria Povertyweed	Franseria tenuifolia.
Giant ragweed	Ambrosia trifida.
Halogeton	Halogeton glomeratus.
Hoary alyssum	Berteroa incana.
Malta starthistle	Centaurea melitensis.
Smaller burdock, Clotbur	Arctium minus.
Purple Star thistle, Caltrops	Centaurea calcitrapa.
Wild Oat	Avena fatua.
Wild carrot	Daucus carota.
Wintercress, yellow rocket	Barbarea vulgaris.

(4) 1 noxious weed seed to 1,000 agricultural seeds or 300 per pound:

Common name	*Botanical name*
Alkali mallow	Sida hederacea.
Australian Burnweed, Fireweed	Erechtites prenanthoides
Austrian peaweed	Swainsona salsula.
Ball mustard	Neslia paniculata.
Bassia	Bassia hyssopifolia.
Bladder campion	Silene cucubalus.
Blueweed, Blue thistle	Echium vulgare.
Catchfly, night-blooming catchfly	Silene noctiflora.
Chess, Cheat	Bromus spp.
Cocklebur	Xanthium spp.
Common ragweed	Ambrosia artemisifolia.
Common sowthistle	Sonchus oleraceus.
Cowcockle, Cowherb	Saponaria vaccaria.
Crabgrass, small crabgrass	Digitaria ischaemum.
Crabgrass, crowfoot grass	Digitaria sanguinalis.
Curly indigo	Aeschynomene virginica.
Daisy fleabane	Erigeron strigosus.
Darnel	Lolium temulentum.
Dock, Sorrel	Rumex spp.
Field peppergrass	Lepidium campestre.
Field sandbur	Cenchrus pauciflorus.
Hares-ear-mustard	Conringia orientalis.
Hawkweed	Hieracium Spp.
Lanceleaf sage	Salvia (lanceolata) reflexa.
Littleseed falseflax	Camelina microcarpa.
Pennycress	Thlaspi arvense.
Perennial groundcherry	Physalis longifolia.
Plantain	Plantago Spp.
Prickly sowthistle	Sonchus asper.
Purple-flowered groundcherry	Quincula (Physalis) lobata.
Red rice	Oryza sativa.
Roemeria poppy	Roemeria refracta.
Russian thistle	Salsola kali var. tenuifolia.
Sticktight	Lappula echinata.
Tall indigo	Sesbania exaltata.
Tansy mustard	Sisymbrium irio.
Tansy mustard	Descurainia pinnata (sophia).
Tumble mustard	Sisymbrium altissimum.
White campion	Lychnis alba.
Whitetop fleabane	Erigeron annus.
Wild barley, Foxtail barley	Hordeum jubatum.
Wild barley, Squirrelgrass	Hordeum murinum.
Wild flax	Camelina sativa.
Wild morning-glory	Ipomoea Spp.
Wild radish	Raphanus raphanistrum.
Wire grass	Paspalum distichum.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., secs. 1 (d), 202, Pub. Law 897, 80th Cong.)

Issued this 26th day of September 1949.

[SEAL]

ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7886; Filed, Sept. 29, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

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

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR 900.1 et seq.), a public hearing was held February 23–25, and July 11, 1949, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area. The recommended decision (14 F. R. 5565) was made by the Assistant Administrator of the Production and Marketing Administration on September 7, 1949. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than October 1, 1949.

Any further delay in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the New Orleans, Louisiana, marketing area. The need for the said order is also disclosed by the aforesaid decision of the Acting Secretary of Agriculture which was executed on September 20, 1949. The provisions of the said order are well known to handlers—the public hearing having been held on February 23–25 and July 11, 1949, the recommended decision having been published in the FEDERAL REGISTER (14 F. R. 5565) September 10, 1949, and the final decision (14 F. R. 5838) having been executed by the Acting Secretary on September 20, 1949. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1949, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

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

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

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

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (June 1949), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete paragraph (b) of § 942.3 and substitute therefor the following:

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer pay roll for the delivery period, which shall show for each producer: (1) His total deliveries of milk, including for the delivery periods of April through September his total deliveries of base milk and excess milk, (2) the average butterfat content of such milk, and (3) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

2. Delete paragraphs (a) and (b) of § 942.5 and substitute therefor the following:

(a) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk received from such producers during each delivery period and classified as net pooled Class I skim milk and net pooled Class I butterfat, not less than the prices per hundredweight computed pursuant to this paragraph. In determining the Class I price for skim milk and butterfat for each delivery period the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used:

(1) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(2) Divide by 3 the sum of the 3 latest monthly indexes of department store sales in New Orleans adjusted for seasonal variations, as reported by the Federal Reserve Bank of Atlanta, with the years 1935–39 as the base period, and divide the result so obtained by 1.10.

(3) Compute an index of grain-labor costs in the New Orleans milkshed in the following manner:

(i) Divide by 0.5144 the average prices paid per ton by Louisiana farmers for all mixed dairy feed, as reported by the United States Department of Agriculture, and multiply by 0.6;

(ii) Divide by 0.0151 and 0.0144, respectively, the daily farm wage rates without board or room for the latest available month for Mississippi and Louisiana, as reported by the United States Department of Agriculture. Multiply by 0.4 the weighted average of the resulting totals. In computing the weighted average, weight Mississippi 0.25 and Louisiana 0.75.

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

(4) Divide by 3 the sum of the final results computed pursuant to the preceding subparagraphs of this paragraph. The result rounded to the nearest whole number shall be known as the formula index.

(5) Subject to the conditions set forth in subparagraphs (6), (7), and (11) of this paragraph, the minimum price for skim milk and butterfat received at a handler's plant located in the 61–70 mile zone shall be as follows:

(i) Multiply $2.59 by the formula index computed pursuant to subparagraph (4) of this paragraph: *Provided,* That for the delivery periods from the effective date hereof to and including February 1950, 22 cents shall be added to such resulting price.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (*a*) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (*b*) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (*c*) dividing such net amount by 0.96; and (*d*) rounding off to the nearest full cent.

(6) For any delivery period after September 1950, the Class I price shall be 22 cents more than the price prescribed in subparagraph (5) (i) of this paragraph if the total volume of producer milk received by all handlers during the preceding 5-month period of October through February was less than 110 percent of total Class I sales by all handlers during such period.

(7) For any delivery period after September 1950, the Class I price shall be 22 cents less than the price prescribed in subparagraph (5) (i) of this paragraph if the total volume of producer milk received by all handlers during the preceding 5-month period of October through February was more than 115 percent of total Class I sales by all handlers during such period.

(8) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to subparagraph (5) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles)	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(9) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(10) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from

producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(11) Notwithstanding the provisions of the preceding subparagraphs of this paragraph, the Class I prices for any of the delivery periods of April through June of each year shall not be higher than the Class I prices for the immediately preceding delivery period, and the Class I prices for any of the delivery periods of October through December of each year shall not be lower than the Class I prices for the immediately preceding delivery period.

3. Delete subparagraph (1) of paragraph (c) of § 942.5 and substitute therefor the following:

(1) The prices per hundredweight of skim milk shall be computed as follows: Deduct 4 cents from the average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, and multiply the result by 8.5.

4. Delete § 942.6 (b) and renumber § 942.6 (c) as § 942.6 (b).

5. Delete § 942.7 and substitute therefor the following:

§ 942.7 *Determination of uniform prices to producers*—(a) *Computation of the value of skim milk and butterfat for each handler.* (1) For each delivery period the market administrator shall compute for each handler the value of skim milk received by such handler from producers during such delivery period as follows:

(i) Multiply the pounds of "net pooled skim milk" in each class by the price of skim milk for such class and combine the resulting sums into one total;

(ii) Add to the value obtained in subdivision (i) of this subparagraph an amount determined by multiplying the pounds of skim milk subtracted pursuant to § 942.4 (f) (iv) by the appropriate class price; and

(iii) Add to or subtract from, as the case may be, the value obtained in subdivision (ii) of this subparagraph an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk for previous delivery periods, including in such amount the value of any skim milk reclassified pursuant to § 942.4 (c) (2).

(2) For each delivery period the market administrator shall compute for each handler the value of butterfat received by such handler from producers during such delivery period by making the same computations for butterfat as prescribed for skim milk in subparagraph (1) of this paragraph.

(b) *Computation of uniform price for each handler.* (1) For each of the delivery periods of October through March the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk received by such handler from producers as follows:

(i) Add to the value of skim milk computed pursuant to paragraph (a) (1) of this section an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (a) (8);

(ii) Subtract from the value of skim milk computed pursuant to subdivision (i) of this subparagraph an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (a) (8); and

(iii) Divide the value obtained pursuant to subdivision (ii) of this subparagraph by the hundredweight of "net pooled skim milk." This result shall be known as the uniform price per hundredweight for such handler of skim milk received from producers at plants located in the 61–70 mile zone.

(2) For each of the delivery periods of October through March the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of butterfat received by such handler from producers at plants located in the 61–70 mile zone by making the same computations for butterfat as prescribed for skim milk in subparagraph (1) of this paragraph.

(3) For each of the delivery periods of October through March the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone by combining the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Computation of the uniform price for base milk and excess milk for each handler.* For each of the delivery periods of April through September, the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of "base milk" and "excess milk" as follows:

(1) Combine into one total the values of skim milk and butterfat computed pursuant to paragraph (a) of this section;

(2) Subtract from the value obtained pursuant to subparagraph (1) of this paragraph, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add to such value, if such average butterfat content is less than 4.0 percent, an amount computed as follows:

(i) Multiply the amount by which the average butterfat content of base milk received from producers varies from 4.0 percent by the butterfat differential to producers for base milk, and multiply the result by the total hundredweight of base milk delivered by producers;

(ii) Multiply the amount by which the average butterfat content of excess milk received from producers varies from 4.0 percent by the butterfat differential to producers for excess milk, and multiply the result by the total hundredweight of excess milk delivered by producers; and

(iii) Add the results obtained in subdivisions (i) and (ii) of this subparagraph;

(3) Add to the value obtained pursuant to subparagraph (2) of this paragraph an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (a) (8);

(4) Subtract from the value obtained pursuant to subparagraph (3) of this paragraph an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (a) (8);

(5) Subject to the conditions set forth in subparagraph (6) of this paragraph, compute the total value of excess milk delivered by producers for such handler by multiplying the quantity of such milk by the Class III price for 4.0 percent milk;

(6) Compute the total value of base milk delivered by producers for such handler by subtracting the value computed pursuant to subparagraph (5) of this paragraph from the value computed pursuant to subparagraph (4) of this paragraph: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 942.5 (a) (5) (i) such value in excess thereof shall be added to the value computed pursuant to subparagraph (5) of this paragraph;

(7) Divide the result obtained in subparagraph (6) of this paragraph by the quantity of base milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "base milk" received from producers at plants located in the 61–70 mile zone; and

(8) Divide the result obtained in subparagraph (5) of this paragraph by the quantity of excess milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "excess milk" received from producers.

(d) *Announcement of prices.* (1) On or before the 6th day after the end of each delivery period, the market administrator shall notify all handlers and make public announcement of the Class II and Class III prices of skim milk and butterfat received from producers during the delivery period and on or before the 1st day of each delivery period, the market administrator shall make such notification and announcement of the

Class I price of skim milk and butterfat which may be received from producers during such delivery period.

(2) On or before the 10th day after the end of each of the delivery periods of October through March, the market administrator shall notify each handler and make public announcement of such handler's uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received by such handler from producers during the delivery period, and the butterfat differential applicable to such milk.

(3) On or before the 10th day after the end of each of the delivery periods of April through September, the market administrator shall notify each handler and make public announcement of such handler's uniform price per hundredweight for base milk and excess milk containing 4.0 percent butterfat received by such handler from producers during the delivery period, and the butterfat differentials applicable to such base and excess milk.

6. Delete § 942.8 and substitute therefor the following:

§ 942.8 *Payment for milk*—(a) *Time and method of payment.* (1) On or before the last day of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the first 15 days of the delivery period at not less than the price per hundredweight for Class III milk for the preceding delivery period.

(2) On or before the 15th day after the end of each of the delivery periods of October through March, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price per hundredweight computed for such handler pursuant to § 942.7 (b), subject to the location and butterfat differentials computed pursuant to paragraphs (b) and (c) of this section, less payment made pursuant to subparagraph (1) of this paragraph.

(3) On or before the 15th day after the end of each of the delivery periods of April through September, each handler shall make payment, after deducting the amount of payment made pursuant to subparagraph (1) of this paragraph, to each producer for milk received from such producer by such handler during the delivery period as follows: (i) At not less than the uniform price per hundredweight for base milk computed pursuant to § 942.7 (c) for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to paragraph (b) (3) of this section and the location differential set forth in paragraph (c) of this section; and (ii) at not less than the uniform price per hundredweight for excess milk computed pursuant to § 942.7 (c) for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to paragraph (b) (2) of this section.

(b) *Butterfat differentials.* If any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler in making payments pursuant to paragraph (a) of this section, shall add to the uniform price of milk, base milk, or excess milk, as the case may be, for each 1/10 of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or shall deduct from the uniform price of milk, base milk, or excess milk, as the case may be, for each 1/10 of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, the following amount computed to the nearest 1/10 cent;

(1) For each of the delivery periods of October through March, the butterfat differentials applicable with respect to such handler's payments for milk shall be computed by subtracting his uniform price per hundredweight of skim milk from his uniform price per hundredweight of butterfat and dividing the result by 1,000.

(2) For each of the delivery periods of April through September, the butterfat differential applicable with respect to such handler's payments for excess milk shall be computed by subtracting the price per hundredweight of Class III skim milk from the price per hundredweight of Class III butterfat and dividing the result by 1,000.

(3) For each of the delivery periods of April through September, the butterfat differential applicable with respect to such handler's payments for base milk shall be computed in a manner similar to subparagraph (1) of this paragraph.

(c) *Location differentials.* Each handler, in making payments prescribed in paragraph (a) of this section, shall adjust the uniform price of base milk during the delivery periods of April through September and of all milk during the delivery periods of October through March for each producer with respect to all such milk received from such producer at a plant of the handler not located in the 61–70-mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (a) (8).

(d) *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

7. Add a new section to read as follows:

§ 942.15 *Base rating*—(a) *Determination of base.* For each of the delivery periods of April through September of each year, the base of each producer shall be a quantity of milk calculated, by the handler who receives milk from such producer, in the following manner, subject to verification by the market administrator: Multiply the daily base of such producer with such handler by the number of days for which such producer's milk was delivered to such handler during the delivery period.

(b) *Base period.* For the delivery periods of April through September of each year, the base period shall be the immediately preceding six-month period of October through March.

(c) *Determination of daily base.* For the delivery periods of April through September of each year, the daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base period, subject to verification by the market administrator, as follows: Divide the total pounds of milk received from such producer during the base period by the number of days in the base period.

(1) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(2) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(3) Base may be transferred only under the following conditions: (i) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations, and (ii) in the case of retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operation.

(4) The entire daily base of a producer with a handler may be moved from such handler to another handler.

(e) *Announcement of established bases.* On or before the 20th day after the end of the base period, each handler shall notify each producer from whom he received milk during the base period of his established base and post publicly the base of such producers.

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

Issued at Washington, D. C., this 28th day of September 1949 to be effective on and after October 1, 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-7954; Filed, Sept. 29, 1949; 10:16 a. m.]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

DESIGNATION OF AN ADDITIONAL RAILROAD ASSEMBLY POINT

Notice is hereby given of the approval by the Secretary of Agriculture of the designation by the Industry Committee (established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Part 951; 14 F. R. 440), regulating the handling of Tokay grapes grown in the State of California) of a railroad concentration point at Roseville, California, as a railroad assembly point

in addition to those listed in § 951.101 (c) of the rules and regulations (7 CFR § 951.100 et seq.) of said committee. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) regulation of daily shipments of Tokay grapes is currently effective under Tokay Grape Order 2, as amended (7 CFR 951.305; 14 F. R. 5341, 5535); (2) the designation of said additional railroad assembly point should be approved immediately so that shippers who desire to do so may make use of such assembly point during the period of such regulation; and (3) the designation of this additional railroad assembly point does not impose any restriction on shippers of Tokay grapes.

Wherefore, the following amendment of paragraph (c) of § 951.101 *Definitions* of said rules and regulations is hereby approved:

Amend § 951.101 (c) to read as follows:

(c) "Railroad assembly points" means the railroad concentration points designated as follows:

Southern Pacific Railroad

(1) Colton.
(2) Gerber.
(3) Colfax.
(4) Roseville.

Western Pacific Railroad

(1) Stockton.
(2) Portola.

Santa Fe Railroad

Bakersfield.

(48 Stat. 31, as amended; 7 U. S. C. and Sup. 601 et seq.; 7 CFR, Part 951, 14 F. R. 4407)

Done at Washington, D. C., this 27th day of September 1949.

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

[F. R. Doc. 49-7885; Filed, Sept. 29, 1949; 8:49 a. m.]

PART 961—MILK IN PHILADELPHIA, PA., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, hereinafter referred to as the "order", *It is hereby found and determined*, That:

(1) The provisions appearing in § 961.4 (a) (1) of the order, excepting the provisions "Class I milk * * * the price shall be at least $5.90 * * * per hundredweight", do not tend to effectuate the declared policy of the act with respect to milk received from producers during the months of October and November 1949.

(2) In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable, unnecessary, and contrary to the public interest in that it is imperative to issue this suspension order immediately to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the Philadelphia, Pennsylvania, marketing area. The changes effected by this suspension do not require of persons affected substantial or extensive preparation prior to its effective date. The time intervening between the date of this suspension and its effective date affords the persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the provisions appearing in § 961.4 (a) (1) of the order, excepting the provisions "Class I milk * * * the price shall be at least $5.90 * * * per hundredweight", be and hereby are suspended during the months of October and November 1949.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 27th day of September 1949.

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

[F. R. Doc. 49-7887; Filed, Sept. 29, 1949; 8:50 a. m.]

PART 997—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

ORDER REGULATING HANDLING

Sec.
997.0 Findings and determinations.
997.1 Definitions.
997.2 Filbert Control Board.
997.3 Control of distribution.
997.4 Withholding of surplus.
997.5 Disposition of surplus.
997.6 Reports and books and records.
997.7 Expenses and assessments.
997.8 Personal liability.
997.9 Separability.
997.10 Derogation.
997.11 Duration of immunities.
997.12 Agents.
997.13 Effective time, termination or suspension.
997.14 Effect of termination or amendment.
997.15 Amendments.

AUTHORITY: §§ 997.0 through 997.15 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 208, 707; 63 Stat. 282; 7 U. S. C. 601 et seq.

§ 997.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 63 Stat. 282), and in accordance with the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.), a public hearing was held at Portland, Oregon, August 15 through 18, 1949, upon a proposed marketing agreement and a proposed marketing order regulating the handling of filberts grown in Oregon and Washington. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order is applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of the said commodity in the production area covered by this order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order, is the smallest regional production area which is practicable consistently with carrying out the declared policy of the act;

(5) The handling of all unshelled filberts grown in Oregon and Washington is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce; and

(6) It is hereby found and proclaimed that the purchasing power of filberts during the August 1909–July 1914 base period specified in section 2 (1) of the act cannot be determined satisfactorily from available statistics of the United States Department of Agriculture; but that the purchasing power of filberts can be determined for the period August 1927 though July 1929, such being the only portion of the August 1919–July 1929 base period specified in section 8e of the act for which such determination can be made satisfactorily from available statistics of the United States Department of Agriculture, and the period last referred to (i. e., August 1927 through July 1929) is the base period to be used in connection with the determination of the purchasing power of filberts under this order.

(b) *Additional findings.* For the reasons which were set forth in the decision (14 F. R. 5654) issued by the Secretary of Agriculture on September 12, 1949, in connection with this program, and particularly in the discussion of issues (2) (14 F. R. 5654) and (4) (14 F. R. 5666) thereunder, showing the urgent necessity of making this program effective not later than October 1, 1949, it is hereby found and determined, in view of the facts and circumstances set forth in said decision, that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER, or to any time later than October 1, 1949 (see section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of filberts grown in Oregon and Washington, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping filberts covered by this order) who handled not less than 50 percent of the volume of such filberts covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1948, through July 31, 1949), produced filberts in these States for market, such producers having also produced at least two-thirds of the volume of filberts represented in such referendum.

Order relative to handling. It is, therefore, hereby ordered that the handling of filberts grown in Oregon and Washington shall, from the effective time hereof, be in conformity to, and in compliance with, the terms and provisions of the following order:

§ 997.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.; 63 Stat. 282).

(c) "Person" means an individual, partnership, corporation, association, c any other business unit.

(d) "Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus Corylus.

(e) "Unshelled filberts" means filberts the kernels of which are contained in the shell.

(f) "Merchantable filberts" means all unshelled filberts meeting the pack specifications and minimum standards of quality prescribed pursuant to § 997.3 (a).

(g) "Area of production" means the States of Oregon and Washington.

(h) "Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity, in the commercial production of filberts.

(i) "Handler" means any packer or distributor of unshelled filberts handling not less than 250 pounds of filberts during any fiscal year.

(j) "Packer" means any person who packs and handles unshelled filberts.

(k) "Distributor" means any person other than a packer who handles unshelled filberts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

(l) "Cooperative handler" means any handler which is a cooperative marketing association regardless of where or under what laws it may be organized.

(m) "Sheller" means any person engaged in the business of shelling filberts for any commercial purpose.

(n) "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable filberts, packed in accordance with the pack specifications prescribed pursuant to § 997.3 (a).

(o) "To pack" means to bleach, clean, grade, or otherwise prepare filberts for market as unshelled filberts in any manner whatsoever.

(p) "To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof: *Provided,* That such sales or deliveries by growers to a packer for packing or a sheller for shelling or to a distributor within the production area, shall not be considered as handling.

(q) "Federal-State Inspection Service" means that inspection service on filberts which is performed within the States of Oregon and Washington by the United States Department of Agriculture or by said Department under a ccoperative arrangement with either of such States pursuant to authority contained in any act of Congress.

(r) "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive, except that the fiscal year ending July 31, 1950, shall begin on the effective date hereof.

(s) "Handler carryover" as of any given date means all merchantable filberts (except merchantable filberts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable filberts in ungraded lots then held by handlers and intended for packing as merchantable filberts.

(t) "Trade carryover" means all merchantable filberts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store or supermarket trade, exclusive of filberts in retail outlets, as of any given date.

(u) "Trade demand" means the quantity of merchantable filberts which the wholesale, chain store and supermarket trade will acquire from all handlers during a fiscal year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone; except that there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever the board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States.

(v) "Control board" or "board" means the Filbert Control Board established pursuant to § 997.2.

§ 997.2 *Filbert Control Board*—(a) *Membership.* (1) A control board consisting of seven members, with an alternate member for each such member, is hereby established. The original members and their respective alternates, to hold office for a term ending with the first Monday in April 1950, and until their successors shall be selected and shall qualify, shall be selected by the Secretary: (i) From each of the six groups specified in subparagraph (2) of this paragraph, and (ii) the seventh member and his alternate from persons who are not members of any of the groups described in subparagraph (2) of this paragraph. The nominating procedure prescribed in paragraph (b) of this section shall not be followed for the selection of the initial board.

(2) The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One member and one alternate member shall be selected from nominees submitted by each of the following groups, or from among other qualified persons belonging to such groups:

(i) The cooperative handlers;

(ii) All handlers, other than the cooperative handlers;

(iii) The group of cooperative handlers or the group of other than cooperative handlers, whichever during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers;

(iv) Those growers of filberts who market their filberts through cooperative handlers;

(v) All other growers of filberts;

(vi) Those growers whose filberts were marketed during the preceding fiscal year through the handler group specified in subdivision (iii) of this subparagraph.

The seventh member and his alternate shall be selected after the selection of the first six members as provided for in this subparagraph and after opportunity for such six members to nominate a seventh member and his alternate, who shall not be members of any of the six groups described in this subparagraph.

(b) *Nominations for successor members and alternates.* Each of the six groups specified in paragraph (a) of this section may nominate one person as member and one person as alternate; and the six members first selected by the Secretary may nominate, by majority vote, one person as member and one person as alternate for that member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the control board to all handlers in such group whose pack for the preceding fiscal year is on record with the control board. Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballot cast by each such cooperative handler for its grower patrons. Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal newspapers in the filbert-producing areas in Oregon and Washington. Such releases shall provide pertinent information, including the names of incumbents and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative growers, shall be weighted according to the ton-

nage of merchantable filberts (computed to the nearest whole ton in case of fractions) recorded by the control board as certified for handling by the handler or for the cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight. Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before March 20 of each fiscal year, together with a certificate of all necessary tonnage data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination. If nominations for the seventh member or his alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

(c) *Qualification.* Any person selected as a member or alternate of the control board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him and who thereafter ceases to be such a member or employee shall thereupon become disqualified to serve further and his position on the control board shall be deemed vacant.

(d) *Alternates.* (1) An alternate for a member of the control board shall act in the place and stead of such member (i) in his absence, or (ii) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(2) In the event any member of the control board and his alternate are both unable to attend a meeting of the control board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this paragraph a cooperative handler group and a cooperative grower group shall be considered the same group.

(e) *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected in the manner provided in paragraph (b) of this section, so far as applicable, within 30 days after such vacancy occurs.

(f) *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

(g) *Powers.* The control board shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof;

(4) To recommend to the Secretary amendments hereto.

(h) *Duties.* The duties of the control board shall be among other things as follows:

(1) To act as intermediary between the Secretary and any handler or grower;

(2) 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;

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

(4) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(5) To cause the books of the control board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the control board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(6) To investigate the growing, shipping, and marketing conditions with respect to filberts and to assemble data in connection therewith.

(i) *Procedure.* (1) The members of the control board 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 board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(2) All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of five members shall be required to constitute a quorum.

(3) The control board may vote by mail or telegram upon due notice to all members: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption by that method.

(4) The members of the control board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the control board 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.

§ 997.3 *Control of distribution*—(a) *Pack specifications and minimum standards.* In order to effectuate the declared policy of the act, and except as otherwise provided in paragraph (d) of this section, no handler shall handle any unshelled filberts except those which have been certified by the control board as merchantable filberts. Unless and until modified by the Secretary, after consideration of the control board's recommendations, and other available pertinent data, unshelled filberts shall be deemed to be merchantable if they meet the following requirements: (1) as to pack specifications, such filberts shall be "U. S. No. 1, Jumbo," "U. S. No. 1, Large," "U. S. No. 1, Medium," as now defined in United States Standards for filberts in the shell (13 F. R. 4623), except that the portion of the tolerance provision in the U. S. No. 1 grade, for grade requirements, other than for type and size, reading "not more than five percent shall be allowed for blanks" shall not be applicable; and (2) as to minimum standards of quality, shall be U. S. No. 1 grade as defined in the aforementioned standards, with the aforesaid modified tolerance as to blanks, and the lower limit of medium size as defined in such United States Standards for Filberts in the Shell. The aforementioned pack specifications, including the minimum standards of quality for unshelled filberts may be amended, or modified, at any time that it appears that such action would tend to effectuate the declared policy of the act, in which event unshelled filberts desired to be certified must meet such amended or modified minimum standards in order to be considered as merchantable. The provisions hereof relating to minimum standards of quality and the grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for filberts is in excess of the parity level specified in section 2 (1) of the act.

(b) *Certification of merchantable filberts.* Every handler, at his own expense, shall obtain a certificate for each lot of merchantable filberts handled or to be handled by him and for each lot of surplus merchantable filberts. Said certificates shall be obtained from the Federal-State Inspection Service. All such certificates shall show, in addition to such other requirements as the control board may specify, the identity of the handler, if for export, the country of destination, the quantity and pack of merchantable filberts in such lot, markings, if any, on the containers including brands or labels, and that the filberts covered by such certificate conform to the pack specifications and minimum standards of quality prescribed pursuant to paragraph (a) of this section. All lots so inspected and certified shall be iden-

tified by appropriate seals, stamps or tags to be affixed to the containers by the handler under the direction and supervision of the control board or of the Federal-State Inspection Service.

(c) *Copies of certificates.* The inspector shall furnish to the control board as many copies of each such certificates as it may request.

(d) *Filberts for packing and shelling.* Nothing contained herein shall be construed to prevent any person from selling or delivering, within the area of production, unshelled filberts, other than merchantable filberts, to any packer for packing or sheller for shelling.

§ 997.4 *Withholding of surplus*—(a) *Salable and surplus percentages.* The salable and surplus percentages of merchantable filberts for each fiscal year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act: *Provided,* That the initial salable percentage for the first fiscal year ending July 31, 1950, shall be 75 percent and the surplus percentage shall be 25 percent. In fixing subsequent salable and surplus percentages, the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable filberts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus), the recommendations submitted to him by the control board, and such other pertinent data as he deems appropriate. The total of the salable and surplus percentages fixed each fiscal year shall equal 100 percent.

(b) *Increase of salable percentage.* At any time prior to February 15 of any fiscal year, the Secretary may, on request of the control board (or if the control board shall fail so to request, on request of two or more packers who have handled during the immediately preceding fiscal year at least ten percent of the total tonnage handled by all packers during such fiscal year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable filberts available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

(c) *Estimated carryover, trade demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the board shall furnish to the Secretary, not later than August 15 of each fiscal year, the following estimates and recommendation, each of which shall be adopted by at least a majority vote of the entire control board:

(1) Its estimate of the quantity of merchantable filberts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1;

(3) Its estimate of trade carryover as of August 1;

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carryover at the beginning and end of the fiscal year;

(5) Its recommendations as to the salable and surplus percentages to be fixed. The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted.

(d) *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage. Such percentage shall be announced by the Secretary and, in its computation, may be adjusted by the Secretary to the nearest whole number. The initial withholding percentage for the first fiscal year ending July 31, 1950, shall be 33 percent.

(e) *Withholding of surplus merchantable filberts.* No handler shall handle unshelled filberts unless prior to or upon the shipment thereof (except as otherwise provided in paragraph (f) of this section) he shall have withheld from handling a quantity of merchantable filberts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him: *Provided,* That this provision shall not apply to any lot of filberts for which the surplus obligation has been met by a previous holder . The quantity of filberts hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The merchantable filberts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(f) *Postponement of withholding surplus upon filing bond.* (1) Compliance by any packer with the requirements of paragraph (e) of this section as to the time when surplus filberts shall be withheld shall be deferred to any date desired by the packer, but not later than December 31 of the fiscal year, upon the voluntary execution and delivery by such packer to the control board, before he handles any merchantable filberts of such fiscal year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by paragraph (e) of this section.

(2) Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred surplus obligation. The bonding value shall be the deferred surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(3) Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of packers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such packer.

(4) Any sums collected through default of a packer on his bond shall be used by the control board to purchase, from packers, as provided herein, a quantity of merchantable filberts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met and at the bonding rate for each pack. The control board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(5) Any unexpended sums, which have been collected by the control board through default of a packer on his bond, remaining in possession of the control board at the end of a fiscal year shall be used to reimburse the board for its expenses including administrative and other costs incurred in the collection of such sums and in the purchase of merchantable filberts as provided in subparagraph (4) of this paragraph. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of merchantable filberts handled or certified for handling by them during the fiscal year in which the default occurred.

(6) Filberts purchased as provided in this paragraph shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of filberts to be delivered to each packer to the total quantity purchased by the control board with bonding funds.

(7) Collection upon any bond or bonds filed pursuant to the provisions of this paragraph shall be deemed a satisfaction of the surplus obligation represented by such collection: *Provided,* That the filberts purchased by the control board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in § 997.5 for the disposal of surplus.

(g) *Interhandler transfers for surplus.* For the purpose of meeting his surplus obligation, any handler may upon notice to and under the supervision and direction of the control board, acquire from another handler merchantable filberts with respect to which the surplus has not been withheld, and any surplus obligation with respect to any filberts so transferred shall be waived. If any such sales are made from filberts on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly upon proof satisfactory to the control board that the purchaser is withholding such filberts as surplus.

(h) *Assistance of control board in accounting for surplus.* The control board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring merchantable filberts to meet any deficiency in a handler's surplus, or in accounting for and disposing of surplus filberts.

(i) *Application of salable, surplus, and withholding percentages, and bonding rates, after end of fiscal year.* (1) The salable, surplus, and withholding percentages established for any fiscal year shall continue in effect with respect to all filberts, for which the surplus obligation has not been previously met, which are handled or certified for handling by any handler after the end of such fiscal year and before salable, surplus, and withholding percentages are established for the succeeding fiscal year. After such percentages are established for the new fiscal year, the withholding requirements for all such filberts theretofore handled or certified for handling during that fiscal year shall be adjusted to the newly established percentages.

(2) The bonding rates established for any fiscal year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to paragraph (f) of this section, before the bonding rates for the new fiscal year are established. After such bonding rates are established for the new fiscal year, the new rates shall be applicable and any bond or bonds theretofore given for that fiscal year shall be adjusted to the new rates.

(j) *Exchange of surplus filberts.* Any handler who has withheld surplus filberts pursuant to the requirements of paragraph (e) of this section and has had same certified as surplus filberts may exchange therefor an equal quantity, by weight, of other merchantable filberts. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the filberts involved.

(k) *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus and withholding percentages, the surplus obligation of each handler with respect to the filberts handled by him for the entire fiscal year shall be recomputed in accordance with such revised salable, surplus, and withholding percentages. From the surplus filberts still held by a handler and from such surplus filberts that may have been delivered by him to the control board pursuant to § 997.5 (b), and still held by the control board, the handler shall be permitted to select, under the supervision and direction of the control board, the particular surplus filberts to be restored to his salable percentage.

§ 997.5 *Disposition of surplus*—(a) *Prohibition against handling of surplus.* Except as provided in paragraphs (b) and (c) of this section, or for any use other than for distribution as unshelled filberts in established trade channels, surplus filberts withheld pursuant to the requirements of § 997.4 (e) shall not be handled by any person as unshelled filberts.

(b) *Disposition of surplus by export.* Sales of surplus filberts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part or all of his surplus filberts shall deliver to the control board his surplus to be exported; but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose surplus filberts are so sold by the board.

(c) *Disposal of surplus for shelling.* (1) Any handler may shell his surplus filberts or deliver them for shelling to an authorized sheller.

(2) Any person who desires to become an authorized sheller in any fiscal year may submit an application to the control board. Such application shall be granted only upon condition that the applicant agrees:

(i) To use such surplus filberts as he may receive for no purpose other than shelling;

(ii) To dispose of or deliver such surplus filberts, as unshelled filberts, to no one other than another authorized sheller;

(iii) To comply fully with all laws and regulations applicable to the shelling of filberts;

(iv) To report to the control board, immediately upon receipt of any lot of surplus filberts, the quantity and pack of the filberts so received and the identity of the person from whom received, and within 15 days after the disposition of such filberts, to report their disposition to the control board. All such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

The board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the fiscal year during which it is issued by the Board.

§ 997.6 *Reports and books and records*—(a) *Reports of handler carryover.* Each handler, on or before August 5 and January 15 of each fiscal year, shall file with the control board a written report, under oath, of all merchantable filberts (except filberts held as surplus) including the estimated quantity of merchantable filberts in ungraded lots intended for packing as merchantable filberts, by him held on the first day of August and the first day of January, respectively, showing the pack (if merchantable), and location thereof and the quantities:

(1) Which theretofore have been certified for handling, and on which the surplus obligation has previously been met;

(2) Which have been packed as merchantable filberts, but have not been certified; and

(3) Which are estimated as merchantable, but have not been packed as merchantable filberts and are intended for packing as merchantable filberts.

(b) *Reports of disposition of surplus.* (1) Each handler, before he disposes of any quantity of surplus filberts held by him, shall file with the control board a report of his intention to dispose of such quantity of surplus filberts. This report shall be filed not less than five days prior to the date on which the surplus filberts are disposed of unless the five-day period is expressly waived by the control board.

(2) Each handler, within 15 days after the disposition of any quantity of surplus filberts, shall file with the control board a report of the actual disposition of such quantity of surplus filberts. Such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(3) Each handler, from time to time, on demand of the control board, shall file with the board a report of his holdings of surplus filberts as of any date specified by the board. Such report, at the request of the control board, may be in the form of a confirmation of the records of the control board of such handler's holdings. Such report shall be certified to the control board and to the Secretary as to its correctness and accuracy.

(4) All reports required by this paragraph of this section shall show the quantity, pack, and location of the filberts covered by such reports, and in the case of reports required by subparagraphs (1) and (2) of this paragraph, the applicable handler's storage lot and inspection certificate numbers, and the disposition of the surplus which is intended or which has been accomplished.

(c) *Other reports.* Upon request of the control board, made with the approval of the Secretary, every handler

shall furnish to the board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein), such other information as will enable the control board to perform its duties and to exercise its powers hereunder.

(d) *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the control board, through its duly authorized agents, shall have access to the handler's premises wherever filberts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any filberts so held by such handler and any and all records of the handler with respect to the holding or disposition of all filberts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board may make of such handler's holdings of any filberts. Every handler shall store surplus filberts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to control board certificates of respective lots of all such filberts held or theretofore disposed of.

(e) *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by, and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this paragraph, information may be disclosed to the board when reasonably necessary to enable the board to carry out its functions hereunder.

§ 997.7 *Expenses and assessments*—(a) *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the control board as to the expenses for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 15 of the fiscal year in connection with which such recommendation is made: *Provided*, That such submission for the first fiscal year shall be made within 15 days after the effective date hereof. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler shall pay to the control board on demand by the control board, from time to time, the sum of two-tenths of a cent for each pound of merchantable filberts certified for him, including those certified for handling and also those certified for surplus. At any time during or after a fiscal year, the Secretary may increase the rate of assessment to apply to all filberts certified for handling or surplus, during such fiscal year including those certified in said fiscal year prior to the date of such increase, to secure sufficient funds to cover the expenses authorized by paragraph (a) of this section or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid by the handler on demand. At the end of any fiscal year for which the assessment rate may be increased by the Secretary, the rate shall revert to two-tenths of a cent a pound.

(2) Any money collected as assessments during any fiscal year and not expended in connection with the respective fiscal year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions hereof. Such excess funds may be used by the control board during the period of four months subsequent to such fiscal year in paying the expenses of the control board incurred in connection with the new fiscal year. The control board shall, however, from funds on hand, including assessments collected during the new fiscal year, distribute or make available, within five months after the beginning of the new fiscal year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said fiscal year.

(3) Any money collected from assessments hereunder and remaining unexpended in the possession of the control board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

§ 997.8 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.9 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.10 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

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

§ 997.13 *Effective time, termination or suspension*—(a) *Effective time.* The provisions hereof, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the control board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations im-

posed upon the members of the said board and upon said joint trustees.

§ 997.14 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 997.15 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the control board.

Issued at Washington, D. C., this 27th day of September 1949, to be effective on and after 12:01 a. m. P. s. t., October 1, 1949.

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

[F. R. Doc. 49-7888; Filed, Sept. 29, 1949; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 12]

PART 60—AIR TRAFFIC RULES

DANGER AREAS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.13-1, as follows:

1. The San Miguel Island, California, area is amended by changing the "Description by Geographical Coordinates" column to read: "N. boundary: lat. 34°05'30" N.; E. boundary: long. 120°16'00" W.; S. boundary: lat. 33°57'00" N.; W. boundary: long. 120°28'30" W."

2. The Chassahowitzka Bay, Florida, area is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 28°53'00" N, long. 82°45'00' W.; due S. to lat. 28°43'00" N.; due W. to a point 3 nautical miles from the shoreline at long. 82°47'00" W.; thence northerly paralleling the shoreline at a distance of 3 nautical miles to lat. 28°53'00" N., long. 82°46'00" W.; due E. to lat. 28°53'00" N., long. 82°45'00" W., point of beginning."

3. The Chincoteague Inlet, Virginia, area is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 37°56'45" N., long. 75°27'30" W.; SE. to a point 3 nautical miles from the shoreline at lat. 37°51'25" N., long. 75°16'50" W.; thence southerly 3 nautical miles from and parallel to the shoreline to lat. 37°35'00" N., long. 75°32'20" W.; due W. to long. 75°37'00" W.; to lat. 37°45'00" N., long. 75°32'30" W.; due N. to lat. 37°51'00" N.; to lat. 37°56'45" N., long. 75°27'30" W., point of beginning."

4. The Yakima, Washington, area is amended to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Yakima (Seattle and Spokane Charts).	Beginning at lat. 46°51'00" N., long. 119°58'00" W.; southerly following the W. shore of the Columbia River to lat. 46°39'00" N., long. 119°55'30" W.; due S. to lat. 46°33'00" N.; due W. to long. 120°13'45" W.; NW. to lat. 46°39'00" N., long. 120°26'38" W.; due N. to lat. 46°43'00" N.; NNE. to lat. 46°51'00" N., long. 120°21'30" W.; due E. to long. 120°16'30" W.; NNE. to lat. 46°54'30" N., long. 120°15'00" W.; clockwise along the arc of a circle with a radius of 12 miles centered at lat. 46°44'45" N., long. 120°20'00" W. to lat. 46°51'00" N., long. 120°08'30" W.; due E. to lat. 46°51'00" N., long. 119°58'00" W., point of beginning.	Unlimited.....	Continuous...	6th Army San Francisco, Calif.

5. The Attu Island, Alaska, listings are amended by changing the "Description by Geographical Coordinates" column to read: (1) Beginning at lat. 53°30'00" N, long. 174°00'00" E.; S. to lat. 53°10'00" N.; W. to long. 173°35'00" E.; N. to lat. 53°30'00" N.; E. to lat. 53°30'00" N., long. 174°00'00" E., point of beginning. (Center of area: lat. 53°20'00" N., long. 173°47'15" E.) (2) Beginning at lat. 52°40'00" N., long. 173°10'00" E.; S. to lat. 52°30'00" N.; W. to long. 172°55'00" E.; N. to lat. 52°40'00" N.; E. to lat. 52°40'00" N., long. 173°10'00" E., point of beginning. (Center of area: lat. 52°34'15" N., long. 173°02'00" E.)

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a); Reorg. Plans III and IV of 1940, 5 F. R. 2107, 2421; 3 CFR, 1943 Cum. Supp. Interprets or applies sec. 601, 52 Stat. 984, as amended; 49 U. S. C. and Sup. 551)

This amendment shall become effective on October 1, 1949.

[SEAL] E. M. STURHAHN,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7894; Filed, Sept. 29, 1949; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 20]

PART 600—DESIGNATION OF CIVIL AIRWAYS

DESIGNATION AND REDESIGNATION OF CIVIL AIRWAYS

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

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

Designation and Redesignation of Civil Airways: Red Civil Airways Nos. 8 and 85; Blue Civil Airways Nos. 2 and 12

1. Section 600.208 is amended to read:

§ 600.208 *Red civil airway No. 8 (Butler, Pa., to Wilkes-Barre, Pa.).* From the Butler, Pa., non-directional radio beacon via the Brookville, Pa., non-directional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range; Williamsport, Pa., radio range station to the intersection of the east course of the Williamsport, Pa., radio range and the southwest course of the Wilkes-Barre, Pa., radio range.

2. Section 600.285 is amended to read:

§ 600.285 *Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).* From the Dayton, Ohio, radio range station to the Mansfield, Ohio, non-directional radio beacon. From the Akron, Ohio, radio range station via the Butler,

Pa., non-directional radio beacon to the Altoona, Pa., radio range station.

3. Section 600.602 is amended to read:

§ 600.602 *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.).* From the Birmingham, Ala., radio range station via the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range via the Chattanooga, Tenn., radio range station to the intersection of the northeast course of the Chattanooga, Tenn., radio range and the west course of the Knoxville, Tenn., radio range. From the Elkins, W. Va., radio marker station via the Pittsburgh, Pa., radio range station; the Butler, Pa., non-directional radio beacon; the intersection of the east course of the Youngstown, Ohio, radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station.

4. Section 600.612 is amended to read:

§ 600.612 *Blue civil airway No. 12 (The Dalles, Oreg., to Ellensburg, Wash.).* From The Dalles, Oreg., radio range station via the Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station.

(Secs. 205 (a), 308, 52 Stat. 984, 986; 49 U. S. C. 425 (a), 458; Reorg. Plan No. IV of 1940, 3 CFR Cum. Supp., 5 F. R. 2421. Interprets or applies secs. 31, 302, 307, 52 Stat. 985, 986, as amended, Pub. Law 872, 80th Cong.; 49 U. S. C. 451, 452, 457)

This amendment shall become effective 0001 e. s. t., October 1, 1949.

[SEAL] E. M. STURHAHN,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7895; Filed, Sept. 29, 1949; 8:52 a. m.]

[Amdt. 24]

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

DESIGNATION AND REDESIGNATION OF CONTROL AREAS AND REPORTING POINTS

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

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

Designation and Redesignation of Control Areas: Red Civil Airways Nos. 8 and 85. Designation and Redesignation of Reporting Points: Red Civil Airways Nos. 8 and 85

1. Section 601.208 is amended by changing caption to read: "*Red civil airway No. 8 (Butler, Pa., to Wilkes-Barre, Pa.).*"

2. Section 601.285 is amended by changing caption to read: "*Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).*"

3. Section 601.1065 Control area extension (Yakima, Wash.) is revoked.

4. Section 601.4208 is amended by changing caption to read: "*Red civil airway No. 8 (Butler, Pa., to Wilkes-Barre, Pa.).*"

5. Section 601.4285 is amended to read:

§ 601.4285 *Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).* Butler, Pa., non-directional radio beacon.

(Secs. 205 (a), 308, 52 Stat. 984, 986; 49 U. S. C. 425 (a), 458; Reorg. Plan No. IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2421. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended, Pub. Law 872, 80th Cong.; 49 U. S. C. 451, 452, 457)

This amendment shall become effective 0001 e. s. t., October 1, 1949.

[SEAL] E. M. STURHAHN,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7896; Filed, Sept. 29, 1949; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5517]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ADOLPH GOTTSCHO, INC., ET AL.

Subpart—*Discriminating in price under sec. 2, Clayton Act, as amended—Price discrimination under 2 (a):* § 3.715 *Charges and price differentials.* In the sale of rubber stamps and other products in commerce, (1) directly or indirectly discriminating in the price of rubber stamps and other products of comparable size and of like grade and quality by selling such rubber stamps and other products to any purchasers at a price or prices materially different from those at which sales of similar rubber stamps and other products of comparable size and of like grade and quality are sold to any other purchaser; or, (2) otherwise discriminating in price, either directly or indirectly, among different purchasers of rubber stamps and other products of like grade and quality in any manner prohibited by section 2 (a) of said Clayton Act as amended; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U. S. C., sec. 13 (a)) [Cease and desist order, Adolph Gottscho, Inc., et al., Docket 5517, August 16, 1949]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1949.

In the Matter of Adolph Gottscho, Inc., a Corporation, Adolph Gottscho, as President, Ray Gottscho, as Vice President, and Ira S. Gottscho, as Secretary and Treasurer of Adolph Gottscho, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer said respondents admit all the material allegations of fact set forth in the complaint and waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondents have violated subsection (a) of section 2 of an act of Congress entitled, "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (15 U. S. C., sec. 13):

It is ordered, That respondent Adolph Gottscho, Inc., a corporation, its officers, respondents Adolph Gottscho, Ray Gottscho, and Ira S. Gottscho, as officers of said corporation, said respondents' representatives, agents and employees, directly or indirectly, through any corporate or other device, in the sale of rubber stamps and other products in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

1. Directly or indirectly discriminating in the price of rubber stamps and other products of comparable size and of like grade and quality by selling such rubber stamps and other products to any purchasers at a price or prices materially different from those at which sales of similar rubber stamps and other products of comparable size and of like grade and quality are sold to any other purchaser.

2. Otherwise discriminating in price, either directly or indirectly, among different purchasers of rubber stamps and other products of like grade and quality in any manner prohibited by section 2 (a) of said Clayton Act as amended.

It is further ordered, That respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-7891; Filed, Sept. 29, 1949; 8:51 a. m.]

[Docket No. 5645]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH WINKLER & CO. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 3.15 *Business status, advantages, or connections—Stock, product or service*; § 3.35 *Condition of goods*; § 3.140 *Old, reclaimed or reused as new*; § 3.155 *Prices—Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted*; § 3.170 *Qualities or properties of product or service*; § 3.175 *Quality*; § 3.200 *Sample, offer or order conformance.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 3.1880 *Old, used, reclaimed, or reused as unused or new.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal*: § 3.2060 *Sample, offer or order conformance.* In connection with the offering for sale, sale, and distribution of hardware and household electrical appliances, fixtures, chinaware, or other merchandise in commerce, representing directly or by implication; (1) that wares not available are in fact available for immediate delivery; (2) that wares are of good quality, or that they are usable for the purposes for which such wares are customarily used, when such is not a fact; (3) that used or secondhand articles are new by failing to disclose that they are used or secondhand; or, (4) that the established or regular retail prices at which wares are sold or offered for sale are wholesale prices; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Joseph Winkler & Co. et al., Docket 5645, September 7, 1949]

In the Matter of Joseph Winkler & Company, a Corporation, and Jack Winkler and Jules Winkler, Individually and as Officers of Joseph Winkler & Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents thereto, in which answer said respondents admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearings as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Joseph Winkler & Company, a corporation, and its officers, and the respondents Jack Winkler and Jules Winkler, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hardware and household electrical appliances, fixtures, chinaware, or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That wares not available are in fact available for immediate delivery;

(2) That wares are of good quality, or that they are usable for the purposes for which such wares are customarily used, when such is not a fact;

(3) That used or second-hand articles are new by failing to disclose that they are used or second-hand;

(4) That the established or regular retail prices at which wares are sold or offered for sale are wholesale prices.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 7, 1949.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-7892; Filed, Sept. 29, 1949; 8:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF UNISSUED SECURITIES FOR "WHEN ISSUED" DEALING

The Securities and Exchange Commission today announced an amendment to its § 240.12d3-10 (Rule X-12D3-10) under the Securities Exchange Act of 1934, adopting a proposal published on August 30, 1949.

The Commission amends § 240.12d3-10 (Rule X-12D3-10) to read as set forth below, finding that such amendment is necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. This action is taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a).

§ 240.12d3-10 *Registration of an unissued security, other than a warrant, to be issued under a plan of reorganization pursuant to court order.* (a) Notwithstanding the provisions of § 240.12d3-4 (Rule X-12D3-4), an unissued security, other than a warrant, to be issued under a plan of reorganization in compliance with an order of a court of competent jurisdiction may be registered for "when-issued" dealing on a national securities exchange: *Provided*, That:

(1) The reorganization managers, company, or other person entrusted with the duty of consummating the plan of reorganization has filed a written statement with such exchange (and a duplicate signed original with the Commission) advising:

(i) That the plan of reorganization has been finally approved or required to be put into effect (or, in the case of a proceeding under the Bankruptcy Act, has been finally confirmed) by order of the court in which the proceeding is pending; and, if under the terms of the plan security holders' authorization is required, that such authorization has been obtained; and

(ii) If such unissued security is not already in the process of admission to dealing on such exchange or on another exchange in the same city, that application will be made for its listing and registration pursuant to section 12 (b) and (c) of the act on one of such exchanges prior to the date when such unissued security is made available for delivery.

(2) Such unissued security is the subject of a right to subscribe to or otherwise acquire such unissued security granted to the holders of a security which is admitted to dealing on a national securities exchange.

(3) A registration statement under the Securities Act of 1933, as amended, is in effect as to such unissued security, if such registration is required.

(4) A copy of the court order, certified by the clerk of the court, has been filed with such exchange and with the Commission as Exhibit "A" to Form 2-J and, if there are any terms of the reorganization not specified in detail in such order, such terms have been formally and officially announced by the person entrusted with the duty of consummating the plan of reorganization and filed with the exchange and the Commission as a part of said Exhibit "A".

(5) The members of the certifying exchange are subject to rules which provide substantially that the performance of a contract to purchase or sell an unissued security shall be conditioned upon the issuance of such security.

(6) No application has been filed for "when-issued" dealing in such unissued security on another national securities exchange in the same city on which other exchange such unissued security is to be listed and registered upon issuance.

(b) Notwithstanding the provisions of § 240.12d3-5 (a) (Rule X-12D3-5 (a)), Form 2-J may be filed by the person entrusted with the duty of consummating the plan of reorganization.

(c) Nothwithstanding the provisions of § 240.12d3-6 (d) (Rule X-12D3-6 (d)), registration of an unissued security for "when-issued" dealing pursuant to paragraphs (a) and (b) of this section shall expire at the close of business on the one hundred and twentieth day after the effective date of such registration or at the close of business on the fifteenth full business day after the date when such unissued security is made available for delivery, whichever date is earlier, unless the Commission shall order an extension of the effective period of such registration.

In connection with section 4 (c) of the Administrative Procedure Act the Commission finds that the amendment operates to relieve restriction. The amendment to the section shall be effective immediately.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies sec. 12 (d), 48 Stat. 892; 15 U. S. C. 1 (d))

By the Commission.

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

SEPTEMBER 19, 1949.

[F. R. Doc. 49-7882; Filed, Sept. 29, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 172]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 170]

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

KANSAS, OREGON, TEXAS AND UTAH

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 114e, is amended to describe the counties in the Defense-Rental Area as follows:

Butler County; and that portion of Geuda Springs located in Sumner County.

This decontrols (1) the City of Winfield, in Cowley County, Kansas, a portion of the Butler-Cowley, Kansas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Cowley County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 253, is amended to describe the counties in the Defense-Rental Area as follows:

In Benton County, the City of Corvallis; and in Linn County, the City of Lebanon.

This decontrols the City of Albany, in Linn County, Oregon, a portion of the Corvallis, Oregon, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 324a, is amended to read as follows:

(324a) [Revoked and decontrolled.]

This decontrols (1) the City of Port Lavaca, in Calhoun County, Texas, a portion of the Matagorda Bay, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 334a, is amended to read as follows:

(334a) [Revoked and decontrolled.]

This decontrols (1) the City of Ogden and the Town of West Bountiful, as well as all unincorporated localities in the Ogden, Utah, Defense-Rental Area, based on resolutions submitted for said City of Ogden and Town of West Bountiful, in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Ogden and Town of West Bountiful constituting the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 27, 1949.

Issued this 27th day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7890; Filed, Sept. 29, 1949; 8:51 a. m.]

[Controlled Housing Rent Reg., Amdt. 173]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 171]

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

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 9, is amended to describe the counties in the Defense-Rental Area as follows:

Colbert, Lauderdale, Madison, Morgan; and in Limestone County, the City of Athens.

This decontrols Limestone County, except the City of Athens, Alabama, a portion of the Muscle Shoals-Huntsville, Alabama, Defense-Rental Area.

2. Schedule A, Item 10b, is amended to describe the counties in the Defense-Rental Area as follows:

In Tuscaloosa County, the Cities of Tuscaloosa and Northport, and the communities of Alberta City, Brownville, Coker, Cottondale, Duncanville, Fosters, Holt, Peterson, and Taylorville.

This decontrols the entire Tuscaloosa, Alabama, Defense-Rental Area except the cities and communities enumerated above.

3. Schedule A, Item 42, is amended to describe the counties in the Defense-Rental Area as follows:

In El Paso County, the City of Colorado Springs.

This decontrols the entire Colorado Springs, Colorado, Defense-Rental Area, except the City of Colorado Springs.

4. In Schedule A, all of Item 109, which relates to Edgar County, Illinois, is deleted, and said Item 109 is amended to describe the counties in the Defense-Rental Area as follows:

Parke.
Vigo.

This decontrols Vermillion County, Indiana, and Edgar County, Illinois, portions of the Terre Haute, Indiana, Defense-Rental Area.

5. Schedule A, Item 123d, is amended to describe the counties in the Defense-Rental Area as follows:

Franklin.

This decontrols Magisterial District 1, in Scott County, a portion of the Frankfort, Kentucky, Defense-Rental Area.

6. Schedule A, Item 139, is amended to describe the counties in the Defense-Rental Area as follows:

City of Baltimore, and the Counties of Baltimore, Carroll, Harford; in Cecil County, Election District 3, containing the City of Elkton; Howard County, except Election Districts 3, 4 and 5; and all of Anne Arundel County, except Election Districts 1, 7 and 8.

This decontrols the entire Cecil County, except Election District 3, containing the City of Elkton, Maryland, a portion of the Baltimore, Maryland, Defense-Rental Area.

7. Schedule A, Item 168d, is amended to describe the counties in the Defense-Rental Area as follows:

In Cape Girardeau County, the City of Cape Girardeau.

This decontrols the entire Cape Girardeau, Missouri, Defense-Rental Area, except the City of Cape Girardeau, Missouri.

8. Schedule A, Item 175b, is amended to describe the counties in the Defense-Rental Area as follows:

Gallatin County, except that portion lying South of the South boundary of Township 3, South.

This decontrols that portion of Gallatin County lying South of the South boundary of Township 3, South, in Montana, a portion of the Bozeman, Montana, Defense-Rental Area.

9. Schedule A, Item 175i, is amended as follows:

(175i) [Revoked and decontrolled.]

This decontrols the entire Livingston, Montana, Defense-Rental Area.

10. Schedule A, Item 202a, is amended to describe the counties in the Defense-Rental Area as follows:

Warren; and in Washington County, the Towns of Kingsbury, Whitehall, Fort Edward, Granville and Hartford.

This decontrols the entire Washington County, except the Towns of Kingsbury, Whitehall, Fort Edward, Granville and Hartford, New York, a portion of the Glens Falls, New York, Defense-Rental Area.

11. Schedule A, Item 209, is amended to describe the counties in the Defense-Rental Area as follows:

Chenango; Delaware; and in Otsego County, the Towns of Oneonta, Otsego and Unadilla, and the City of Oneonta.

This decontrols the entire Otsego County, except the Towns of Oneonta, Otsego and Unadilla, and the City of Oneonta, New York, a portion of the Sidney, New York, Defense-Rental Area.

12. Schedule A, Item 272, is amended to describe the counties in the Defense-Rental Area as follows:

Lycoming.
Cameron, Columbia, Montour, Northumberland, Snyder, and Union.
In Elk County, the Townships of Benzinger, Highland, and Ridgway; and in the County of Luzerne, Nescopeck Borough, Nescopeck Township and Salem Township.
Clinton.

This decontrols the entire Elk County, except the Townships of Benzinger, Highland and Ridgway, Pennsylvania, a portion of the Williamsport, Pennsylvania, Defense-Rental Area.

13. Schedule A, Item 238, is amended to describe the counties in the Defense-Rental Area as follows:

Erie; Ottawa; Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties.

This decontrols the entire Huron County, Ohio, a portion of the Sandusky-Port Clinton, Ohio, Defense-Rental Area.

14. Schedule A, Item 281a, is amended to read as follows:

(281a) [Revoked and decontrolled.]

This is to decontrol the entire Aberdeen, South Dakota, Defense-Rental Area.

15. Schedule A, Item 282a, is amended to read as follows:

(282a) [Revoked and decontrolled.]

This is to decontrol the entire Mitchell, South Dakota, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U.S.C. App. 1894 (d))

All decontrols effected by this amendment are on the Housing Expediter's own initiative, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

This amendment shall become effective September 28, 1949.

Issued this 27th day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7909; Filed, Sept. 29, 1949; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

TEMPORARY OPERATION OF BRIDGES, PROVIDENCE HARBOR, R. I.

CROSS REFERENCE: For supplemental regulations governing the operation of bridges across the Seekonk River (§ 203.89) and the Point Street Bridge (§ 203.90) see F. R. Doc. 49-7884, Department of Defense, Department of the Army, in the Notices section, *infra.*

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte MC-40, MC-4, MC-3]

PART 192—QUALIFICATIONS OF DRIVERS

MOTOR CARRIERS, COMMON AND CONTRACT CARRIERS, AND TRANSPORTATION OF PROPERTY BY PRIVATE CARRIERS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 16th day of September A. D. 1949.

Qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment, Ex Parte MC-40; qualifications of employees and safety of operation and equipment of common and contract carriers by motor vehicle, Ex Parte No. MC-4; need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC-3.

It appearing, that on May 27, 1939, the Commission, Division 5, entered its report 14 M. C. C. 669, and order (49 CFR, Cum. Supp., Part 192) in Ex Parte No. MC-4 prescribing certain revised safety regulations governing the transportation of passengers and property, in interstate or foreign commerce, by common and contract carriers by motor vehicle;

It further appearing, that on May 1, 1940, the Commission, Division 5, entered its report in Ex Parte No. MC-3, 23 M. C. C. 1, and by order effective October 15, 1940, prescribed certain safety regulations governing the transportation of property by private carriers by motor vehicle;

It further appearing, that on December 9, 1946, the Commission upon its own motion, instituted a proceeding, Ex Parte No. MC-40 to determine whether the safety of operation of motor vehicles in interstate or foreign commerce and the public interest would be enhanced by revision of the rules then embraced in Parts 1 to 7, inclusive, of the Motor Carrier Safety Regulations, Revised, 49 CFR 190-197, and of making such revision of and such additions to such regulations as appear desirable and proper;

It further appearing, that on March 1, 1948, the Commission upon further consideration of the matter and of representations made by interested parties, issued its order (notice of proposed rule making) and assigned the matter (Ex Parte No. MC-40) to an examiner for the purpose of receiving evidence upon which a determination could be made of the need, if any, for revision of Paragraph 1.21 (a) of Rule 1.2 of Part 1 of the Motor Carrier Safety Regulations, Revised (49 CFR, Cum. Supp., 192.2 (a) (1));

It further appearing, that the said proceeding has been referred to Division 5 of the Commission for consideration and disposition; that investigation of the matters and things involved herein has been made, and the said division, on the date hereof, has made and filed its report herein containing its findings of fact and conclusions thereon, which report and the said reports and orders set forth above, are hereby referred to and made a part hereof;

And it further appearing, that no need has been established for a revision of Paragraph 1.21 (a) of Rule 1.2 of Part 1 of the Motor Carrier Safety Regulations, Revised (§ 192.2 (a) (1)):

It is ordered, That the said proceeding (Ex Parte No. MC-40) to the extent set forth in the said order of March 1, 1948, be, and it is hereby discontinued.

Notice of this order shall be given by serving a copy thereof on the parties of record hereto and to the public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304 (a) (6))

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-7883; Filed, Sept. 29, 1949; 8:49 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 3]

NEW PARTIES TO CARRIER AGREEMENTS RELATING TO RATES, FARES, ETC.

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 23, 1949.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003), notice is hereby given of proposed amendment of the rules concerning carrier agreements (approved under section 5a of the Interstate Commerce Act) relating to rates, fares, etc. (13 F. R. 4040 and 4501; Code of Federal Regulations, Title 49, Part 3), by adding thereto a § 3.4 as follows:

§ 3.4 *New parties to an agreement.* Where a carrier becomes a party to an agreement which has been approved by the Commission, such approval will extend and be applicable to such carrier: *Provided,* (a) That such carrier is not, under the agreement, to act with carriers of a different class, within the meaning of section 5a (4) of the Interstate Commerce Act, except as the agreement relates to transportation under joint rates or over through routes, (b) that no change is made in the agreement except the addition of such carrier, and (c) that there shall have been filed with the Commission by such carrier a verified

statement that it has become a party to the agreement, which statement shall show the information required by § 3.1 (b).

Any interested party desiring to make representations in favor of or against the proposed rule may do so through the submission of written data, views, or arguments. The original and 14 copies of such submission shall be filed with the Commission on or before October 20, 1949.

Notice will be given to the general public by posting copies hereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

By the Commission.

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

[F. R. Doc. 49-7899; Filed, Sept. 29, 1949; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 41, 42, 45]

REQUIRED COMMUNICATIONS EQUIPMENT AND FACILITIES FOR LONG OVER-WATER FLIGHT

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held before the Civil Aeronautics Board on October 18, 1949, at 10:00 a. m., e. s. t., in Room 5042, Department of Commerce Building, Washington, D. C.

The purpose of the hearing will be to permit interested persons to participate in the formulation of rules concerning whether, and under what circumstances and conditions, if any, it would be reasonable and would promote safety in air commerce to require that aircraft operated for long distances over water carry equipment capable of communicating with surface vessels on the 500 Kc frequency. For further information with respect to issues to be discussed at the hearing and the procedure to be followed see the Notice of Hearing published in the FEDERAL REGISTER on June 9, 1949 (14 F. R. 3123).

In accordance with the established procedure the material submitted for consideration of the Board by persons wishing to participate in the proposed rule-making is available for perusal by interested persons in the Docket Section of the Civil Aeronautics Board, Room 5412, Department of Commerce Building, Washington, D. C.

Issued in Washington, D. C., on September 27, 1949.

By the Civil Aeronautics Board.

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

[F. R. Doc. 49-7897; Filed, Sept. 29, 1949; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 50509]

ALASKA

RESTORATION ORDER NO. 1286 UNDER FEDERAL POWER ACT

SEPTEMBER 23, 1949.

Pursuant to the determination of the Federal Power Commission (DA-43, Alaska) and in accordance with 43 CFR 4.275 (a) (1§), Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, that portion of the following-identified land which was withdrawn pursuant to the filing of an application for preliminary permit for proposed water-power Project No. 119 is hereby restored for entry under the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

CHUGACH NATIONAL FOREST

Forest List 6-2099, H. E. S.—No. 136, New Series No. 1363, situated on the right bank of Kenai River 1½ miles west of Kenai Lake, Alaska, containing 52.65 acres.

MARION CLAWSON, *Director.*

[F. R. Doc. 49-7863; Filed, Sept. 29, 1949; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

TEMPORARY OPERATION OF BRIDGES, PROVIDENCE HARBOR, R. I.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), notice is hereby given that, during the period of closure of the city of Providence Red Bridge across the Seekonk River, Providence, Rhode Island, for necessary repairs, scheduled to commence on or about October 15, 1949, and to take about six weeks, the bridges across the Seekonk River below the Red Bridge and the city of Providence Point Street Bridge across Providence River will be operated on an emergency basis as follows:

(a) These bridges shall not be required to be opened for the passage of vessels between 7:15 and 8:45 a. m. and between 4:15 and 5:45 p. m., on all days other than Sundays and holidays.

(b) The exact date when these emergency regulations will become effective will be announced in the local press, in notices to mariners, and by radio at least 48 hours in advance of the effective date.

(c) These regulations are supplemental to the permanent regulations governing the operation of bridges across the Seekonk River (33 CFR 203.89) and the Point Street Bridge (33 CFR 203.90), the provisions of which shall, except as modified by this notice, remain in full force and effect.

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

[F. R. Doc. 49-7884; Filed, Sept. 29, 1949; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 3041, 3818]

SEABOARD & WESTERN AIRLINES, INC., AND TRANSOCEAN AIR LINES, INC.; U. S.-EUROPE-MIDDLE EAST CARGO SERVICE CASE

NOTICE OF HEARING

In the matter of the applications of Seaboard & Western Airlines, Inc., and Transocean Air Lines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, and such other sections as may be applicable, for certificates of public convenience and necessity authorizing the transportation of property in air transportation between areas and/or points in the continental United States and areas and/or points in Europe and the Middle East known as the U. S.-Europe-Middle East Cargo Service Case.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401, that the applications of Seaboard & Western Airlines, Inc. (Docket No. 3041) and Transocean Air Lines, Inc. (Docket No. 3818), consolidated by order of the Board, serial No. E-2860 dated May 23, 1949, be and they hereby are designated for public hearing on October 3, 1949 at 1:00 p. m., e. s. t., in Conference Room C, Departmental Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Warren E. Baker.

For further details of the services proposed, parties are referred to the applications on file with the Civil Aeronautics Board and the Prehearing Conference Reports issued on April 24, 1949 and May 26, 1949.

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

1. Is the applicant a citizen of the United States and is he fit, willing, and able to perform properly the transportation for which he seeks authorization and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended, and the rules, regulations, and requirements thereunder?

2. Which proposed service or services, if any, is required by the public convenience and necessity?

3. If the public convenience and necessity require the proposed service or services and a selection of carriers is

necessary, which applicant or applicants meeting the issues above are required by the public interest to perform the service or services to be authorized?

Notice is further given that any person other than the parties and interveners of record as of September 23, 1949 desiring to be heard in this proceeding may file with the Board on or before October 3, 1949, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the procedural regulations under Title IV of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., September 26, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-7898; Filed, Sept. 29, 1949; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Project No. 400]

WESTERN COLORADO POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

SEPTEMBER 26, 1949.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) that The Western Colorado Power Company has made application for amendment of license for major Project No. 400, (1) to authorize the construction of an additional penstock, the installation of a 3,500-kilowatt generating unit, construction of a new substation, construction of a new steel bridge across the Animas River and extension of the project boundary to include an abandoned building which is to be rehabilitated, all in La Plata County, Colorado, at or in the vicinity of the Tacoma Plant, which is located on Animas River; and (2) to include in the license as part of the project the constructed 44-kilovolt Ames-Burro Bridge transmission line located in San Juan and San Miguel Counties, Colorado.

Any protest against the approval of this application or request for hearing thereon with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before November 2, 1949 to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7864; Filed, Sept. 29, 1949; 8:45 a. m.]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER DENYING APPLICATION FOR AMENDMENT OF LICENSE

SEPTEMBER 26, 1949.

Notice is hereby given that, on September 22, 1949, the Federal Power Commission issued its order entered September 21, 1949, denying application for amendment of license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7865; Filed, Sept. 29, 1949; 8:46 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

NOTICE OF ORDER APPROVING EXHIBIT

SEPTEMBER 26, 1949.

Notice is hereby given that, on September 22, 1949, the Federal Power Commission issued its order entered September 21, 1949, approving Exhibit L in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7866; Filed, Sept. 29, 1949; 8:46 a. m.]

[Project No. 1853]

FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

NOTICE OF ORDER EXTENDING TIME FOR FILING EXHIBITS

SEPTEMBER 26, 1949.

Notice is hereby given that, on September 22, 1949, the Federal Power Commission issued its order entered September 21, 1949, extending until August 31, 1950, the time for filing exhibits in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7867; Filed, Sept. 29, 1949; 8:46 a. m.]

[Project No. 1991]

VILLAGE OF BONNERS FERRY, IDAHO

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

SEPTEMBER 26, 1949.

Notice is hereby given that, on September 21, 1949, the Federal Power Commission issued its order entered September 21, 1949, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7868; Filed, Sept. 29, 1949; 8:46 a. m.]

[Project No. 1998]

HAROLD A. ARENTSEN

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

SEPTEMBER 26, 1949.

Notice is hereby given that, on September 22, 1949, the Federal Power Commission issued its order entered September 21, 1949, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7869; Filed, Sept. 29, 1949; 8:46 a. m.]

[Project No. 2010]

WILLIAM SYMONS, JR.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MINOR)

SEPTEMBER 26, 1949.

Notice is hereby given that, on September 22, 1949, the Federal Power Commission issued its order entered September 21, 1949, authorizing issuance of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7870; Filed, Sept. 29, 1949; 8:46 a. m.]

[Docket Nos. G-1247, G-1253, G-1254, G-1255, G-1256, G-1280]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, POSTPONING DATE OF HEARING AND DESIGNATING NEW DATE OF HEARING

In the matters of The Manufacturers Light and Heat Company, Docket No. G-1247; Lancaster County Gas Company, Docket No. G-1253; The Harrisburg Gas Company, Docket No. G-1254; Allentown-Bethlehem Gas Company, Docket No. G-1255; Consumers Gas Company, Docket No. G-1256; Texas Eastern Transmission Corporation, Docket No. G-1280.

On August 30, 1949, the Commission issued an order which consolidated the proceedings and designated a date of hearing of September 28, 1949, for consideration of the applications of The Manufacturers Light and Heat Company (Manufacturers) in Docket No. G-1247, Lancaster County Gas Company (Lancaster) in Docket No. G-1253, The Harrisburg Gas Company (Harrisburg) in Docket No. G-1254, Allentown-Bethlehem Gas Company (Allentown) in Docket No. G-1255, Consumers Gas Company (Consumers) in Docket No. G-1256.

On September 16, 1949, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application with the Commission in Docket No. G-1280 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection. Due notice of the filing of the application is being given by publication in the FEDERAL REGISTER.

On September 16, 1949, Harrisburg, Consumers, and Allentown filed amendments to their respective petitions to intervene in the proceedings on the

application filed by Manufacturers in Docket No. G–1247.

The application filed by Texas Eastern and the amendments to petitions to intervene are related to the proposal made by Manufacturers in Docket No. G–1247 to transport and sell natural gas to Lancaster, Harrisburg, Allentown, and Consumers.

The Commission orders:

(A) The aforesaid proceedings in Docket No. G–1280, be and the same are hereby consolidated with the proceedings heretofore consolidated in Docket Nos. G–1247, G–1253, G–1254, G–1255, and G–1256.

(B) The hearing heretofore designated to commence on September 28, 1949, in all of the aforesaid dockets except No. G–1280, be and the same is hereby postponed.

(C) A public hearing be held in all of the herein consolidated proceedings beginning on October 17, 1949, at 10:00 a. m., e. s. t., in the Commission's Hearing Room at 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by said applications and other pleadings, including the intervening petitions.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: September 26, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49–7889; Filed, Sept. 29, 1949; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF SIXTH CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 15, 1949.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1950, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination	*Serial numbers (all numbers inclusive)*
$50	3033 to 3075
$100	8102 to 8253
$500	4036 to 4075
$1,000	9130 to 9272
$5,000	1024 to 1072
$10,000	5102 to 5254

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on and after October 1, 1949. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1949, and provision will be made for the payment of final interest due on January 1, 1950, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1949, to December 31, 1949, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1950, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: September 22, 1949.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49–7803; Filed, Sept. 27, 1949; 8:48 a. m.]

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

NOTICE OF SIXTH CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 15, 1949.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series D, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1950, on which date interest on such debentures shall cease:

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

Denomination	*Serial numbers (all numbers inclusive)*
$50	6 to 7
$100	29 to 31
$500	6 to 7
$1,000	28 to 29
$5,000	7
$10,000	1065 to 1113

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1949. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1949, and provision will be made for the payment of final interest due on January 1, 1950, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1949, to December 31, 1949, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1950, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: September 22, 1949.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49–7804; Filed, Sept. 27, 1949; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 6]

LEHIGH AND NEW ENGLAND RAILROAD CO.

DIVERSION OR REROUTING OF FREIGHT TRAFFIC

In the opinion of Homer C. King, Agent, the Lehigh and New England Railroad Company, because of work stoppage on its lines, will be unable to transport carload traffic routed over and to points on its lines. It is ordered, that:

(a) *Rerouting freight traffic.* The Lehigh and New England Railroad Company or its connections, subject to the Interstate Commerce Act is hereby authorized and directed to reroute or divert traffic routed via the Lehigh and New England Railroad Company via any railroad to facilitate and expedite its movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divi-

sions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 8:00 a. m., September 24, 1949.

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 24, 1949, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 24, 1949.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 49-7900; Filed, Sept. 29, 1949; 8:53 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 6-A]

LEHIGH AND NEW ENGLAND RAILROAD CO.

DIVERSION OR REROUTING OF FREIGHT TRAFFIC

Upon further consideration of King's I. C. C. Order No. 6, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 6 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p. m., September 24, 1949.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 24, 1949.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 49-7901; Filed, Sept. 29, 1949; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WESTON AND CO. AND ASSURED WARRANTY CORP.

ORDER REVOKING REGISTRATION AS BROKER-DEALER AND INVESTMENT ADVISER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1949.

In the matter of Wendell Maro Weston doing business as Weston and Company, 141 Milk Street, Boston 9, Massachusetts. In the matter of Assured Warranty Corporation, 8 Oliver Street, Boston, Massachusetts.

A proceeding having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Wendell Maro Weston, doing business as Weston and Company, should be revoked;

A proceeding having been instituted pursuant to section 203 (d) of the Investment Advisers Act of 1940 to determine whether the registration as an investment adviser of Assured Warranty Corporation should be revoked;

The proceedings having been consolidated, a hearing having been held after appropriate notice, and the Commission having this day issued its findings and opinion; on the basis of said findings and opinion,

It is ordered, That the registration as a broker and dealer of Wendell Maro Weston, doing business as Weston and Company, and the registration as an investment adviser of Assured Warranty Corporation be, and they hereby are, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7872; Filed, Sept. 29, 1949; 8:47 a. m.]

[File No. 7-1111]

MIDDLE SOUTH UTILITIES, INC.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September A. D. 1949.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Middle South Utilities, Inc.

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

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 4,960,000 shares outstanding, 76,054 shares are owned by 1,028 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange transactions were effected in 313 shares of this security during the period from July 6, 1949 to July 28, 1949 inclusive;

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

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

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Middle South Utilities, Inc., be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7880; Filed, Sept. 29, 1949; 8:48 a. m.]

[File No. 7-1112]

UNITED GAS CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September A. D. 1949.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10 Par Value, of United Gas Corporation.

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

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 10,653,302 shares outstanding, 96,710 shares are owned by 362 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 477 transactions in this security involving 53,619 shares during the period from July 1, 1948 to July 1, 1949;

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

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

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Ex-

change Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $10 Par Value, of United Gas Corporation be, and the same is, hereby granted.

By the Commission.

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

[F. R. Doc. 49-7879; Filed, Sept. 29, 1949; 8:48 a. m.]

[File No. 7-1116]

AMERICAN TELEPHONE AND TELEGRAPH CO.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September A. D. 1949.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Ten Year 3⅛% Convertible Debentures, due June 20, 1959, of American Telephone and Telegraph Company.

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

(1) That this security is registered and listed on the New York, Boston, Chicago, Philadelphia-Baltimore and Washington Stock Exchanges; that the geographical area deemed to constitute the vicinity of the San Francisco Stock Exchange is the State of California; that out of $400,000,000 principal amount of these debentures outstanding, $1,352,900 principal amount is owned by debenture holders in the vicinity of the San Francisco Stock Exchange; and that in the vicinity of the San Francisco Stock Exchange there were 60 transactions involving $943,200 principal amount of this security during the period from July 12, 1949, to August 12, 1949;

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

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to the Ten Year 3⅛% Convertible Debentures Due June 20, 1959, of American Telephone and Telegraph Company be, and the same is, hereby granted.

By the Commission.

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

[F. R. Doc. 49-7877; Filed, Sept. 29, 1949; 8:48 a. m.]

[File Nos. 37-59, 70-2126]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

ORDER GRANTING AND PERMITTING APPLICATIONS AND/OR DECLARATIONS 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 23d day of September A. D. 1949.

In the matter of the Commonwealth & Southern Corporation (Delaware), the Commonwealth & Southern Corporation (New York), the Southern Company, Southern Services, Inc., Consumers Power Company, Central Illinois Light Company, Ohio Edison Company, Pennsylvania Power Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, File No. 70-2126; Southern Services, Inc., File No. 37-59.

The Commonwealth & Southern Corporation (of Delaware), hereinafter referred to as "Commonwealth", a registered holding company, and the member companies of the Commonwealth holding company system having filed applications and/or declarations herein pursuant to sections 6 (a), 7, 9 (a), 10, 12 (f) and 13 (b) of the Public Utility Holding Company Act of 1935 (the "act"), with respect to the following proposed transactions:

(a) It is proposed to transform the present mutual service company of the Commonwealth system, the Commonwealth & Southern Corporation (of New York), hereinafter referred to as "Service Company", into an independent service company. The transformation will be effected through the purchase by Commonwealth of the outstanding capital stock of Service Company from its present owners, the operating companies of the Commonwealth system, and the sale by Commonwealth of such securities to certain officers and employees of Service Company. It is proposed that such sale by Commonwealth will take place on or about the date of the dissolution of Commonwealth as provided in its pending plan of reorganization filed under section 11 of the act.

(b) The approval of Southern Services, Inc., as a mutual service company for the holding company system of the Southern Company, a registered holding company and a subsidiary of Commonwealth, which will continue in existence after the dissolution of Commonwealth under its plan of reorganization.

Public hearings having been held after appropriate notice at which all interested persons were afforded an opportunity to be heard and the participants having waived the filing of briefs and oral argument by the Commission, and the Commission having considered the record and having entered its findings and opinion herein;

It is ordered, That the applications and/or declarations of Commonwealth and its member companies with respect to the transformation of the Commonwealth & Southern Corporation (of New York) from a mutual service company into an independent service company, be, and the same hereby are, granted and permitted to become effective forthwith, subject however to the terms and conditions prescribed by Rule U-24 and subject to the following additional terms and conditions:

1. That Service Company upon obtaining independent status shall keep its accounts in accordance with the Uniform System of Accounts for Service Companies prescribed by the Commission and shall file with the Commission quarterly reports showing the extent and nature of the services which Service Company has rendered to its former affiliates and the amount of charges made for fixed fee services and for specific work order services, together with copies of all contracts for services entered into during the quarterly period, sample work orders, and such other additional information as the Commission may from time to time request.

2. Jurisdiction is specifically reserved to entertain such further proceedings and to take such further action as may be appropriate in the premises.

It is further ordered, That the application of Southern Services, Inc., for approval as a mutual service company of the Southern Company holding company system be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the following additonal terms and conditions:

1. No substantial change in the organization of the applicant, the type and character of the companies to be serviced, or the method of allocating costs to associate companies, and in the scope of services to be rendered, shall be made without first obtaining the approval of this Commission of such change.

2. In the event that the operation of the applicant's cost-allocation methods does not result in a fair and equitable allocation of its cost among the serviced associate companies, the Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

3. This order is not to be construed as a ruling that the applicant may not be required to effect such other changes in its organization or operations as may become necessary in order to conform with the act or the present or future rules, regulations or orders of the Commission. Jurisdiction is reserved to reconsider the servicing activities of the applicant at an appropriate future time, and, after notice and opportunity for hearing, by order to revoke, suspend, or modify the permission granted to the applicant to continue its operations and conduct of business.

By the Commission.

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

[F. R. Doc. 49-7875; Filed, Sept. 29, 1949; 8:47 a. m.]

[File No. 50–17]

UNITED CORP.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September 1949.

The Commission by orders dated July 25, 1949 and August 19, 1949 (Holding Company Act Release Nos. 9247 and 9278, respectively) having granted the application of the United Corporation, a registered holding company, filed pursuant to Rule U-100 promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-44 promulgated under the act, with respect to the sale by the United Corporation on the New York Stock Exchange of not in excess of an aggregate of 100,000 shares of common stock of the Columbia Gas System, Inc.; and

The United Corporation having notified the Commission that it has sold 81,000 shares of the common stock of the Columbia Gas System, Inc., on the New York Stock Exchange as of September 15, 1949; and

The United Corporation having filed a further application pursuant to Rule U-100 for exemption from the requirements of Rule U-44 with respect to the sale by the United Corporation on the New York Stock Exchange, during a three-months period commencing three days after the date of this order, of not more than 50,000 shares of common stock of the Columbia Gas System, Inc., in addition to the shares authorized to be sold under the orders of July 25, 1949 and August 19, 1949; and

The United Corporation having in its application represented that it will submit to the Commission weekly reports, in such form as the Commission may prescribe, on sales made under the granted exemption; and

It appearing to the Commission that the requirements of Rule U-44, as applied to the proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers:

It is ordered, Pursuant to said Rule U-100, that the application be, and hereby is, granted forthwith, without prejudice, however, to the withdrawal of the exemption afforded hereby upon notification thereof and subject to the submission by the United Corporation of weekly reports setting forth, with respect to each transaction, the number of shares sold, date of sale, price received, and name of broker effecting transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7874; Filed, Sept. 29, 1949; 8:47 a. m.]

[File No. 54–146]

PORTLAND GAS & COKE CO.

NOTICE OF FILING OF AMENDED PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September A. D. 1949.

Portland Gas & Coke Company ("Portland"), is a gas utility subsidiary of American Power & Light Company ("American"), a registered public utility holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company. Portland is a corporation organized under the laws of the State of Oregon, which has its principal business office in Portland, Oregon. It operates in the States of Oregon and Washington. Portland is engaged primarily in the business of producing, transmitting, distributing and selling gas and by-products recovered in connection with the manufacture of gas.

At June 30, 1949, Portland had the following securities outstanding:

	Total out standing	Owned by—	
		American	Public
	Dollars		*Dollars*
First mortgage bonds, 3½% series, due 1976	10,000,000		10,000,000
First mortgage bonds, 3⅜% series, due 1974	3,500,000		3,500,000
3½% installment promissory note	3,000,000		3,000,000
	Shares		*Shares*
7% preferred stock, cumulative, $100 par value	[1] 53,985		[1] 53,985
6% preferred stock, cumulative, $100 par value	8,712		8,712
Common, no par value	311,130	311,130 shares [2]	

[1] Excluding 595 shares reacquired by Portland.
[2] Including 10 Directors' qualifying shares which American has options to acquire.

As of June 30, 1949, the accumulated unpaid dividends on the 7% preferred stock amounted to $70.92⅔ per share and accumulated unpaid dividends on the 6% preferred stock amounted to $60.79 per share or an aggregate of $3,828,976 on the 7% preferred stock and $529,602 on the 6% preferred stock. A quarterly dividend was paid on August 1, 1949, on such preferred stocks at one-half the quarterly dividend rates.

Of the securities of Portland outstanding, American is the owner and holder of all of the common stock (with the exception of directors' qualifying shares); such common stock represents 83% of the total voting power of Portland's securities outstanding.

Notice is hereby given that on September 19, 1949, Portland filed an application with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for approval of a second amended plan ("Plan") which has for its stated purpose compliance with section 11 (b) of the act by converting the present capital structure of Portland into a capital structure which will consist only of common stock and debt, and the accomplishing of a fair and equitable distribution of voting power among the security holders of Portland in conformity with the provisions of the act. This plan supersedes previous plans dated July 29, 1947, and October 27, 1947.

All interested persons are referred to said Plan which is on file in the office of this Commission for a full statement of the transactions therein proposed which may be summarized as follows:

1. Portland's charter will be amended so as to provide that Portland's capital stock will consist of a single class which shall be without nominal or par value, and of which 750,000 shares shall be authorized. The presently outstanding preferred stocks (including claims for dividend arrearages thereon) and the presently outstanding common stock will be reclassified into and exchanged for a maximum of 363,682 shares of said single class of common stock. The maximum of 363,682 shares of said common stock to be exchanged as provided in this Plan will have a stated value of $10,382,700 or $28.55 per share.

2. Portland will issue to the holders of the 7% preferred stock five (5) shares of the single class of common stock in exchange for each share of said 7% preferred stock, including dividend arrearages thereon.

3. Portland will issue to the holders of the 6% preferred stock four and one half (4½) shares of the single class of common stock in exchange for each share of said 6% preferred stock, including dividend arrearages thereon. Fractional interests will be combined in respect of shares of the single class of common stock deliverable to the holders of 6% preferred stock so as to eliminate such fractional interests to the extent practicable. Portland will not issue any fractional shares or scrip to holders of the 6% preferred stock in respect of any remaining fractional interests. In order to avoid transfer and delivery of fractional shares, Portland will on or before the consummation date of the Plan deposit, or have available for deposit, with an exchange agent designated by Portland, funds sufficient for such exchange agent to pay an amount equivalent to the market value of such fractions; such market value to be determined by the exchange agent as of the consummation date of the Plan. The amount to be paid in lieu of the issuance of fractional shares as above stated will be determined by the aggregate holdings of each shareholder of record on the consummation date.

4. Portland will issue to American, the owner of all of the outstanding common stock of Portland, 54,553 shares of the single class of common stock.

5. The total number of shares of the single class of common stock allotted to the holders of the 7% preferred stock is 269,925 shares; and the maximum number of shares of the single class of common stock allotted to the holders of the 6% preferred stock is 39,204 shares. Under the exchange ratios, the holders of the presently outstanding preferred stocks are allotted approximately 85% of the maximum number of shares of the

single class of common stock, and American is allotted approximately 15% of said shares.

6. On the consummation date, holders of, and persons having any interest whatever in, shares of Portland's present preferred stocks and common stock shall cease to have any rights whatever in respect of shares of such stock or in respect of unpaid accumulated dividends thereon other than those rights which are specified in the Plan, and such stocks shall cease to be transferable on the books of Portland.

7. When physical exchange of certificates shall have been effected through the exchange agent, holders of the single class of common stocks shall be entitled to receive all dividends declared on such stock subsequent to the consummation date.

8. Upon the expiration of 5 years following the consummation date of this Plan, no person other than Portland shall be entitled to any distribution or payment under the Plan or have any right or claim to any shares of the single class of common stock of Portland and any cash representing dividends declared on such shares or fractional interest therein which theretofore shall not have been claimed by the stockholders entitled thereto, and all such shares shall thereupon be owned by Portland as treasury shares and all such cash shall be added to the corporate funds of Portland, and said treasury shares and cash shall be free from any further claim whatever of the persons for whose account such shares or cash were theretofore held.

9. The consummation date of this Plan will be the day selected by Portland on which this Plan shall be put into effect and shall be as soon as practicable after the entry of an appropriate order or decree by a court of competent jurisdiction in which enforcement proceedings under section 11 (e) of the act shall be brought by the Commission.

10. Portland reserves the right to alter, amend, or abandon any of the steps provided for consummation of the Amended Plan upon ten days notice to the Commission if the Commission within such ten days shall not have notified Portland that it deems any such alteration, amendment, or abandonment a material alteration of the Amended Plan.

Portland requests that any order of the Commission approving the Plan recite that the relevant transactions of the Plan are necessary or appropriate to the integration or simplification of the holding company system of which Portland and American are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held with respect to said Plan and the transactions proposed herein, and that said Plan should not be approved except pursuant to further order of the Commission;

It is ordered, That a hearing be held on October 17, 1949, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such hearing consideration will be given to the Plan herein, and the transactions proposed therein.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Hearing Officer under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the Plan filed herein, or any plan hereafter proposed, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act.

(2) Whether the Plan filed herein, or any plan hereafter proposed, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby.

(3) Whether, in order to render the proposed Plan fair and equitable, any claim should be recognized in favor of Portland or its security holders against Electric Bond and Share Company or American, or both.

(4) Whether the Plan, as filed or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection therewith, in what amounts such expenses, fees and remuneration should be paid and the fair and equitable allocation thereof.

(5) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and rules promulgated thereunder and are in accordance with sound accounting principles.

(6) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors or consumers and are consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the applicable statutory standards.

(7) Whether the Commission, if it should disapprove the Plan, as submitted or as modified, should enter an order for the purpose of effectuating compliance by Portland with the provisions of subsection (b) (2) of section 11 of the act and if so what terms and conditions such order should contain.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That American and Electric Bond and Share Company be and are hereby made parties respondent in these proceedings with particular reference to the question of any claims by Portland against American, Electric Bond and Share Company, or any of the latter's subsidiaries.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on the applicant, on American, Electric Bond and Share Company, the Public Utility Commissioner of the State of Oregon, The Washington Public Service Commission, and to all persons previously granted intervention or participation in the proceedings, and that said notice of hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any persons desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before October 14, 1949, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Portland shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7873; Filed, Sept. 29, 1949; 8:47 a. m.]

[File No. 70-2202]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND CAMBRIDGE ELECTRIC LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September 1949.

New England Gas and Electric Association ("NEGEA"), a registered holding company, and its subsidiary, Cambridge Electric Light Company ("Cambridge"), having filed a joint application-declaration, pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

NEGEA presently owns all of the outstanding common stock of Cambridge. Cambridge proposes to issue and sell to NEGEA 3,400 additional shares of common stock having a par value of $25 per share, at a price of $150 per share, aggregating $510,000, as fixed by the Board of Directors and approved by the Massachusetts Department of Public Utilities. Cambridge will apply the proceeds to the reimbursement of its Plant Replacement Fund Assets for expenditures made therefrom to finance its construction

program. The proposed issue of securities by Cambridge is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, and was approved by that Department by order dated July 26, 1949.

Said joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

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

By the Commission.

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

[F. R. Doc. 49-7876; Filed, Sept. 29, 1949; 8:47 a. m.]

[File No. 70-2219]

FLORIDA POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of September A. D. 1949.

Notice is hereby given that a declaration has been filed with this Commission by Florida Power & Light Company ("Florida"), an electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, under the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, regarding the following proposed transactions:

Florida proposes to amend the Agreement of Consolidation, pursuant to which Florida was formed, to provide that Florida's Board of Directors shall not make or alter any by-law fixing their number, qualifications, classification, or term of office, or change the number of shares required to constitute a quorum for a stockholders' meeting.

Florida requests that the Commission's order herein issue as soon as may be practicable and that it become effective upon issuance.

Notice is further given that any interested person may, not later than October 6, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on October 6, 1949, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

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

[F. R. Doc. 49-7878; Filed, Sept. 29, 1949; 8:48 a. m.]

[File No. 70-2222]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of September A. D. 1949.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Iowa-Illinois Gas and Electric Company ("Iowa-Illinois"), a public utility subsidiary of the United Light and Railways Company, a registered holding company. The application-declaration designates sections 6 (b) and 7 of the act, to the extent deemed appropriate, and Rule U-50 promulgated under the act as applicable to the proposed transactions.

Notice is hereby further given that any person may, not later than October 10, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the application-declaration, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 10, 1949, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Iowa-Illinois proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, --% Series, due 1979. The bonds are to be issued under and secured by the company's existing Indenture dated March 1, 1947, as supplemented by a supplemental indenture of the same date and a second supplemental indenture to be dated as of October 1, 1949. The interest rate on the bonds (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to the company (which shall not be less than 100% or more than 102.75% of the principal amount of said bonds) are to be determined by competitive bidding.

The application-declaration states that the proceeds received from the sale of the bonds, less expenses to be incurred in connection with the issue and sale thereof estimated at $95,000, are to be used to pay the cost of the construction of additional facilities and to reimburse the treasury for expenditures heretofore made from other funds for such purposes.

The application-declaration states that the proposed transactions are subject to the jurisdiction of the Illinois Commerce Commission and that when the approval of such Commission is obtained, a copy of the order will be filed as an amendment to the application.

It is requested that the Commission issue an order on or before October 12, 1949, granting and permitting to become effective the application-declaration, and that such order become effective upon its issuance.

By the Commission.

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

[F. R. Doc. 49-7871; Filed, Sept. 29, 1949; 8:47 a. m.]

[File No. 71-8]

SOUTHERN UNION GAS CO.

ORDER APPROVING DISPOSITION OF ADJUSTMENTS RELATING TO GAS PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of September 1949.

In the matter of Southern Union Gas Company, as successor in interest to Texas Public Service Company, File No. 71-8.

The Commission, on September 14, 1945, having approved a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") providing for the merger of Peoples Light and Power Company, a registered holding company, and its sole public utility subsidiary, Texas Public Service Company ("Texas Public"), and having reserved jurisdiction, among other things, with respect to the matter of original cost studies of Texas Public; and

Texas Public having filed studies, pursuant to the act particularly sections 15 and 20 (b) thereof and Rule U-27 thereunder, relative to the original cost and reclassification of its gas plant accounts as at December 31, 1946, including pro-

posals for the disposition of adjustments relating to gas plant, which proposals, and the events leading to them, are summarized as follows:

Texas Public filed original cost and reclassification studies for operating divisions in accordance with Plant Instruction 2–D of the Uniform System of Accounts recommended by the National Association of Railroad and Utilities Commissioners for gas companies (which system of accounts has been made applicable by Rule U-27). The report for the Austin division was filed on July 15, 1944, for the Port Arthur division on March 1, 1945, and for the Galveston division on August 19, 1947. All of the filings were subsequently adjusted to make the reclassification effective as of December 31, 1946.

Subsequent to the filing of original cost and reclassification studies by Texas Public it was merged into Southern Union Gas Company ("Southern Union"), which company assumed the duties and obligations of Texas Public with respect to such original cost studies and, as successor in interest to Texas Public, consented to the issuance of any order of the Commission thereon in the name of Southern Union Gas Company.

The staff of the Commission made a field examination and filed its report in connection therewith, copies of which report were submitted to the company. Southern Union, as successor in interest to Texas Public, amended its studies so as to give effect to the recommendations contained in the staff's report and now proposes to classify an amount of $715,-527.36 in Account 100.5—Gas Plant Acquisition Adjustments and an amount of $(101,881.48) in Account 107—Gas Plan Adjustments.

In December 1943, Texas Public created a "Reserve for Utility Plant Acquisition Adjustments", by appropriation from Account 271—Earned Surplus, in an amount of $624,884.62. Southern Union now proposes to eliminate $613,-645.88 against such reserve, and to transfer the credit balance of $11,238.74 which will be left in the reserve account to Account 270—Capital Surplus. The proposed transfer of the balance of the reserve to Account 270, rather than to Account 271 (from which it was originally created) is due to the fact that the company has been through reorganization under section 11 (e) of the act subsequent to the creation of such reserve. Upon consummation of the transactions as proposed Southern Union will have eliminated all known adjustment items relating to the properties of Texas Public from its balance sheet; and

Notice of filing of said studies, and amendments thereto, having been duly given and the Commission not having received a request for hearing with respect to said matter within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposals for the disposition of the amounts established in Account 100.5 and Account 107, in the manner described above, are consistent with the requirements of Rule U-27 of the general rules and regulations promulgated under the act:

It is ordered, That:

(A) Southern Union record on its books the proposed reclassification entries submitted with its studies and amendments thereto, relative to the original cost and reclassification of its gas plant accounts for the Austin, Galveston and Port Arthur divisions.

(B) Southern Union record the proposed entries on its books in order to eliminate all adjustment accounts pertaining to the aforementioned divisional operations, and transfer the unused amount of $11,238.74 remaining in Reserve for Utility Plant Acquisition Adjustments to Account 270—Capital Surplus.

(C) Southern Union submit certified copies of the immediate entries required by paragraph (B) hereof within sixty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7881; Filed, Sept. 29, 1949; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 13828]

KIHEIJI HORIO

In re: Rights of Kiheiji Horio under Insurance Contract. File No. F-39-1904-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 Kiheiji Horio, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the total disability income payments due or to become due under a contract of insurance evidenced by policy No. WS-65926, issued by the California-Western States Life Insurance Company, Sacramento, California, to Kiheiji Horio, together with the right to demand, receive and collect said payments,

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 September 19, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7902; Filed, Sept. 29, 1949; 8:54 a. m.]

[Vesting Order 13831]

NOBUTA ICHIKAWA ET AL.

In re: Rights of Nobuta Ichikawa et al., under a Pension Plan established for the benefit of the retired employees of the American Museum of Natural History. File No. F-39-1291-H-1; C-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 Nobuta Ichikawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

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

3. That the net proceeds payable to Nobuta Ichikawa and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shoichi Ichikawa, deceased, from the Employees Benefit Association and the Pension Fund of the American Museum of Natural History, Central Park West at 79th Street, New York 24, New York, 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 (Japan);

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 Shoichi Ichikawa, 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 (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 September 19, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7904; Filed, Sept. 29, 1949; 8:54 a. m.]

[Vesting Order 13832]

HONAMI KUBOTA

In re: Rights of Honami Kubota under Insurance Contract. File No. F-39-6549-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 Honami Kubota, 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. 7588177, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Otohei Kubota, 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 September 19, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7905; Filed, Sept. 29, 1949; 8:54 a. m.]

[Vesting Order 13834]

JUKICHI SAIKI

In re: Rights of Jukichi Saiki under Insurance Contract. File No. F-39-1289-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 Jukichi Saiki, 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. 2 GAC—Certificate 2780 P, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Jukichi Saiki, 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 September 19, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7906; Filed, Sept. 29, 1949; 8:54 a. m.]

[Vesting Order 13835]

MARIA SCHICKE ET AL.

In re: Rights of Maria Schicke, nee Fuss, et al. under Insurance Contract. File No. D-28-2314-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 Maria Schicke, nee Fuss, Alfred Fuss, Karola Fuss and Klara Fuss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth R. Fuss, 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. 225 832, issued by the Home Life Insurance Company, New York, New York, to Ernest W. Oelfcken, 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 persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth R. Fuss, 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 September 19, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7907; Filed, Sept. 29, 1949; 8:54 a. m.]